

1.1 ..... moves to amend H.F. No. 2164 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 9.071, is amended to read:

1.4 **9.071 SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.**

1.5 The council has the powers with respect to:

1.6 (1) timberlands provided in sections 90.031, 90.041, and 90.151;

1.7 (2) lands acquired from the United States provided in section 94.50;

1.8 (3) lands subject to delinquent drainage assessments provided in section 84A.20;

1.9 (4) transfer of lands between departments of state government provided in section  
1.10 15.16;

1.11 (5) sale or exchange of lands within national forests provided in sections 92.30  
1.12 and 92.31;

1.13 (6) approval of acquisition of land for camping or parking area provided in sections  
1.14 97A.135 and 97A.141; and

1.15 ~~(7) awarding leases to prospect for iron ore provided in section 93.17;~~

1.16 ~~(8) approval of rules for issuance of leases to prospect for minerals under state  
1.17 lands provided in section 93.25; and~~

1.18 ~~(9)~~ (7) construction of dams provided in section 103G.545.

1.19 Sec. 2. Minnesota Statutes 2010, section 16A.065, is amended to read:

1.20 **16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES**  
1.21 **DOCUMENTS.**

1.22 Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an  
1.23 agency to make advance deposits or payments for software or software maintenance  
1.24 services for state-owned or leased electronic data processing equipment, for sole source  
1.25 maintenance agreements where it is not cost-effective to pay in arrears, for exhibit booth

space or boat slip rental when required by the renter to guarantee the availability of space, for short-term cash flow advances under executed grants or contracts associated with land acquisitions, for registration fees where advance payment is required or advance payment discount is provided, and for newspaper, magazine, and other subscription fees customarily paid for in advance. The commissioner may also allow advance deposits by any department with the Library of Congress and federal Supervisor of Documents for items to be purchased from those federal agencies.

Sec. 3. Minnesota Statutes 2011 Supplement, section 84.027, subdivision 14a, is amended to read:

Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental and resource management permits be issued or denied within 150 days of the submission of a substantially completed permit application. The commissioner of natural resources shall establish management systems designed to achieve the goal.

(b) The commissioner shall prepare semiannual permitting efficiency reports that include statistics on meeting the goal in paragraph (a). The reports are due February 1 and August 1 each year. For permit applications that have not met the goal, the report must state the reasons for not meeting the goal, steps that will be taken to complete action on the application, and the expected timeline. In stating the reasons for not meeting the goal, the commissioner shall separately identify delays caused by the responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the level of public engagement. The report must specify the number of days from initial submission of the application to the day of determination that the application is complete. The report for August 1 each year must aggregate the data for the year and assess whether program or system changes are necessary to achieve the goal. The report must be posted on the department's Web site and submitted to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over natural resources policy and finance.

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

(d) Beginning July 1, 2011, within 30 business days of application for a permit subject to paragraph (a), the commissioner of natural resources shall notify the project proposer, in writing, of whether or not the permit application is complete enough for processing. If the permit is incomplete, the commissioner must identify where deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of the application begins a new 30-day review period. If the commissioner fails to notify the

project proposer of completeness within 30 business days, the application is deemed to be substantially complete and subject to the 150-day permitting review period in paragraph (a) from the date it was submitted. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

(e) The commissioner shall approve or deny within 60 days an application for a minor permit or a minor permit amendment. Failure of the commissioner to deny an application for a minor permit or minor permit amendment within 60 days is approval of the permit. If the commissioner receives an application that does not contain all required information, the 60-day limit starts over only if the commissioner notifies the applicant as required under paragraph (d).

(f) By July 1, 2012, the commissioner shall review all types of permits issued by the department, determine the permit and amendment types the commissioner deems minor for purposes of paragraph (e), and post a list of the permit and amendment types on the department's Web site. The commissioner shall periodically review, update, and post the list of permits and permit amendment types subject to paragraph (e) at least every five years. Permits and permit amendments may not be deemed minor under this paragraph if approval of a permit or permit amendment according to paragraph (e) would be in violation of federal law.

**EFFECTIVE DATE.** Paragraph (f) is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

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

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

(2) assign an identification number to an applicant who purchases a hunting or fishing license or recreational vehicle registration by electronic means, to serve as temporary authorization to engage in the activity requiring a license or registration until the license or registration is received or expires;

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

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 2010, section 84.0272, subdivision 1, is amended to read:

Subdivision 1. **Acquisition procedure.** (a) When the commissioner of natural resources is authorized to acquire lands or interests in lands the procedure set forth in this section shall apply. The commissioner of natural resources shall first prepare a fact sheet

showing the lands to be acquired, the legal authority for their acquisition, and the qualities of the land that make it a desirable acquisition. The commissioner of natural resources shall ~~cause~~ appraise the lands or contract to have the lands to be appraised. An appraiser shall before entering upon the duties of office take and subscribe an oath to faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. New appraisals may be made at the discretion of the commissioner of natural resources.

(b) For fee title acquisitions, the commissioner of natural resources may pay less than the appraised value, but shall not agree to pay more than ~~ten~~ 20 percent above the appraised county assessor's estimated market value or ten percent above appraised value, whichever is less, except that if the commissioner pays less than the appraised value for a parcel of land, the difference between the purchase price and the appraised value may be used to apply to purchases at more than the appraised value. The sum of accumulated differences between appraised amounts and purchases for more than the appraised amount may not exceed the sum of accumulated differences between appraised amounts and purchases for less than the appraised amount. New appraisals may be made at the discretion of the commissioner of natural resources, unless the commissioner determines that the acquisition is a high priority because the land is adjacent to other public land, would conserve a high degree of biological diversity, or is otherwise a high priority for the department. The commissioner shall document the reason for the determination in writing.

(c) For acquisitions that are for less than fee title, the commissioner shall not pay more than ten percent above appraised value when acquiring an easement or other interest in land that is less than fee title.

Sec. 6. Minnesota Statutes 2010, section 84.0895, subdivision 7, is amended to read:

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

- (1) the act is for the purpose of zoological, educational, or scientific study;
- (2) the act enhances the propagation or survival of the affected species;
- (3) the act prevents injury to persons or property; or
- (4) the social and economic benefits of the act outweigh the harm caused by it.

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

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

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

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

Sec. 7. Minnesota Statutes 2010, section 84.631, is amended to read:

**84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

(a) Except as provided in section 85.015, subdivision 1b, the commissioner of natural resources, on behalf of the state, may convey a road easement across state land under the commissioner's jurisdiction ~~other than school trust land~~, to a private person requesting an easement for access to property owned by the person only if the following requirements are met: (1) there are no reasonable alternatives to obtain access to the property; and (2) the exercise of the easement will not cause significant adverse environmental or natural resource management impacts.

(b) The commissioner shall:

(1) require the applicant to pay the market value of the easement;

(2) limit the easement term to 50 years if the road easement is across school trust land;

~~(2)~~ (3) provide that the easement reverts to the state in the event of nonuse; and

~~(3)~~ (4) impose other terms and conditions of use as necessary and appropriate under the circumstances.

(c) An applicant shall submit an application fee of \$2,000 with each application for a road easement across state land. The application fee is nonrefundable, even if the application is withdrawn or denied.

(d) In addition to the payment for the market value of the easement and the application fee, the commissioner of natural resources shall assess the applicant a monitoring fee to cover the projected reasonable costs for monitoring the construction of the road and preparing special terms and conditions for the easement. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee. The applicant shall pay the application and monitoring fees to the commissioner of natural resources. The commissioner shall not issue the easement until the applicant

has paid in full the application fee, the monitoring fee, and the market value payment for the easement.

(e) Upon completion of construction of the road, the commissioner shall refund the unobligated balance from the monitoring fee revenue.

(f) Fees collected under paragraphs (c) and (d) must be credited to the land management account in the natural resources fund and are appropriated to the commissioner of natural resources to cover the reasonable costs incurred under this section.

Sec. 8. Minnesota Statutes 2010, section 84.67, is amended to read:

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

A forests for the future revolving account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources for the acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4. The commissioner shall sell the lands acquired under this section, subject to an easement as provided in section 84.66. Money received from the sale of forest lands acquired under this section and interest earned on the account shall be deposited into the account. ~~The commissioner must file a report to the house of representatives Ways and Means and the senate Finance Committees and the environment and natural resources finance committees or divisions of the senate and house of representatives by October 1 of each year indicating all purchases of forest land using money from this account and sales of forest land for which revenue is deposited into this account.~~

Sec. 9. **[84.76] APPRENTICE RIDER VALIDATION.**

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

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

Sec. 10. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual

the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

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

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

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

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

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

Sec. 11. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

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

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



- 9.1 (3) under a restricted species permit issued under section 17.457;
- 9.2 (4) when being transported to the department, or another destination as the
- 9.3 commissioner may direct, in a sealed container for purposes of identifying the species
- 9.4 or reporting the presence of the species;
- 9.5 (5) when being transported for disposal as part of a harvest or control activity
- 9.6 when specifically authorized under a permit issued by the commissioner according to
- 9.7 section 103G.615, when being transported for disposal as specified under a commercial
- 9.8 fishing license issued by the commissioner according to section 97A.418, 97C.801,
- 9.9 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the
- 9.10 commissioner;
- 9.11 (6) when the specimen has been lawfully acquired dead and, in the case of plant
- 9.12 species, all seeds are removed or are otherwise secured in a sealed container;
- 9.13 (7) in the form of herbaria or other preserved specimens;
- 9.14 (8) when being removed from watercraft and equipment, or caught while angling,
- 9.15 and immediately returned to the water from which they came; or
- 9.16 (9) as the commissioner may otherwise prescribe by rule.

9.17 Sec. 12. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is

9.18 amended to read:

9.19 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport

9.20 aquatic macrophytes:

- 9.21 (1) that are duckweeds in the family Lemnaceae;
- 9.22 (2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically
- 9.23 authorized under an aquatic plant management permit pursuant to section 103G.615, under
- 9.24 permit pursuant to section 84D.11, or as specified by the commissioner;
- 9.25 (3) for purposes of constructing shooting or observation blinds in amounts sufficient
- 9.26 for that purpose, provided that the aquatic macrophytes are emergent and cut above the
- 9.27 waterline;
- 9.28 (4) when legally purchased or traded by or from commercial or hobbyist sources for
- 9.29 aquarium, wetland or lakeshore restoration, or ornamental purposes;
- 9.30 (5) when harvested for personal or commercial use if in a motor vehicle;
- 9.31 (6) to the department, or another destination as the commissioner may direct, in a
- 9.32 sealed container for purposes of identifying a species or reporting the presence of a species;
- 9.33 (7) when transporting commercial aquatic plant harvesting or control equipment to a
- 9.34 suitable location for purposes of cleaning any remaining aquatic macrophytes;
- 9.35 (8) that are wild rice harvested under section 84.091;

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

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

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

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

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

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

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

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

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

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

10.27 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize  
10.28 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive  
10.29 species, and water. The commissioner may delegate inspection authority as provided  
10.30 under paragraphs (b) or (g) to tribal and local governments that assume all legal, financial,  
10.31 and administrative responsibilities for inspection programs on public waters within their  
10.32 jurisdiction.

10.33 (b) Inspectors may visually and tactilely inspect watercraft and water-related  
10.34 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water

is present. If a person transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

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

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

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

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

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

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

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

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

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

(g) The commissioner may authorize tribal and local governments to conduct mandatory inspections of water-related equipment at specified locations within a defined area before a person places the water-related equipment into a water body. Tribal and local governments that are authorized to conduct inspections under this paragraph must:

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

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

- 12.1           (3) conduct inspections and decontamination measures in accordance with guidelines  
12.2 approved by the commissioner;
- 12.3           (4) have decontamination equipment available at inspection stations to bring  
12.4 water-related equipment into compliance;
- 12.5           (5) provide for inspection station locations that do not create traffic delays or public  
12.6 safety issues; and
- 12.7           (6) submit a plan approved by the commissioner according to paragraph (h).
- 12.8           (h) Plans required under paragraph (g) must address:
- 12.9           (1) no reduction in capacity or hours of operation of public accesses and fees that  
12.10 do not discourage or limit use;
- 12.11           (2) reasonable travel times between public accesses and inspection stations;
- 12.12           (3) adequate staffing to minimize wait times and provide adequate hours of operation  
12.13 at inspection stations and public accesses;
- 12.14           (4) adequate enforcement capacity;
- 12.15           (5) measures to address inspections of water-related equipment at public water  
12.16 accesses for commercial entities and private riparian land owners; and
- 12.17           (6) other elements as required by the commissioner to ensure statewide consistency,  
12.18 appropriate inspection and decontamination protocols, and protection of the state's  
12.19 resources, public safety, and access to public waters.
- 12.20           (i) A government unit authorized to conduct inspections under this subdivision must  
12.21 submit an annual report to the commissioner summarizing the results and issues related  
12.22 to implementing the inspection program.

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

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

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

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

12.30           (3) for unlawfully possessing or transporting a prohibited invasive species other  
12.31 than an aquatic macrophyte, \$250;

12.32           (4) for placing or attempting to place into waters of the state water-related equipment  
12.33 that has prohibited invasive species attached when the waters are not designated by the  
12.34 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~  
12.35 ~~\$1,000 for each subsequent offense;~~

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

(6) for failing to remove plugs, open valves, and drain water from water-related equipment, other than marine sanitary systems, before leaving waters of the state, \$50; and

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

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

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

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

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

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

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

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

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

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

Sec. 17. Minnesota Statutes 2010, section 85.055, subdivision 2, is amended to read:

Subd. 2. **Fee deposit and appropriation; continued operation.** (a) The fees collected under this section shall be deposited in the natural resources fund and credited to the state parks account. Money in the account, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is available for appropriation to the commissioner to operate and maintain the state park system.

(b) State parks and recreation areas shall remain open for camping and other recreational activities, regardless of whether all or any part of the biennial appropriation law for the state parks and recreation areas has been enacted. The amount necessary for operations of state parks and recreation areas when the biennial appropriation law has not been enacted is appropriated from the state parks account in the natural resources fund. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this paragraph has been applied supersedes and replaces the funding authorized in this paragraph.

Sec. 18. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

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

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

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

Sec. 19. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

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

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

Sec. 20. Minnesota Statutes 2010, section 85A.04, subdivision 1, is amended to read:

Subdivision 1. **Deposit; continued operation.** (a) All receipts from parking and admission to the Minnesota Zoological Garden shall be deposited in the state treasury and credited to an account in the special revenue fund, and are annually appropriated to the board for operations and maintenance.

(b) The Minnesota Zoological Garden shall remain open, regardless of whether all or any part of the biennial appropriation law for the zoo has been enacted. Appropriations under this section shall be used for operations of the zoo when the biennial appropriation law has not been enacted. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this paragraph has been applied supersedes and replaces the funding authorized in this paragraph.

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

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

16.1            Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an  
16.2 aquatic invasive species trailer decal to a person that satisfactorily completes the required  
16.3 course of instruction.

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

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

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

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

16.15            (c) A person who operates or is in physical control of a motorboat on the waters  
16.16 of this state is subject to chapter 169A. In addition to the applicable sanctions under  
16.17 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance  
16.18 in conformity with it while operating a motorboat, shall be prohibited from operating  
16.19 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and  
16.20 October 31, extending over two consecutive years if necessary. If the person operating the  
16.21 motorboat refuses to comply with a lawful demand to submit to testing under sections  
16.22 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited  
16.23 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify  
16.24 the person of the period during which the person is prohibited from operating a motorboat.

16.25            (d) Administrative and judicial review of the operating privileges prohibition is  
16.26 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
16.27 impaired driving conviction or prior license revocation, as defined in section 169A.03.  
16.28 Otherwise, administrative and judicial review of the prohibition is governed by section  
16.29 169A.53.

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

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



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

17.4 Sec. 23. Minnesota Statutes 2010, section 90.031, subdivision 4, is amended to read:

17.5 Subd. 4. **Timber rules.** The Executive Council may formulate and establish,  
17.6 from time to time, rules it deems advisable for the transaction of timber business of the  
17.7 state, ~~including approval of the sale of timber on any tract in a lot exceeding 6,000 cords~~  
17.8 ~~in volume when the sale is in the best interests of the state~~, and may abrogate, modify,  
17.9 or suspend rules at its pleasure.

17.10 Sec. 24. Minnesota Statutes 2010, section 92.45, is amended to read:

17.11 **92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE**  
17.12 **PUBLIC WATERS.**

17.13 ~~All state lands bordering on or adjacent to meandered lakes and other public waters~~  
17.14 ~~and watercourses, with the live timber growing on them, are withdrawn from sale except~~  
17.15 ~~as provided in this section. The commissioner of natural resources may sell the timber as~~  
17.16 ~~otherwise provided by law for cutting and removal under conditions the commissioner~~  
17.17 ~~prescribes. The conditions must be in accordance with approved, sustained-yield forestry~~  
17.18 ~~practices. The commissioner must reserve the timber and impose other conditions the~~  
17.19 ~~commissioner deems necessary to protect watersheds, wildlife habitat, shorelines, and~~  
17.20 ~~scenic features.~~ (a) Within the area in Cook, Lake, and St. Louis Counties described in  
17.21 the Act of Congress approved July 10, 1930, (Statutes at Large, volume 46, page 1020),  
17.22 the timber on state lands is subject to restrictions like those now imposed by the act on  
17.23 federal lands.

17.24 (b) The following land is reserved for public travel: of all state-owned land  
17.25 bordering on or adjacent to meandered lakes and other public waters and watercourses  
17.26 ~~and withdrawn from sale~~, a strip two rods wide, the ordinary high-water mark being  
17.27 its waterside boundary, and its landside boundary a line drawn parallel to the ordinary  
17.28 high-water mark and two rods distant landward from it. Wherever the conformation of the  
17.29 shore line or conditions require, the commissioner must reserve a wider strip.

17.30 ~~Except for sales under section 282.018, subdivision 1, when a state agency or any~~  
17.31 ~~other unit of government requests the legislature to authorize the sale of state lands~~  
17.32 ~~bordering on or adjacent to meandered lakes and other public waters and watercourses, the~~  
17.33 ~~commissioner shall evaluate the lands and their public benefits and make recommendations~~  
17.34 ~~on the proposed dispositions to the committees of the legislature with jurisdiction~~

~~over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the commissioner for public purposes, retention of a conservation easement for shoreland preservation by the commissioner under chapter 84C, or a cooperative management agreement with, or transfer to, another unit of government.~~

(c) The commissioner may sell state lands bordering on or adjacent to the Mississippi River or any lakes, waters, and watercourses in its bottom lands, desired or needed by the United States government for, or in connection with, any project heretofore authorized by Congress, to improve navigation in the Mississippi River at public sale according to law, as in other cases, upon application by an authorized United States official. The application must describe the land and include a map showing its location with reference to adjoining properties.

Sec. 25. Minnesota Statutes 2010, section 92.50, subdivision 1, is amended to read:

Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease land under the commissioner's jurisdiction and control:

(1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

(2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

(3) for roads or railroads; or

(4) for other uses consistent with the interests of the state.

(b) The commissioner shall offer the lease at public or private sale for an amount and under terms and conditions prescribed by the commissioner. ~~Commercial leases for more than ten years and leases for removal of peat that cover 320 or more acres must be approved by the Executive Council.~~

(c) The lease term may not exceed ~~ten~~ 21 years except:

(1) leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants, or for the removal of peat for nonagricultural purposes may not exceed a term of 25 years; and

~~(2) leases for the use of peat lands for agricultural purposes may not exceed 21 years; and~~

~~(3)~~ (2) leases for commercial purposes, including major resort, convention center, or recreational area purposes, may not exceed a term of 40 years.

(d) Leases must be subject to sale and leasing of the land for mineral purposes and contain a provision for cancellation for just cause at any time by the commissioner upon six months' written notice. A longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines or rock or tailings from ore milling plants. The commissioner may determine the terms and conditions, including the notice period, for cancellation of a lease for the removal of peat and commercial leases.

(e) Money received from leases under this section must be credited to the fund to which the land belongs.

Sec. 26. Minnesota Statutes 2010, section 93.17, subdivision 3, is amended to read:

Subd. 3. **Bid acceptance.** (a) At the time and place fixed for the sale, the commissioner shall publicly announce the number of applications and bids received. The commissioner shall then publicly open the bids and announce the amount of each bid separately. Thereafter, the commissioner, ~~together with the Executive Council,~~ shall award the leases to the highest bidders for the respective mining units, but no bids shall be accepted that do not equal or exceed the minimum amounts provided for in section 93.20, nor shall any bid be accepted that does not comply with the law. The right is reserved to the state to reject any and all bids.

(b) All applications for leases and bids not accepted at the sale shall become void at the close of the sale and the payment accompanying the applications and bids shall be returned to the applicants entitled to them.

(c) Upon the award of a lease, the payment submitted with the application as provided by subdivision 1 shall be deposited with the commissioner of management and budget as a fee for the lease.

Sec. 27. Minnesota Statutes 2010, section 93.1925, subdivision 1, is amended to read:

Subdivision 1. **Conditions required.** When the commissioner finds that the best interests of the state will be served and the circumstances in clause (1), (2), or (3) exist, the commissioner, ~~with the approval of the Executive Council,~~ may issue an iron ore or taconite iron ore mining lease through negotiations to an applicant. A lease may be issued through negotiations under any of the following circumstances:

(1) the state taconite iron ore is adjacent to taconite iron ore owned or leased for mining purposes by the applicant and the commissioner finds that it is impracticable to mine the state taconite iron ore except in conjunction with the mining of the adjacent ore;

(2) the lands to be leased are primarily valuable for their natural iron ore content; or

20.1 (3) the state's mineral ownership interest in the lands to be leased is an undivided  
20.2 fractional interest and the applicant holds under control a majority of the remaining  
20.3 undivided fractional mineral interests in the lands to be leased.

20.4 Sec. 28. Minnesota Statutes 2010, section 93.20, subdivision 2, is amended to read:

20.5 Subd. 2. **Term; conditions.** The commissioner of natural resources, ~~with the~~  
20.6 ~~approval of the Executive Council,~~ may, so far as the commissioner deems advisable in  
20.7 furtherance of the public interests, fix the term of any lease at any period not exceeding  
20.8 that hereinafter prescribed, or may include in a lease any other conditions not inconsistent  
20.9 herewith relating to performance by the lessee or other pertinent matters, provided, that  
20.10 in case of a lease made pursuant to a permit issued upon public sale, a statement of  
20.11 such conditions shall be included in the designation of the mining unit affected before  
20.12 publication of the notice of sale.

20.13 Sec. 29. Minnesota Statutes 2010, section 93.20, subdivision 30, is amended to read:

20.14 Subd. 30. **Supplemental agreement.** In case it shall become impossible or  
20.15 impracticable at any time during the term of this lease to comply with the provisions  
20.16 hereof relating to sampling, analysis, shipping, or weighing of ore, or in case methods  
20.17 for any of said operations shall be developed which appear to be superior to those herein  
20.18 prescribed and which will not result in any loss or disadvantage to the state hereunder,  
20.19 the commissioner of natural resources, ~~with the approval of the Executive Council,~~ may  
20.20 make a supplemental agreement with the part..... of the second part, modifying this lease  
20.21 so as to authorize the adoption of such other methods for any of said operations so far as  
20.22 deemed expedient.

20.23 Sec. 30. Minnesota Statutes 2010, section 93.20, subdivision 38, is amended to read:

20.24 Subd. 38. **Lease modification.** Any state iron ore mining lease heretofore or  
20.25 hereafter issued and in force may be modified by the commissioner of natural resources;  
20.26 ~~with the approval of the Executive Council,~~ upon application of the holder of the lease,  
20.27 by written agreement with the holder, so as to conform with the provisions of the laws in  
20.28 force at the time of such application with respect to the methods of shipping, weighing,  
20.29 and analyzing ore and computing royalty thereon, the time of payment of rental and  
20.30 royalty, the beneficiation or treatment of iron ore and the disposal of concentrates and  
20.31 residues therefrom, the stockpiling, depositing, or disposal of iron ore or other material,  
20.32 and the making of statements and reports pertaining to said matters.

21.1 Sec. 31. Minnesota Statutes 2010, section 93.25, subdivision 2, is amended to read:

21.2 Subd. 2. **Lease requirements.** ~~All leases for nonferrous metallic minerals or~~  
21.3 ~~petroleum must be approved by the Executive Council, and any other mineral lease issued~~  
21.4 ~~pursuant to this section that covers 160 or more acres must be approved by the Executive~~  
21.5 ~~Council.~~ (a) Except as provided in subdivision 2a, the rents, royalties, terms, conditions,  
21.6 and covenants of all such leases shall be fixed by the commissioner according to rules  
21.7 adopted by the commissioner, but no lease shall be for a longer term than 50 years, and  
21.8 all rents, royalties, terms, conditions, and covenants shall be fully set forth in each lease  
21.9 issued. The rents and royalties shall be credited to the funds as provided in section 93.22.

21.10 (b) The applicant must submit with the application a certified check, cashier's check,  
21.11 or bank money order, payable to the Department of Natural Resources, in the sum of  
21.12 \$1,000 as a fee for filing an application for a lease being offered at public sale and in  
21.13 the sum of \$2,000 as a fee for filing an application for a lease through negotiation. The  
21.14 application fee for a negotiated lease shall not be refunded under any circumstances. The  
21.15 application fee must be deposited in the minerals management account in the natural  
21.16 resources fund.

21.17 Sec. 32. Minnesota Statutes 2010, section 93.25, is amended by adding a subdivision  
21.18 to read:

21.19 Subd. 2a. **Rents.** The commissioner shall, by written order, establish the schedule  
21.20 of rental rates of all leases issued under this section. The commissioner shall update the  
21.21 schedule of rental rates every five years. The schedule of rental rates and any adjustment  
21.22 to the schedule are not subject to the rulemaking provisions of chapter 14 and section  
21.23 14.386 does not apply.

21.24 Sec. 33. Minnesota Statutes 2010, section 97A.401, subdivision 1, is amended to read:

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

21.29 Sec. 34. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

21.30 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**  
21.31 When a court reports to the commissioner that a person: (1) has failed to appear in court  
21.32 under the summons issued in response to a notice to appear or fails to comply with other  
21.33 orders of the court regarding the appearance or proceedings for a violation of the game

22.1 and fish laws; or (2) has been convicted of violating a provision of the game and fish  
22.2 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,  
22.3 and refused or failed to comply with that sentence or to pay the fine or surcharge, the  
22.4 commissioner shall suspend the game and fish license and permit privileges of the person  
22.5 until notified by the court that the person has appeared in court under clause (1) or that any  
22.6 fine or surcharge due the court has been paid under clause (2).

22.7 Sec. 35. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

22.8 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

22.9 (a) A person may not use live minnows imported from outside of the state, game  
22.10 fish, goldfish, or carp for bait. The commissioner may, by written order published in  
22.11 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on  
22.12 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
22.13 14.386 does not apply.

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

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

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

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

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

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

22.30 (1) water body source;

22.31 (2) lot number;

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

22.33 (4) date of packaging and labeling; and

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

23.1 Sec. 36. Minnesota Statutes 2010, section 103A.43, is amended to read:

23.2 **103A.43 WATER ASSESSMENTS AND REPORTS.**

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

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

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

23.15 Sec. 37. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

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

23.17 (1) three county commissioners;

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

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

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

23.22 (5) one township officer;

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

23.25 (7) the commissioner of agriculture;

23.26 (8) the commissioner of health;

23.27 (9) the commissioner of natural resources;

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

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

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

23.34 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor.  
23.35 In making the appointments, the governor may consider persons recommended by

24.1 the Association of Minnesota Counties, the Minnesota Association of Townships, the  
24.2 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation  
24.3 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an  
24.4 association must contain at least three nominees for each position to be filled.

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

24.8 Sec. 38. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

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

24.11 Sec. 39. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
24.12 subdivision to read:

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

24.15 Sec. 40. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to  
24.16 read:

24.17 Subd. 10. **Committee for dispute resolution.** A committee of the board is  
24.18 established to hear and resolve disputes, appeals, and interventions under sections  
24.19 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and  
24.20 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~  
24.21 ~~one county commissioner member; one soil and water conservation district supervisor~~  
24.22 ~~member; and one watershed district or watershed management organization representative~~  
24.23 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws  
24.24 governing committee membership and duties.

24.25 Sec. 41. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
24.26 subdivision to read:

24.27 Subd. 14. **Local water management coordination.** (a) The board may adopt  
24.28 resolutions, policies, or orders that allow a comprehensive plan, local water management  
24.29 plan, or watershed management plan, developed or amended, approved and adopted,  
24.30 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be  
24.31 replaced with a comprehensive watershed management plan. The board may also develop  
24.32 criteria for incorporating or coordinating the elements of metropolitan county groundwater



25.1 plans in accordance with section 103B.255. The board shall, to the extent practicable,  
25.2 incorporate a watershed approach when adopting the resolutions, policies, or orders, and  
25.3 shall establish a suggested watershed boundary framework for development, approval,  
25.4 adoption, and coordination of plans.

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

25.12 Sec. 42. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
25.13 subdivision to read:

25.14 Subd. 15. **Local water management boundary and plan determinations and**  
25.15 **appeals.** (a) Local government units may either submit a request for a plan boundary  
25.16 determination as part of a plan approval request or apply separately for a plan boundary  
25.17 determination from the board before requesting plan approval. Local government units  
25.18 must provide written documentation of the rationale and justification for the proposed  
25.19 boundary. The board may request additional information needed to make a plan boundary  
25.20 determination.

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

25.27 Sec. 43. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

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

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

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

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

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

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

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

Sec. 44. Minnesota Statutes 2010, section 103B.3363, is amended by adding a subdivision to read:

Subd. 6. **Comprehensive watershed management plan.** "Comprehensive watershed management plan" means a plan to manage the water and related natural resources of a watershed that consists of the plans listed in subdivision 3 or a separate plan that has been approved as a substitute by the board and adopted by local units of government for the same or additional purposes. The comprehensive watershed management plan shall be consistent with the goals of section 103A.212 and may address the goals in sections 103A.201 to 103A.211, and chapter 114D.

Sec. 45. **[103B.3367] WATER PLAN EXTENSIONS.**

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

Sec. 46. Minnesota Statutes 2010, section 103B.3369, is amended to read:

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

Subdivision 1. **Assistance priorities.** State agencies may give priority to local government unit requests that are part of or responsive to a comprehensive plan, local water management plan, watershed management plan, or comprehensive watershed

27.1 management plan, developed or amended, approved and adopted, according to chapter  
27.2 103B, 103C, 103D, or 114D, when administering programs for water-related financial  
27.3 and technical assistance.

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

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

27.16 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that  
27.17 provides a match utilizing a water implementation tax or other local source. A water  
27.18 implementation tax that a county intends to use as a match to the base grant must be levied  
27.19 at a rate determined by the board. ~~The minimum amount of the water implementation tax~~  
27.20 ~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~  
27.21 ~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~  
27.22 ~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~  
27.23 ~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~  
27.24 ~~match. If the amount necessary to implement the local water plan for the county is less~~  
27.25 ~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~  
27.26 ~~match amount, equals the amount required to implement the plan. For counties where~~  
27.27 ~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~  
27.28 ~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to  
27.29 local units of government that are responsible for implementing elements of applicable  
27.30 portions of watershed management plans, comprehensive plans, local water management  
27.31 plans, or comprehensive watershed management plans, developed or amended, adopted  
27.32 and approved, according to chapter 103B, 103C, or 103D. Upon request by a local  
27.33 government unit, the board may also award performance-based grants to local units of  
27.34 government to carry out TMDL implementation plans as provided in chapter 114D, if the  
27.35 TMDL implementation plan has been incorporated into the local water management plan  
27.36 according to the procedures for approving comprehensive plans, watershed management

plans, local water management plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review process. Notwithstanding section 16A.41, the board may award performance-based grants on an advanced basis.

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

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

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

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

Sec. 47. Minnesota Statutes 2010, section 103B.355, is amended to read:

**103B.355 APPLICATION.**

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

Sec. 48. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public

value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. For project-specific wetland replacement completed prior to wetland impacts authorized or conducted under a permit to mine within the Great Lakes and Rainy River watershed basins, those basins shall be considered a single watershed for purposes of determining wetland replacement ratios. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31.28 Those required to receive notice of public transportation projects may appeal  
31.29 minimization, delineation, and on-site mitigation decisions made by the public  
31.30 transportation authority to the board according to the provisions of section 103G.2242,  
31.31 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
31.32 decisions made by the public transportation authority and provide recommendations  
31.33 regarding on-site mitigation if requested to do so by the local government unit, a  
31.34 contiguous landowner, or a member of the Technical Evaluation Panel.

31.35 Except for state public transportation projects, for which the state Department of  
31.36 Transportation is responsible, the board must replace the wetlands, and wetland areas of

32.1 public waters if authorized by the commissioner or a delegated authority, drained or filled  
 32.2 by public transportation projects on existing roads.

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

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

32.15 (o) A local government unit may request the board to reclassify a county or  
 32.16 watershed on the basis of its percentage of presettlement wetlands remaining. After  
 32.17 receipt of satisfactory documentation from the local government, the board shall change  
 32.18 the classification of a county or watershed. If requested by the local government unit,  
 32.19 the board must assist in developing the documentation. Within 30 days of its action to  
 32.20 approve a change of wetland classifications, the board shall publish a notice of the change  
 32.21 in the Environmental Quality Board Monitor.

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

32.28 Sec. 49. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to  
 32.29 read:

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

32.33 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 32.34 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than  
 32.35 80 percent area;



33.1 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 33.2 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent  
 33.3 area, ~~except within the 11-county metropolitan area;~~

33.4 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~  
 33.5 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent  
 33.6 area, ~~except within the 11-county metropolitan area;~~ or

33.7 (4) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland  
 33.8 ~~types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland~~  
 33.9 ~~wetland protection zones in all counties;~~

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

33.14 ~~(5) (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to~~  
 33.15 ~~(3), beyond the building setback zone, as defined in the local shoreland management~~  
 33.16 ~~ordinance, but within the shoreland wetland protection zone;~~ or

33.17 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

33.18 In a greater than 80 percent area, ~~the local government unit may increase the de~~  
 33.19 ~~minimis amount~~ allowed under item (1) may be increased up to 1,000 square feet if the  
 33.20 wetland is isolated and is determined to have no direct surficial connection to the public  
 33.21 water or if permanent water runoff retention or infiltration measures are established in  
 33.22 proximity as approved by the shoreland management authority.

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

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

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

33.32 ~~(7) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~  
 33.33 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent~~  
 33.34 ~~area within the 11-county metropolitan area; or~~

33.35 ~~(8) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland~~  
 33.36 ~~protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

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

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

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

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

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

(3) 400 square feet.

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

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

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

Sec. 50. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to read:

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

Sec. 51. [103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN WATER ACT.

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

Sec. 52. Minnesota Statutes 2010, section 103G.245, subdivision 3, is amended to read:

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

Sec. 53. Minnesota Statutes 2010, section 103G.271, subdivision 1, is amended to read:

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

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

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

Sec. 54. Minnesota Statutes 2010, section 103G.291, subdivision 3, is amended to read:

Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier serving more than 1,000 people must submit a water supply plan to the commissioner for approval by January 1, 1996. In accordance with guidelines developed by the

commissioner, the plan must address projected demands, adequacy of the water supply system and planned improvements, existing and future water sources, natural resource impacts or limitations, emergency preparedness, water conservation, supply and demand reduction measures, and allocation priorities that are consistent with section 103G.261. Public water suppliers must update their plan and, upon notification, submit it to the commissioner for approval every ten years.

(b) The water supply plan in paragraph (a) is required for all communities in the metropolitan area, as defined in section 473.121, with a municipal water supply system and is a required element of the local comprehensive plan required under section 473.859. Water supply plans or updates submitted after December 31, 2008, must be consistent with the metropolitan area master water supply plan required under section 473.1565, subdivision 1, paragraph (a), clause (2).

(c) Public water suppliers serving more than 1,000 people must ~~employ~~ encourage water conservation by employing water use demand reduction measures, ~~including a conservation rate structure,~~ as defined in subdivision 4, paragraph (a), ~~unless exempted under subdivision 4, paragraph (c),~~ before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. ~~Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program.~~ The commissioner of natural resources and the water supplier shall use a collaborative process to achieve demand reduction measures as a part of a water supply plan review process.

(d) Public water suppliers serving more than 1,000 people must submit records that indicate the number of connections and amount of use by customer category and volume of water unaccounted for with the annual report of water use required under section 103G.281, subdivision 3.

(e) For the purposes of this section, "public water supplier" means an entity that owns, manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

Sec. 55. Minnesota Statutes 2010, section 103G.291, subdivision 4, is amended to read:

Subd. 4. ~~Conservation rate structure required~~ **Demand reduction measures.**

(a) For the purposes of this section, "demand reduction measures" means measures that reduce water demand, water losses, peak water demands, and nonessential water uses.

Demand reduction measures must include a conservation rate structure, or a uniform rate structure with a conservation program that achieves demand reduction. A "conservation

37.1 rate structure" means a rate structure that encourages conservation and may include  
 37.2 increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess  
 37.3 use rates. If a conservation rate is applied to multifamily dwellings, the rate structure must  
 37.4 consider each residential unit as an individual user in multiple-family dwellings.

37.5 (b) To encourage conservation, a public water supplier serving more than 1,000  
 37.6 people ~~in the metropolitan area, as defined in section 473.121, subdivision 2, shall use~~  
 37.7 ~~a conservation rate structure by January 1, 2010. All remaining public water suppliers~~  
 37.8 ~~serving more than 1,000 people shall use a conservation rate structure~~ must implement  
 37.9 demand reduction measures by January 1, 2013 2015.

37.10 ~~(c) A public water supplier without the proper measuring equipment to track the~~  
 37.11 ~~amount of water used by its users, as of July 1, 2008, is exempt from this subdivision and~~  
 37.12 ~~the conservation rate structure requirement under subdivision 3, paragraph (c).~~

37.13 Sec. 56. Minnesota Statutes 2010, section 103G.301, subdivision 2, is amended to read:

37.14 Subd. 2. **Permit application and notification fees.** (a) A ~~permit application~~ fee  
 37.15 to defray the costs of receiving, recording, and processing ~~the application~~ must be paid  
 37.16 for a permit application authorized under this chapter ~~and, except for a general permit~~  
 37.17 application, for each request to amend or transfer an existing permit, and for a notification  
 37.18 to request authorization to conduct a project under a general permit. Fees established  
 37.19 under this subdivision, unless specified in paragraph (c), shall be compliant with section  
 37.20 16A.1285.

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

37.25 (c) The fee to apply for a permit to appropriate water, in addition to any fee under  
 37.26 paragraph (b), ~~and for a permit to construct or repair a dam that is subject to dam safety~~  
 37.27 ~~inspection, or a state general permit~~ is \$150. The application fee for a permit to work in  
 37.28 public waters or to divert waters for mining must be at least \$150, but not more than  
 37.29 \$1,000. The fee for a notification to request authorization to conduct a project under a  
 37.30 general permit is \$100.

37.31 Sec. 57. Minnesota Statutes 2010, section 103G.301, subdivision 4, is amended to read:

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

38.1 Sec. 58. Minnesota Statutes 2010, section 103G.301, subdivision 5, is amended to read:

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

38.5 Sec. 59. Minnesota Statutes 2010, section 103G.301, subdivision 5a, is amended to  
38.6 read:

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

38.11 Sec. 60. Minnesota Statutes 2010, section 103G.611, is amended by adding a  
38.12 subdivision to read:

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

38.17 Sec. 61. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 1,  
38.18 is amended to read:

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

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

38.25 (2) transplant aquatic plants into public waters;

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

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

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

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

39.2            Sec. 62. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 2,  
39.3 is amended to read:

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

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

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

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

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

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

39.26            Sec. 63. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

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

Sec. 64. **[115.035] WATER QUALITY STANDARDS NO MORE RESTRICTIVE THAN FEDERAL STANDARDS.**

Notwithstanding section 115.03 or 115.44 or any other law to the contrary, the commissioner of the Pollution Control Agency shall not adopt water quality standards that are more restrictive than federal water quality standards after June 30, 2012. Water quality standards that were adopted before that date and that exceed federal standards remain in effect, but shall not be made more restrictive unless required under federal law.

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

Sec. 65. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

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

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

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

(3) seeking public and private funds to:

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

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

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

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

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

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

Sec. 66. Minnesota Statutes 2010, section 115.073, is amended to read:

**115.073 ENFORCEMENT FUNDING.**



41.1 Except as provided in section 115C.05, all money recovered by the state under this  
41.2 chapter and chapters 115A and 116, including civil penalties and money paid under an  
41.3 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,  
41.4 must be deposited in the state treasury and credited to the ~~environmental~~ general fund.

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

41.6 Sec. 67. Minnesota Statutes 2010, section 115.42, is amended to read:

41.7 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

41.8 It is the policy of the state to provide for the prevention, control, and abatement  
41.9 of pollution of all waters of the state, so far as feasible and practical, in furtherance  
41.10 of conservation of such waters and protection of the public health and in furtherance  
41.11 of the development of the economic welfare of the state. The agency shall prepare a  
41.12 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~  
41.13 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~  
41.14 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~

41.15 It is the purpose of sections 115.41 to 115.53 to safeguard the waters of the state from  
41.16 pollution by: (a) preventing any new pollution; and (b) abating pollution existing  
41.17 when sections 115.41 to 115.53 become effective, under a program consistent with the  
41.18 declaration of policy above stated.

41.19 Sec. 68. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
41.20 is amended to read:

41.21 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
41.22 115A.1310 to 115A.1330.

41.23 (b) The agency shall establish procedures for:

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

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

41.28 (c) The agency shall annually review the value of the following variables that are  
41.29 part of the formula used to calculate a manufacturer's annual registration fee under section  
41.30 115A.1314, subdivision 1:

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

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

(3) the base registration fee; and

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

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

~~(e) On or before December 1, 2010, and each year thereafter,~~ The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115D.10.

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

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

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

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

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

43.5 Sec. 69. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

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

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

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

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

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

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

43.22 Sec. 70. Minnesota Statutes 2010, section 115A.411, is amended to read:

43.23 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
 43.24 **REPORT.**

43.25 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
 43.26 report on solid waste management policy and activities under this chapter. The report must  
 43.27 be submitted by the commissioner to the senate and house of representatives committees  
 43.28 having jurisdiction over environment and natural resources ~~and environment and natural~~  
 43.29 ~~resources finance~~ by December 1 of each odd-numbered year 31, 2015, and every four  
 43.30 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~  
 43.31 ~~paragraph (b);~~ 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision  
 43.32 6; 473.846; and 473.848, subdivision 4.

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

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

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

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

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

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

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

(1) achieving the maximum feasible reduction in waste generation;

(2) encouraging manufacturers to design products that eliminate or reduce the adverse environmental impacts of resource extraction, manufacturing, use, and waste processing and disposal;

(3) educating businesses, public entities, and other consumers about the need to consider the potential environmental and financial impacts of purchasing products that may create a liability or that may be expensive to recycle or manage as waste, due to the presence of toxic or hazardous components;

(4) eliminating or reducing toxic or hazardous components in compost from municipal solid waste composting facilities, in ash from municipal solid waste incinerators, and in leachate and air emissions from municipal solid waste landfills, in order to reduce the potential liability of waste generators, facility owners and operators, and taxpayers;

(5) encouraging the source separation of materials to the extent practicable, so that the materials are most appropriately managed and to ensure that resources that can be reused or recycled are not disposed of or destroyed; and

(6) maximizing the efficiency of the waste management system by managing waste and recyclables close to the point of generation, taking into account the characteristics of the resources to be recovered from the waste and the type and capacity of local facilities.

Sec. 71. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 72. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

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

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

Sec. 73. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

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

Sec. 74. Minnesota Statutes 2010, section 115D.08, is amended to read:

#### **115D.08 PROGRESS REPORTS.**

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

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

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

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

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

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

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

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

(b) The commissioner of public safety shall be given access to a facility plan required under section 115D.07 if the commissioner of public safety determines that the progress report for that facility does not meet the requirements of subdivision 1. Twenty-five or more persons living within ten miles of the facility may submit a petition to the commissioner of public safety that identifies specific deficiencies in the progress report and requests the commissioner of public safety to review the facility plan. Within 30 days after receipt of the petition, the commissioner of public safety shall respond in writing. If the commissioner of public safety agrees that the progress report does not meet requirements of subdivision 1, the commissioner of public safety shall be given access to the facility plan.

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

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

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

48.1 Sec. 75. Minnesota Statutes 2010, section 116.011, is amended to read:

48.2 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

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

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

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

48.12 Sec. 76. Minnesota Statutes 2010, section 116.02, subdivision 1, is amended to read:

48.13 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
48.14 Pollution Control Agency, ~~is~~ and the Minnesota Pollution Control Agency Citizen's Board  
48.15 are hereby created. The ~~agency~~ Minnesota Pollution Control Agency Citizen's Board shall  
48.16 consist of the commissioner and eight members appointed by the governor, by and with the  
48.17 advice and consent of the senate. One of such members shall be a person knowledgeable  
48.18 in the field of agriculture and one shall be representative of organized labor.

48.19 Sec. 77. Minnesota Statutes 2010, section 116.02, subdivision 2, is amended to read:

48.20 Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms,  
48.21 compensation, removal of members, and filling of vacancies on the ~~agency~~ Minnesota  
48.22 Pollution Control Agency Citizen's Board shall be as provided in section 15.0575.

48.23 Sec. 78. Minnesota Statutes 2010, section 116.02, subdivision 3, is amended to read:

48.24 Subd. 3. **Membership.** The membership of the Minnesota Pollution Control Agency  
48.25 Citizen's Board shall be broadly representative of the skills and experience necessary to  
48.26 effectuate the policy of sections 116.01 to 116.075, except that no member other than the  
48.27 commissioner shall be an officer or employee of the state or federal government. Only two  
48.28 members at one time may be officials or employees of a municipality or any governmental  
48.29 subdivision, but neither may be a member ex officio or otherwise on the management  
48.30 board of a municipal sanitary sewage disposal system.

48.31 Sec. 79. Minnesota Statutes 2010, section 116.02, subdivision 4, is amended to read:



49.1 Subd. 4. **Chair.** The commissioner shall serve as chair of the ~~agency~~ Minnesota  
 49.2 Pollution Control Agency Citizen's Board. The ~~agency~~ Minnesota Pollution Control  
 49.3 Agency Citizen's Board shall elect such other officers as it deems necessary.

49.4 Sec. 80. Minnesota Statutes 2010, section 116.02, subdivision 6, is amended to read:

49.5 Subd. 6. **Required decisions.** The ~~agency~~ Minnesota Pollution Control Agency  
 49.6 Citizen's Board shall ~~make final decisions on the following matters:~~

49.7 ~~(1) a petition for the preparation of an environmental assessment worksheet, if the~~  
 49.8 ~~project proposer or a person commenting on the proposal requests that the decision be~~  
 49.9 ~~made by the agency and the agency requests that it make the decision under subdivision 8;~~

49.10 ~~(2) the need for an environmental impact statement following preparation of an~~  
 49.11 ~~environmental assessment worksheet under applicable rules, if:~~

49.12 ~~(i) the agency has received a request for an environmental impact statement;~~

49.13 ~~(ii) the project proposer or a person commenting on the proposal requests that the~~  
 49.14 ~~declaration be made by the agency and the agency requests that it make the decision~~  
 49.15 ~~under subdivision 8; or~~

49.16 ~~(iii) the commissioner is recommending preparation of an environmental impact~~  
 49.17 ~~statement;~~

49.18 ~~(3) the scope and adequacy of environmental impact statements;~~

49.19 ~~(4) issuance, reissuance, modification, or revocation of a permit if:~~

49.20 ~~(i) a variance is sought in the permit application or a contested case hearing request~~  
 49.21 ~~is pending; or~~

49.22 ~~(ii) the permit applicant, the permittee, or a person commenting on the permit action~~  
 49.23 ~~requests that the decision be made by the agency and the agency requests that it make~~  
 49.24 ~~the decision under subdivision 8;~~

49.25 ~~(5) final adoption or amendment of agency rules for which a public hearing is~~  
 49.26 ~~required under section 14.25 or for which the commissioner decides to proceed directly to~~  
 49.27 ~~a public hearing under section 14.14, subdivision 1;~~

49.28 ~~(6) approval or denial of an application for a variance from an agency rule if:~~

49.29 ~~(i) granting the variance request would change an air, soil, or water quality standard;~~

49.30 ~~(ii) the commissioner has determined that granting the variance would have a~~  
 49.31 ~~significant environmental impact; or~~

49.32 ~~(iii) the applicant or a person commenting on the variance request requests that the~~  
 49.33 ~~decision be made by the agency and the agency requests that it make the decision under~~  
 49.34 ~~subdivision 8; and~~

49.35 ~~(7) whether to reopen, rescind, or reverse a decision of the agency.~~

- 50.1           (1) make final decisions on adoption or amendment of rules implementing the  
50.2           substantive statutes charged to the Minnesota Pollution Control Agency for administration;  
50.3           (2) make additional decisions in response to the commissioner's request; and  
50.4           (3) provide advice to the commissioner at the commissioner's request.

50.5           Sec. 81. Minnesota Statutes 2010, section 116.03, subdivision 1, is amended to read:

50.6           Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control  
50.7           Agency is created and is under the supervision and control of the commissioner, who is  
50.8           appointed by the governor under the provisions of section 15.06.

50.9           (b) The commissioner may appoint a deputy commissioner and assistant  
50.10          commissioners who shall be in the unclassified service.

50.11          (c) The commissioner shall make all decisions on behalf of the agency ~~that are not~~  
50.12          ~~required to be made by the agency~~ other than rulemaking decisions to be made by the  
50.13          Minnesota Pollution Control Agency Citizen's Board under section 116.02.

50.14          Sec. 82. Minnesota Statutes 2011 Supplement, section 116.03, subdivision 2b, is  
50.15          amended to read:

50.16          Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
50.17          resource management permits be issued or denied within 150 days of the submission of a  
50.18          substantially completed permit application. The commissioner of the Pollution Control  
50.19          Agency shall establish management systems designed to achieve the goal.

50.20          (b) The commissioner shall prepare semiannual permitting efficiency reports that  
50.21          include statistics on meeting the goal in paragraph (a). The reports are due February 1  
50.22          and August 1 each year. For permit applications that have not met the goal, the report  
50.23          must state the reasons for not meeting the goal, steps that will be taken to complete action  
50.24          on the application, and the expected timeline. In stating the reasons for not meeting the  
50.25          goal, the commissioner shall separately identify delays caused by the responsiveness of  
50.26          the proposer, lack of staff, scientific or technical disagreements, or the level of public  
50.27          engagement. The report must specify the number of days from initial submission of the  
50.28          application to the day of determination that the application is complete. The report for  
50.29          August 1 each year must aggregate the data for the year and assess whether program  
50.30          or system changes are necessary to achieve the goal. The report must be posted on the  
50.31          agency's Web site and submitted to the governor and the chairs and ranking minority  
50.32          members of the house of representatives and senate committees having jurisdiction over  
50.33          environment policy and finance.

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

(d) Beginning July 1, 2011, within 30 business days of application for a permit subject to paragraph (a), the commissioner of the Pollution Control Agency shall notify the project proposer, in writing, of whether or not the permit application is complete enough for processing. If the permit is incomplete, the commissioner must identify where deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of the application begins a new 30-day review period. If the commissioner fails to notify the project proposer of completeness within 30 business days, the application is deemed to be substantially complete and subject to the 150-day permitting review period in paragraph (a) from the date it was submitted. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

(e) The commissioner shall approve or deny within 60 days an application for a minor permit or minor permit amendment. Failure of the commissioner to deny an application for a minor permit or minor permit amendment within 60 days is approval of the permit. If the commissioner receives an application that does not contain all required information, the 60-day limit starts over only if the commissioner notifies the applicant as required under paragraph (d).

(f) By July 1, 2012, the commissioner shall review all types of permits issued by the agency, determine the permit and amendment types the commissioner deems minor for purposes of paragraph (e), and post a list of the permit and amendment types on the agency's Web site. The commissioner shall periodically review, update, and post the list of permits and permit amendment types subject to paragraph (e) at least every five years. Permits and permit amendments may not be deemed minor under this paragraph if approval of a permit or permit amendment according to paragraph (e) would be in violation of federal law.

**EFFECTIVE DATE.** Paragraph (f) is effective the day following final enactment.

Sec. 83. Minnesota Statutes 2010, section 116.0714, is amended to read:

**116.0714 NEW OPEN AIR SWINE BASINS.**

The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing

52.1 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
52.2 met. This section expires June 30, ~~2012~~ 2017.

52.3 Sec. 84. Minnesota Statutes 2010, section 116.10, is amended to read:

52.4 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

52.5 Consistent with the policy announced herein and the purposes of Laws 1963, chapter  
52.6 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~  
52.7 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~  
52.8 ~~make a report also of progress on abatement and control of air and land pollution during~~  
52.9 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
52.10 ~~and land pollution and waste programs.~~

52.11 Sec. 85. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

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

52.20 Sec. 86. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a,  
52.21 is amended to read:

52.22 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
52.23 effects resulting from any major governmental action, the action shall be preceded by a  
52.24 detailed environmental impact statement prepared by the responsible governmental unit.  
52.25 The environmental impact statement shall be an analytical rather than an encyclopedic  
52.26 document which describes the proposed action in detail, analyzes its significant  
52.27 environmental impacts, discusses appropriate alternatives to the proposed action and  
52.28 their impacts, and explores methods by which adverse environmental impacts of an  
52.29 action could be mitigated. The environmental impact statement shall also analyze those  
52.30 economic, employment and sociological effects that cannot be avoided should the action  
52.31 be implemented. To ensure its use in the decision-making process, the environmental  
52.32 impact statement shall be prepared as early as practical in the formulation of an action.  
52.33 No mandatory environmental impact statement may be required for an ethanol plant,

as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

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

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet ~~in a~~ by publishing the notice in one or more newspapers or periodicals of general circulation in the geographic area of the activity for which the environmental assessment is prepared or in any other manner ~~to be~~ determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 100 individuals who reside or own property in the state, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental

assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

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

(1) the proposed action is:

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

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

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

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

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

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

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

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for

56.1 the responsible governmental unit to perform its responsibility to review, modify, and  
56.2 determine the completeness and adequacy of the environmental impact statement.

56.3 Sec. 87. Minnesota Statutes 2010, section 116D.04, is amended by adding a  
56.4 subdivision to read:

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

56.9 Sec. 88. Minnesota Statutes 2010, section 216C.055, is amended to read:

56.10 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**  
56.11 **PRODUCING THERMAL ENERGY.**

56.12 The ~~annual~~ biennial legislative proposals required to be submitted by the  
56.13 commissioners of commerce and the Pollution Control Agency under section 216H.07,  
56.14 subdivision ~~4~~ 3, must include proposals regarding the use of solar energy and the  
56.15 combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal  
56.16 energy for heating commercial, industrial, and residential buildings and for industrial  
56.17 processes if the commissioners determine that such policies are appropriate to achieve the  
56.18 state's greenhouse gas emissions-reduction goals. No legal claim against any person is  
56.19 allowed under this section. This section does not apply to the combustion of municipal  
56.20 solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section,  
56.21 removal of woody biomass from publicly owned forests must be consistent with the  
56.22 principles of sustainable forest management.

56.23 Sec. 89. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

56.24 Subd. 3. **Biennial ~~reduction progress~~ report.** (a) By January 15 of each  
56.25 odd-numbered year, the commissioners of commerce and the Pollution Control Agency  
56.26 shall jointly report to the chairs and ranking minority members of the legislative  
56.27 committees with primary policy jurisdiction over energy and environmental issues to  
56.28 provide:

56.29 (1) the most recent and best available evidence identifying the level of reductions  
56.30 already achieved and the level necessary to achieve the reductions timetable in section  
56.31 216H.02-; and

56.32 (2) proposed legislation the commissioners determine appropriate to achieve the  
56.33 reductions in section 216H.02. The proposed legislation must be based on the principles



57.1 in subdivision 5. If the commissioners determine no legislation is appropriate, they shall  
 57.2 report that determination to the chairs along with an explanation of the determination.

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

57.4 Sec. 90. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

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

57.20 The report must include a report on the operating, capital, and debt service costs of  
 57.21 solid waste facilities in the metropolitan area; changes in the costs; the methods used to  
 57.22 pay the costs; and the resultant allocation of costs among users of the facilities and the  
 57.23 general public. The facility costs report must present the cost and financing analysis in the  
 57.24 aggregate and broken down by county and by major facility.

57.25 Sec. 91. Minnesota Statutes 2010, section 473.846, is amended to read:

57.26 **473.846 REPORT REPORTS TO LEGISLATURE.**

57.27 The agency shall submit to the senate ~~Finance Committee, the~~ and house of  
 57.28 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~  
 57.29 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~  
 57.30 ~~Committee on Environment and Natural Resources, and the house of representatives~~  
 57.31 ~~Committee on~~ committees having jurisdiction over environment and natural resources  
 57.32 ~~finance~~ separate reports describing the activities for which money for landfill abatement  
 57.33 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
 57.34 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~

~~report on expenditures during the previous calendar year and must incorporate its report~~  
The report for section 473.844 expenditures shall be included in the report required by  
section 115A.411, due July 1 of each odd-numbered year. By December 31 each year,  
the commissioner shall submit the report for section 473.845 on contingency action  
trust fund activities. In both reports, the commissioner shall make recommendations  
~~to the Environment and Natural Resources Committees of the senate and house of~~  
~~representatives, the Finance Division of the senate Committee on Environment and~~  
~~Natural Resources, and the house of representatives Committee on Environment and~~  
~~Natural Resources Finance~~ on the future management and use of the metropolitan landfill  
abatement account.

Sec. 92. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by  
Laws 2009, chapter 37, article 1, section 60, is amended to read:

Subd. 2. **Land and Mineral Resources**  
**Management** 11,747,000 11,272,000

Appropriations by Fund			
General	6,633,000	6,230,000	
Natural Resources	3,551,000	3,447,000	
Game and Fish	1,363,000	1,395,000	
Permanent School	200,000	200,000	

\$475,000 the first year and \$475,000 the  
second year are for iron ore cooperative  
research. Of this amount, \$200,000 each year  
is from the minerals management account in  
the natural resources fund and \$275,000 each  
year is from the general fund. \$237,500 the  
first year and \$237,500 the second year are  
available only as matched by \$1 of nonstate  
money for each \$1 of state money. The  
match may be cash or in-kind.

\$86,000 the first year and \$86,000 the  
second year are for minerals cooperative  
environmental research, of which \$43,000  
the first year and \$43,000 the second year are  
available only as matched by \$1 of nonstate

59.1 money for each \$1 of state money. The  
59.2 match may be cash or in-kind.

59.3 \$2,800,000 the first year and \$2,696,000  
59.4 the second year are from the minerals  
59.5 management account in the natural resources  
59.6 fund for use as provided in Minnesota  
59.7 Statutes, section 93.2236, paragraph (c).

59.8 \$200,000 the first year and \$200,000 the  
59.9 second year are from the state forest suspense  
59.10 account in the permanent school fund to  
59.11 accelerate land exchanges, land sales, and  
59.12 commercial leasing of school trust lands and  
59.13 to identify, evaluate, and lease construction  
59.14 aggregate located on school trust lands. This  
59.15 appropriation is to be used for securing  
59.16 maximum long-term economic return  
59.17 from the school trust lands consistent with  
59.18 fiduciary responsibilities and sound natural  
59.19 resources conservation and management  
59.20 principles.

59.21 \$15,000 the first year is for a report  
59.22 by February 1, 2008, to the house and  
59.23 senate committees with jurisdiction over  
59.24 environment and natural resources on  
59.25 proposed minimum legal and conservation  
59.26 standards that could be applied to  
59.27 conservation easements acquired with public  
59.28 money.

59.29 \$1,201,000 the first year and \$701,000 the  
59.30 second year are to support the land records  
59.31 management system. Of this amount,  
59.32 \$326,000 the first year and \$326,000 the  
59.33 second year are from the game and fish fund  
59.34 and \$375,000 the first year and \$375,000 the  
59.35 second year are from the natural resources

60.1 fund. The unexpended balances are available  
60.2 until June 30, 2011. ~~The commissioner~~  
60.3 ~~must report to the legislative chairs on~~  
60.4 ~~environmental finance on the outcomes of~~  
60.5 ~~the land records management support.~~

60.6 \$500,000 the first year and \$500,000 the  
60.7 second year are for land asset management.  
60.8 This is a onetime appropriation.

60.9 Sec. 93. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

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

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

60.12 \$900,000 is from the trust fund to the Board  
60.13 of Regents of the University of Minnesota  
60.14 to demonstrate an innovative microalgae  
60.15 production system utilizing and treating  
60.16 sanitary wastewater to produce biofuels  
60.17 from algae. This appropriation is available  
60.18 until June 30, 2013, by which time the  
60.19 project must be completed and final products  
60.20 delivered.

60.21 (b) **Sustainable Biofuels**

60.22 \$221,000 is from the trust fund to the Board  
60.23 of Regents of the University of Minnesota  
60.24 to determine how fertilization and irrigation  
60.25 impact yields of grass monoculture and high  
60.26 diversity prairie biofuel crops, their storage  
60.27 of soil carbon, and susceptibility to invasion  
60.28 by exotic species. This appropriation is  
60.29 available until June 30, 2013, by which time  
60.30 the project must be completed and final  
60.31 products delivered.

60.32 (c) **Linking Habitat Restoration to Bioenergy**  
60.33 **and Local Economies**

61.1 \$600,000 is from the trust fund to the  
 61.2 commissioner of natural resources to restore  
 61.3 high quality native habitats and expand  
 61.4 market opportunities for ~~utilizing postharvest~~  
 61.5 ~~restoration as a~~ using the woody by-product  
 61.6 material for bioenergy source, or other  
 61.7 products. The commissioner may provide  
 61.8 grants or otherwise transfer some or all  
 61.9 of this money to other public or private  
 61.10 entities to accomplish these purposes. The  
 61.11 commissioner may sell the material from  
 61.12 public or private property to any viable  
 61.13 market, provided that all of the proceeds  
 61.14 are spent to further the purposes of this  
 61.15 appropriation. This appropriation is available  
 61.16 until June 30, 2013, by which time the  
 61.17 project must be completed and final products  
 61.18 delivered.

61.19 **(d) Demonstrating Sustainable Energy**  
 61.20 **Practices at Residential Environmental**  
 61.21 **Learning Centers (RELCs)**

61.22 \$1,500,000 is from the trust fund to  
 61.23 the commissioner of natural resources  
 61.24 for agreements as follows: \$206,000  
 61.25 with Audubon Center of the North  
 61.26 Woods; \$212,000 with Deep Portage  
 61.27 Learning Center; \$350,000 with Eagle  
 61.28 Bluff Environmental Learning Center;  
 61.29 \$258,000 with Laurentian Environmental  
 61.30 Learning Center; \$240,000 with Long  
 61.31 Lake Conservation Center; and \$234,000  
 61.32 with Wolf Ridge Environmental Learning  
 61.33 Center to implement renewable energy,  
 61.34 energy efficiency, and energy conservation  
 61.35 practices at the facilities. Efforts will include  
 61.36 dissemination of related energy education.

62.1 Sec. 94. Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 7,  
62.2 is amended to read:

62.3 Subd. 7. **Enforcement** 31,613,000 32,225,000

62.4 Appropriations by Fund

62.5	2012	2013
62.6 General	2,216,000	2,216,000
62.7 Natural Resources	8,868,000	9,577,000
62.8 Game and Fish	20,429,000	20,332,000
62.9 Remediation	100,000	100,000

62.10 \$1,204,000 the first year and \$1,307,000  
62.11 the second year are from the heritage  
62.12 enhancement account in the game and  
62.13 fish fund for only the purposes specified  
62.14 in Minnesota Statutes, section 297A.94,  
62.15 paragraph (e), clause (1).

62.16 \$240,000 the first year and \$143,000  
62.17 the second year are from the heritage  
62.18 enhancement account in the game and fish  
62.19 fund for a conservation officer academy.

62.20 \$315,000 the first year and \$315,000 the  
62.21 second year are from the snowmobile  
62.22 trails and enforcement account in the  
62.23 natural resources fund for grants to local  
62.24 law enforcement agencies for snowmobile  
62.25 enforcement activities. Any unencumbered  
62.26 balance does not cancel at the end of the first  
62.27 year and is available for the second year.

62.28 \$250,000 the first year and \$250,000 the  
62.29 second year are from the all-terrain vehicle  
62.30 account for grants to qualifying organizations  
62.31 to assist in safety and environmental  
62.32 education and monitoring trails on public  
62.33 lands under Minnesota Statutes, section  
62.34 84.9011. Grants issued under this paragraph:  
62.35 (1) must be issued through a formal

63.1 agreement with the organization; and (2)  
63.2 must not be used as a substitute for traditional  
63.3 spending by the organization. By December  
63.4 15 each year, an organization receiving a  
63.5 grant under this paragraph shall report to the  
63.6 commissioner with details on expenditures  
63.7 and outcomes from the grant. ~~By January~~  
63.8 ~~15, 2013, the commissioner shall report on~~  
63.9 ~~the expenditures and outcomes of the grants~~  
63.10 ~~to the chairs and ranking minority members~~  
63.11 ~~of the legislative committees and divisions~~  
63.12 ~~having jurisdiction over natural resources~~  
63.13 ~~policy and finance.~~ Of this appropriation,  
63.14 \$25,000 each year is for administration of  
63.15 these grants. Any unencumbered balance  
63.16 does not cancel at the end of the first year  
63.17 and is available for the second year.

63.18 \$510,000 the first year and \$510,000  
63.19 the second year are from the natural  
63.20 resources fund for grants to county law  
63.21 enforcement agencies for off-highway  
63.22 vehicle enforcement and public education  
63.23 activities based on off-highway vehicle use  
63.24 in the county. Of this amount, \$498,000 each  
63.25 year is from the all-terrain vehicle account;  
63.26 \$11,000 each year is from the off-highway  
63.27 motorcycle account; and \$1,000 each year  
63.28 is from the off-road vehicle account. The  
63.29 county enforcement agencies may use  
63.30 money received under this appropriation  
63.31 to make grants to other local enforcement  
63.32 agencies within the county that have a high  
63.33 concentration of off-highway vehicle use.  
63.34 Of this appropriation, \$25,000 each year  
63.35 is for administration of these grants. Any  
63.36 unencumbered balance does not cancel at the

64.1 end of the first year and is available for the  
64.2 second year.

64.3 \$1,082,000 the first year and \$1,082,000 the  
64.4 second year are from the water recreation  
64.5 account in the natural resources fund for  
64.6 grants to counties for boat and water safety.  
64.7 Any unencumbered balance does not cancel  
64.8 at the end of the first year and is available for  
64.9 the second year.

64.10 Sec. 95. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,  
64.11 is amended to read:

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

64.18 Sec. 96. **LEGISLATIVE REPORT ON STATE PARKS, RECREATION AREAS,**  
64.19 **TRAILS, AND STATE FOREST DAY USE AREAS.**

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

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

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

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

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

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



Sec. 97. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**  
**APPROPRIATION EXTENSION.**

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

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

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

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

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

Sec. 98. **ENVIRONMENTAL REVIEW REPORT.**

By November 15, 2012, the Environmental Quality Board shall evaluate and make recommendations to the governor and the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources on how to improve environmental review, given the changes made in Minnesota Laws 2011, chapter 4, and the recommendations contained in the Office of the Legislative Auditor's "Environmental Review and Permitting Report" dated March, 2011. The evaluation and recommendations shall include:

(1) a compilation of information on the mandatory environmental assessment worksheet categories listed in Minnesota Rules, part 4410.4300, and the mandatory environmental impact statement categories listed in Minnesota Rules, part 4410.4400, that includes for each category:

(i) the date the mandatory category was created and the date of any amendments made to the description of the category;

(ii) the information used by the board to justify the need and reasonableness of the category when it was created or amended;

(iii) the number of environmental assessment worksheets and environmental impact statements prepared for projects in each category; and

(iv) for environmental assessment worksheets and environmental impact statements that have been prepared for projects subject to the mandatory category, a report on the information that has been included in environmental assessment worksheets pursuant to Minnesota Rules, 4410.1200, item (D), regarding known governmental approvals, reviews,

or financing required, applied for, or anticipated and the status of any applications made, including permit conditions that may have been ordered or are being considered; and

(2) an evaluation of the mandatory environmental assessment worksheet categories listed in Minnesota Rules, part 4410.4300, and mandatory environmental impact statement categories listed in Minnesota Rules, part 4410.4400, that includes for each category:

(i) a description of the local, state, and federal laws and regulations applicable to projects in the category that are intended to address potential environmental effects from such projects; and

(ii) a description of potential environmental effects from projects in the category that are not subject to local, state, and federal laws and regulations intended to address potential environmental effects from such projects.

Sec. 99. **RULEMAKING; INDUSTRIAL MINERALS AND NONFERROUS MINERAL LEASES.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules, parts 6125.0100 to 6125.0700 and 6125.8000 to 6125.8700, to conform with the amendments to Minnesota Statutes, section 93.25, contained in this act. Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 100. **RULEMAKING; NOTICE OF ENVIRONMENTAL ASSESSMENT WORKSHEET.**

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

Sec. 101. **REPEALER.**

Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 86B.811, subdivisions 1 and 2; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 116.02, subdivisions 7 and 8; and 216H.07, subdivision 4, Laws 2011, chapter 107, section 105, and Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.

67.1 Minnesota Statutes 2011 Supplement, sections 86B.508; and 86B.811, subdivision  
 67.2 1a, are repealed."

67.3 Delete the title and insert:

67.4 "A bill for an act  
 67.5 relating to natural resources; authorizing certain agency prepayments;  
 67.6 providing for apprentice riders; modifying aquatic invasive species provisions;  
 67.7 modifying local government trail authority; modifying enforcement provisions;  
 67.8 modifying certain bait provisions; modifying prior appropriations; modifying  
 67.9 and eliminating certain reporting, plan, and meeting requirements; eliminating  
 67.10 loan program; modifying La Salle Lake State Recreation Area administration;  
 67.11 prohibiting commissioner of natural resources from purchasing land at more  
 67.12 than 20 percent above estimated market value; modifying waste management  
 67.13 provisions; clarifying certain environmental review; eliminating certain fees;  
 67.14 modifying toxic pollution prevention requirements; modifying certain standards  
 67.15 for stationary sources; extending prohibition on new open air swine basins;  
 67.16 modifying local water management; requiring water supply demand reduction  
 67.17 measures; modifying acid deposition control requirements; modifying sewage  
 67.18 sludge management; modifying Wetland Conservation Act; providing for  
 67.19 continued operation of the Minnesota Zoological Garden, and state parks  
 67.20 and recreation areas when biennial appropriations have not been enacted;  
 67.21 requiring the availability of game and fish licenses by electronic transaction;  
 67.22 appropriating money; creating citizen's board; authorizing and clarifying the use  
 67.23 of general permits; modifying mineral lease provisions; modifying authority  
 67.24 of Executive Council; authorizing rulemaking; amending Minnesota Statutes  
 67.25 2010, sections 9.071; 16A.065; 84.027, subdivision 15; 84.0272, subdivision  
 67.26 1; 84.0895, subdivision 7; 84.631; 84.67; 84.91, subdivision 1; 84D.05,  
 67.27 subdivision 1; 85.018, subdivision 2; 85.055, subdivision 2; 85.20, subdivision  
 67.28 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1; 90.031,  
 67.29 subdivision 4; 92.45; 92.50, subdivision 1; 93.17, subdivision 3; 93.1925,  
 67.30 subdivision 1; 93.20, subdivisions 2, 30, 38; 93.25, subdivision 2, by adding  
 67.31 a subdivision; 97A.401, subdivision 1; 97A.421, subdivision 4a; 103A.43;  
 67.32 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision  
 67.33 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103G.2241,  
 67.34 subdivision 9; 103G.2242, subdivision 3; 103G.245, subdivision 3; 103G.271,  
 67.35 subdivision 1; 103G.291, subdivisions 3, 4; 103G.301, subdivisions 2, 4, 5, 5a;  
 67.36 103G.611, by adding a subdivision; 103H.175, subdivision 3; 115.06, subdivision  
 67.37 4; 115.073; 115.42; 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions  
 67.38 2a, 4; 115A.557, subdivision 4; 115D.08; 116.011; 116.02, subdivisions 1, 2,  
 67.39 3, 4, 6; 116.03, subdivision 1; 116.0714; 116.10; 116C.833, subdivision 2;  
 67.40 116D.04, by adding a subdivision; 216C.055; 216H.07, subdivision 3; 473.149,  
 67.41 subdivision 6; 473.846; Minnesota Statutes 2011 Supplement, sections 84.027,  
 67.42 subdivision 14a; 84D.09, subdivision 2; 84D.10, subdivision 4; 84D.105,  
 67.43 subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision 1;  
 67.44 103G.615, subdivisions 1, 2; 115A.1320, subdivision 1; 116.03, subdivision 2b;  
 67.45 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4, subdivision  
 67.46 2, as amended; Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011,  
 67.47 First Special Session chapter 2, article 1, section 4, subdivision 7; Laws 2011,  
 67.48 First Special Session chapter 6, article 3, section 8, subdivision 3; proposing  
 67.49 coding for new law in Minnesota Statutes, chapters 84; 86B; 103B; 103G; 115;  
 67.50 repealing Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12,  
 67.51 subdivision 5; 86B.811, subdivisions 1, 2; 89.06; 90.042; 97A.4742, subdivision  
 67.52 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 116.02,  
 67.53 subdivisions 7, 8; 216H.07, subdivision 4; Minnesota Statutes 2011 Supplement,  
 67.54 sections 86B.508; 86B.811, subdivision 1a; Laws 2011, chapter 107, section 105;  
 67.55 Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;  
 67.56 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7."