

## 1.1 A bill for an act

1.2 relating to state government; appropriating money for agriculture, environment,  
1.3 and natural resources; modifying public entity purchasing requirements;  
1.4 modifying solid waste provisions; modifying subsurface sewage treatment  
1.5 systems provisions; modifying Dry Cleaner Environmental Response and  
1.6 Reimbursement Law; modifying environmental review; modifying structure  
1.7 of Minnesota Pollution Control Agency; modifying disposition of certain  
1.8 revenue; providing for temporary water surface use controls; providing for  
1.9 riparian buffers; providing for self-reporting of certain environmental violations;  
1.10 modifying compensable losses due to harmful substances; modifying invasive  
1.11 species provisions; modifying landowners' bill of rights; modifying state parks  
1.12 and trails provisions; modifying recreational vehicle provisions; modifying  
1.13 land sale and acquisition provisions; modifying forestry and timber provisions;  
1.14 modifying regulation of camper cabins and bunk houses; providing for all-terrain  
1.15 vehicle safety training indication on drivers' licenses and identification cards;  
1.16 creating accounts; modifying certain grant, permit, and fee provisions; modifying  
1.17 Water Law; modifying personal flotation device provisions; regulating wake  
1.18 surfing; modifying game and fish laws; modifying metropolitan area water  
1.19 supply planning provisions; regulating water quality standards; making policy  
1.20 and technical changes to various agricultural related provisions, including  
1.21 provisions related to pesticides, plant protection, fertilizers, nursery law, seeds,  
1.22 dairy, food handlers, food, farmland, farming, and loans; authorizing the  
1.23 Industrial Hemp Development Act; modifying license exclusions for the direct  
1.24 sale of certain prepared food; establishing the agriculture research, education,  
1.25 extension, and technology transfer grant program; providing incentive payments;  
1.26 providing a vocational training pilot program; establishing the farm opportunity  
1.27 loan program; requiring studies and reports; requiring rulemaking; providing  
1.28 criminal penalties; amending Minnesota Statutes 2014, sections 3.737, by  
1.29 adding a subdivision; 13.643, subdivision 1; 16A.152, subdivisions 1b, 2;  
1.30 16C.073, subdivision 2; 18B.01, subdivisions 28, 29; 18B.05, subdivision 1;  
1.31 18B.32, subdivision 1; 18B.33, subdivision 1; 18B.34, subdivision 1; 18C.425,  
1.32 subdivision 6; 18C.70, subdivision 2; 18G.10, subdivisions 3, 4, 5; 18H.02,  
1.33 subdivision 20, by adding subdivisions; 18H.06, subdivision 2; 18H.07; 18H.17;  
1.34 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions  
1.35 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by  
1.36 adding a subdivision; 21.89, subdivision 2; 21.891, subdivisions 2, 5; 25.341,  
1.37 subdivision 2; 25.39, subdivisions 1, 1a; 32.075; 32.105; 41B.03, subdivision  
1.38 6, by adding a subdivision; 41B.04, subdivision 17; 41B.043, subdivision 3;  
1.39 41B.045, subdivisions 3, 4; 41B.046, subdivision 5; 41B.047, subdivisions 1,

2.1 as amended, 3, as amended, 4; 41B.048, subdivision 6; 41B.049, subdivision 4;  
 2.2 41B.055, subdivision 3; 41B.056, subdivision 2; 41B.06; 84.027, subdivision  
 2.3 13a; 84.0274, subdivisions 3, 5; 84.415, subdivision 7; 84.788, subdivision 5, by  
 2.4 adding a subdivision; 84.82, subdivisions 2a, 6; 84.84; 84.92, subdivisions 8, 9,  
 2.5 10; 84.922, subdivision 4; 84.925, subdivision 5; 84.9256, subdivision 1; 84.928,  
 2.6 subdivision 1; 84D.01, subdivisions 13, 15, 17, 18, by adding a subdivision;  
 2.7 84D.03, subdivision 3; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision  
 2.8 1; 84D.12, subdivisions 1, 3; 84D.13, subdivision 5; 84D.15, subdivision 3;  
 2.9 85.015, subdivisions 7, 28, by adding subdivisions; 85.054, subdivision 12;  
 2.10 85.32, subdivision 1; 86B.201, by adding a subdivision; 86B.313, subdivisions  
 2.11 1, 4; 86B.315; 86B.401, subdivision 3; 87A.10; 88.17, subdivision 3; 88.49,  
 2.12 subdivisions 3, 4, 5, 6, 7, 8, 9, 11; 88.491, subdivision 2; 88.50; 88.51,  
 2.13 subdivisions 1, 3; 88.52, subdivisions 2, 3, 4, 5, 6; 88.523; 88.53, subdivisions  
 2.14 1, 2; 88.6435, subdivision 4; 90.14; 90.193; 94.10, subdivision 2; 94.16,  
 2.15 subdivisions 2, 3; 97A.015, subdivision 49; 97A.045, subdivision 11; 97A.055,  
 2.16 subdivision 4b; 97A.057, subdivision 1; 97A.211, subdivisions 1, 2; 97A.255,  
 2.17 subdivision 4; 97A.411, subdivision 3; 97A.435, subdivision 4; 97A.465, by  
 2.18 adding a subdivision; 97B.031, subdivision 5, by adding a subdivision; 97B.041;  
 2.19 97B.063; 97B.081, subdivision 3; 97B.085, subdivision 2; 97B.301, by adding a  
 2.20 subdivision; 97B.668; 97C.301, by adding a subdivision; 97C.345, by adding  
 2.21 a subdivision; 97C.501, subdivision 2; 103B.101, by adding subdivisions;  
 2.22 103B.3355; 103D.335, subdivision 21; 103F.421, subdivision 4, by adding  
 2.23 a subdivision; 103F.612, subdivision 2; 103G.005, by adding a subdivision;  
 2.24 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 1, 2, 3, 4, 12, 14;  
 2.25 103G.2251; 103G.245, subdivision 2; 103G.271, subdivisions 3, 5, 6a; 103G.287,  
 2.26 subdivision 1; 103G.291, subdivision 3; 103G.301, subdivision 5a; 115.44, by  
 2.27 adding a subdivision; 115.55, subdivision 1; 115.56, subdivision 2; 115A.03,  
 2.28 subdivisions 25a, 32a; 115A.1314, subdivision 1; 115A.1415, subdivision 16;  
 2.29 115A.551, subdivision 2a; 115A.557, subdivision 2; 115A.93, subdivision 1;  
 2.30 115B.34, subdivision 2; 115B.48, by adding a subdivision; 116.02, subdivisions  
 2.31 1, 5; 116.03, subdivisions 1, 2a; 116.07, subdivisions 4d, 4j, 7; 116C.991;  
 2.32 116D.04, by adding a subdivision; 127A.353, subdivision 1; 135A.52, by adding  
 2.33 a subdivision; 144.12, by adding a subdivision; 171.07, by adding a subdivision;  
 2.34 282.011, subdivision 3; 375.30, subdivision 2; 446A.073, subdivisions 1, 3,  
 2.35 4; 473.1565; 500.24, subdivision 4; 583.215; Laws 2010, chapter 215, article  
 2.36 3, section 5, subdivision 4; Laws 2014, chapter 312, article 12, sections 3; 6,  
 2.37 subdivision 5; proposing coding for new law in Minnesota Statutes, chapters  
 2.38 18C; 28A; 41A; 41B; 84; 84D; 85; 92; 97A; 97B; 103B; 103F; 103G; 114C;  
 2.39 115; 115A; proposing coding for new law as Minnesota Statutes, chapter 18K;  
 2.40 repealing Minnesota Statutes 2014, sections 17.115; 28A.15, subdivisions 9, 10;  
 2.41 84.68; 86B.13, subdivisions 2, 4; 88.47; 88.48; 88.49, subdivisions 1, 2, 10;  
 2.42 88.491, subdivision 1; 88.51, subdivision 2; 97A.475, subdivision 25; 103F.421,  
 2.43 subdivision 5; 103F.451; 114D.50, subdivision 4a; 116.02, subdivisions 2, 3, 4,  
 2.44 6, 7, 8, 9, 10; 116V.03; 282.013; Laws 2010, chapter 215, article 3, section 3,  
 2.45 subdivision 6, as amended; Minnesota Rules, part 6264.0400, subparts 27, 28.

2.46 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

## 2.47 ARTICLE 1

### 2.48 AGRICULTURE APPROPRIATIONS

#### 2.49 Section 1. AGRICULTURE APPROPRIATIONS

2.50 The sums shown in the columns marked "Appropriations" are appropriated to the  
 2.51 agencies and for the purposes specified in this article. The appropriations are from the

3.1 general fund, or another named fund, and are available for the fiscal years indicated  
 3.2 for each purpose. The figures "2016" and "2017" used in this article mean that the  
 3.3 appropriations listed under them are available for the fiscal year ending June 30, 2016, or  
 3.4 June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal  
 3.5 year 2017. "The biennium" is fiscal years 2016 and 2017.

3.6 **APPROPRIATIONS**  
 3.7 **Available for the Year**  
 3.8 **Ending June 30**  
 3.9 **2016                      2017**

3.10 **Sec. 2. DEPARTMENT OF AGRICULTURE**

3.11 **Subdivision 1. Total Appropriation**                      \$            **41,485,000** \$            **45,537,000**

3.12		<u>Appropriations by Fund</u>	
3.13		<u>2016</u>	<u>2017</u>
3.14	<u>General</u>	<u>40,907,000</u>	<u>44,959,000</u>
3.15	<u>Remediation</u>	<u>388,000</u>	<u>388,000</u>
3.16	<u>Agricultural</u>	<u>190,000</u>	<u>190,000</u>

3.17 The amounts that may be spent for each  
 3.18 purpose are specified in the following  
 3.19 subdivisions.

3.20 **Subd. 2. Protection Services**    16,452,000                      16,402,000

3.21		<u>Appropriations by Fund</u>	
3.22		<u>2016</u>	<u>2017</u>
3.23	<u>General</u>	<u>15,874,000</u>	<u>15,824,000</u>
3.24	<u>Agricultural</u>	<u>190,000</u>	<u>190,000</u>
3.25	<u>Remediation</u>	<u>388,000</u>	<u>388,000</u>

3.26 \$25,000 the first year and \$25,000 the second  
 3.27 year are to develop and maintain cottage  
 3.28 food license exemption outreach and training  
 3.29 materials.

3.30 \$75,000 the first year is for the commissioner,  
 3.31 in consultation with the Northeast Regional  
 3.32 Corrections Center and the United Food  
 3.33 and Commercial Workers, to study and  
 3.34 provide recommendations for upgrading the  
 3.35 existing processing facility on the campus of  
 3.36 the Northeast Regional Corrections Center

4.1 into a USDA-certified food processing  
4.2 facility. The commissioner shall report these  
4.3 recommendations to the chairs of the house  
4.4 of representatives and senate committees  
4.5 with jurisdiction over agriculture finance by  
4.6 March 15, 2016.

4.7 \$75,000 the second year is for a coordinator  
4.8 for the correctional facility vocational  
4.9 training pilot program.

4.10 \$388,000 the first year and \$388,000 the  
4.11 second year are from the remediation fund  
4.12 for administrative funding for the voluntary  
4.13 cleanup program.

4.14 \$225,000 the first year and \$175,000  
4.15 the second year are for compensation  
4.16 for destroyed or crippled animals under  
4.17 Minnesota Statutes, section 3.737. This  
4.18 appropriation may be spent to compensate  
4.19 for animals that were destroyed or crippled  
4.20 during fiscal years 2014 and 2015. If the  
4.21 amount in the first year is insufficient, the  
4.22 amount in the second year is available in the  
4.23 first year.

4.24 \$125,000 the first year and \$125,000 the  
4.25 second year are for compensation for crop  
4.26 damage under Minnesota Statutes, section  
4.27 3.7371. If the amount in the first year is  
4.28 insufficient, the amount in the second year is  
4.29 available in the first year.

4.30 If the commissioner determines that claims  
4.31 made under Minnesota Statutes, section  
4.32 3.737 or 3.7371, are unusually high, amounts  
4.33 appropriated for either program may be  
4.34 transferred to the appropriation for the other  
4.35 program.

- 5.1 \$70,000 the first year and \$70,000 the second  
5.2 year are for additional cannery inspections.
- 5.3 \$100,000 the first year and \$100,000 the  
5.4 second year are for increased oversight of  
5.5 delegated local health boards.
- 5.6 \$100,000 the first year and \$100,000 the  
5.7 second year are to decrease the turnaround  
5.8 time for retail food handler plan reviews.
- 5.9 \$1,024,000 the first year and \$1,024,000 the  
5.10 second year are to streamline the retail food  
5.11 safety regulatory and licensing experience  
5.12 for regulated businesses and to decrease the  
5.13 inspection delinquency rate.
- 5.14 \$1,350,000 the first year and \$1,350,000 the  
5.15 second year are for additional inspections of  
5.16 food manufacturers and wholesalers.
- 5.17 \$150,000 the first year and \$150,000 the  
5.18 second year are for additional funding for  
5.19 dairy inspection services.
- 5.20 \$150,000 the first year and \$150,000 the  
5.21 second year are for additional funding for  
5.22 laboratory services operations.
- 5.23 \$250,000 the first year and \$250,000  
5.24 the second year are for additional meat  
5.25 inspection services, including inspections  
5.26 provided under the correctional facility  
5.27 vocational training pilot program.
- 5.28 Notwithstanding Minnesota Statutes, section  
5.29 18B.05, \$90,000 the first year and \$90,000  
5.30 the second year are from the pesticide  
5.31 regulatory account in the agricultural fund  
5.32 for an increase in the operating budget for  
5.33 the Laboratory Services Division.

6.1 \$100,000 the first year and \$100,000 the  
 6.2 second year are from the pesticide regulatory  
 6.3 account in the agricultural fund to update  
 6.4 and modify applicator education and training  
 6.5 materials.

6.6 **Subd. 3. Agricultural Marketing and**  
 6.7 **Development**

3,973,000

3,873,000

6.8 The commissioner may provide one-stop  
 6.9 access for farmers in need of information or  
 6.10 assistance to obtain or renew licenses, meet  
 6.11 state regulatory requirements, or resolve  
 6.12 disputes with state agencies.

6.13 The commissioner must provide outreach  
 6.14 to urban farmers regarding the department's  
 6.15 financial and technical assistance programs  
 6.16 and must assist urban farmers in applying for  
 6.17 assistance.

6.18 \$100,000 the first year is to (1) enhance the  
 6.19 commissioner's efforts to identify existing  
 6.20 and emerging opportunities for Minnesota's  
 6.21 agricultural producers and processors to  
 6.22 export their products to Cuba, consistent with  
 6.23 federal law, and (2) effectively communicate  
 6.24 these opportunities to the producers and  
 6.25 processors.

6.26 \$186,000 the first year and \$186,000 the  
 6.27 second year are for transfer to the Minnesota  
 6.28 grown account and may be used as grants  
 6.29 for Minnesota grown promotion under  
 6.30 Minnesota Statutes, section 17.102. Grants  
 6.31 may be made for one year. Notwithstanding  
 6.32 Minnesota Statutes, section 16A.28, the  
 6.33 appropriations encumbered under contract  
 6.34 on or before June 30, 2017, for Minnesota

7.1 grown grants in this paragraph are available  
7.2 until June 30, 2019.

7.3 \$634,000 the first year and \$634,000 the  
7.4 second year are for continuation of the dairy  
7.5 development and profitability enhancement  
7.6 and dairy business planning grant programs  
7.7 established under Laws 1997, chapter  
7.8 216, section 7, subdivision 2, and Laws  
7.9 2001, First Special Session chapter 2,  
7.10 section 9, subdivision 2. The commissioner  
7.11 may allocate the available sums among  
7.12 permissible activities, including efforts to  
7.13 improve the quality of milk produced in the  
7.14 state, in the proportions that the commissioner  
7.15 deems most beneficial to Minnesota's dairy  
7.16 farmers. The commissioner must submit  
7.17 a detailed accomplishment report and  
7.18 a work plan detailing future plans for,  
7.19 and anticipated accomplishments from,  
7.20 expenditures under this program to the  
7.21 chairs and ranking minority members of the  
7.22 legislative committees with jurisdiction over  
7.23 agriculture policy and finance on or before  
7.24 the start of each fiscal year. If significant  
7.25 changes are made to the plans in the course  
7.26 of the year, the commissioner must notify the  
7.27 chairs and ranking minority members.

7.28 The commissioner may use funds  
7.29 appropriated in this subdivision for annual  
7.30 cost-share payments to resident farmers  
7.31 or entities that sell, process, or package  
7.32 agricultural products in this state for the costs  
7.33 of organic certification. The commissioner  
7.34 may allocate these funds for assistance for  
7.35 persons transitioning from conventional to  
7.36 organic agriculture.

8.1 Subd. 4. Agriculture, Bioenergy, and  
8.2 Bioproduct Advancement 14,993,000 19,010,000

8.3 \$4,483,000 the first year and \$8,500,000 the  
8.4 second year are for transfer to the agriculture  
8.5 research, education, extension, and  
8.6 technology transfer account under Minnesota  
8.7 Statutes, section 41A.14, subdivision 3. The  
8.8 transfer in this paragraph includes money for  
8.9 plant breeders at the University of Minnesota  
8.10 for wild rice, potatoes, and grapes. Of these  
8.11 amounts, at least \$600,000 each year is for  
8.12 agriculture rapid response under Minnesota  
8.13 Statutes, section 41A.14, subdivision 1,  
8.14 clause (2). Of the amount appropriated in  
8.15 this paragraph, \$1,000,000 each year is  
8.16 for transfer to the Board of Regents of the  
8.17 University of Minnesota for research to  
8.18 determine (1) what is causing avian influenza,  
8.19 (2) why some fowl are more susceptible,  
8.20 and (3) prevention measures that can be  
8.21 taken. Of the amount appropriated in this  
8.22 paragraph, \$2,000,000 each year is for grants  
8.23 to the Minnesota Agriculture Education  
8.24 Leadership Council to enhance agricultural  
8.25 education with priority given to Farm  
8.26 Business Management challenge grants.

8.27 To the extent practicable, funds expended  
8.28 under Minnesota Statutes, section 41A.14,  
8.29 subdivision 1, clauses (1) and (2), must  
8.30 supplement and not supplant existing sources  
8.31 and levels of funding. The commissioner may  
8.32 use up to 4.5 percent of this appropriation for  
8.33 costs incurred to administer the program.

8.34 \$10,235,000 the first year and \$10,235,000  
8.35 the second year are for the agricultural



9.1 growth, research, and innovation program  
9.2 in Minnesota Statutes, section 41A.12. No  
9.3 later than February 1, 2016, and February  
9.4 1, 2017, the commissioner must report to  
9.5 the legislative committees with jurisdiction  
9.6 over agriculture policy and finance regarding  
9.7 the commissioner's accomplishments  
9.8 and anticipated accomplishments in  
9.9 the following areas: facilitating the  
9.10 start-up, modernization, or expansion of  
9.11 livestock operations including beginning  
9.12 and transitioning livestock operations;  
9.13 developing new markets for Minnesota  
9.14 farmers by providing more fruits, vegetables,  
9.15 meat, grain, and dairy for Minnesota school  
9.16 children; assisting value-added agricultural  
9.17 businesses to begin or expand, access new  
9.18 markets, or diversify products; developing  
9.19 urban agriculture; facilitating the start-up,  
9.20 modernization, or expansion of other  
9.21 beginning and transitioning farms including  
9.22 loans under Minnesota Statutes, section  
9.23 41B.056; sustainable agriculture on farm  
9.24 research and demonstration; development or  
9.25 expansion of food hubs and other alternative  
9.26 community-based food distribution systems;  
9.27 and research on bioenergy, biobased content,  
9.28 or biobased formulated products and other  
9.29 renewable energy development. The  
9.30 commissioner may use up to 4.5 percent  
9.31 of this appropriation for costs incurred to  
9.32 administer the program. Any unencumbered  
9.33 balance does not cancel at the end of the first  
9.34 year and is available for the second year.  
9.35 Notwithstanding Minnesota Statutes, section  
9.36 16A.28, the appropriations encumbered

10.1 under contract on or before June 30, 2017, for  
10.2 agricultural growth, research, and innovation  
10.3 grants are available until June 30, 2019.

10.4 The commissioner may use funds  
10.5 appropriated for the agricultural growth,  
10.6 research, and innovation program as provided  
10.7 in this paragraph. The commissioner may  
10.8 award grants to owners of Minnesota  
10.9 facilities producing bioenergy, biobased  
10.10 content, or a biobased formulated product;  
10.11 to organizations that provide for on-station,  
10.12 on-farm field scale research and outreach to  
10.13 develop and test the agronomic and economic  
10.14 requirements of diverse strands of prairie  
10.15 plants and other perennials for bioenergy  
10.16 systems; or to certain nongovernmental  
10.17 entities. For the purposes of this paragraph,  
10.18 "bioenergy" includes transportation fuels  
10.19 derived from cellulosic material, as well as  
10.20 the generation of energy for commercial heat,  
10.21 industrial process heat, or electrical power  
10.22 from cellulosic materials via gasification or  
10.23 other processes. Grants are limited to 50  
10.24 percent of the cost of research, technical  
10.25 assistance, or equipment related to bioenergy,  
10.26 biobased content, or biobased formulated  
10.27 product production or \$500,000, whichever  
10.28 is less. Grants to nongovernmental entities  
10.29 for the development of business plans and  
10.30 structures related to community ownership  
10.31 of eligible bioenergy facilities together may  
10.32 not exceed \$150,000. The commissioner  
10.33 shall make a good-faith effort to select  
10.34 projects that have merit and, when taken  
10.35 together, represent a variety of bioenergy  
10.36 technologies, biomass feedstocks, and

11.1 geographic regions of the state. Projects  
11.2 must have a qualified engineer provide  
11.3 certification on the technology and fuel  
11.4 source. Grantees must provide reports at the  
11.5 request of the commissioner.

11.6 Of the amount appropriated for the  
11.7 agricultural growth, research, and innovation  
11.8 program in this subdivision, \$1,000,000 the  
11.9 first year and \$1,000,000 the second year  
11.10 are for distribution in equal amounts to each  
11.11 of the state's county fairs to preserve and  
11.12 promote Minnesota agriculture.

11.13 Of the amount appropriated for the  
11.14 agricultural growth, research, and innovation  
11.15 program in this subdivision, \$500,000 in  
11.16 fiscal year 2016 and \$1,500,000 in fiscal  
11.17 year 2017 are for incentive payments  
11.18 under Minnesota Statutes, sections 41A.16,  
11.19 41A.17, and 41A.18. If the appropriation  
11.20 exceeds the total amount for which all  
11.21 producers are eligible in a fiscal year, the  
11.22 balance of the appropriation is available  
11.23 to the commissioner for the agricultural  
11.24 growth, research, and innovation program.

11.25 Notwithstanding Minnesota Statutes,  
11.26 section 16A.28, the first year appropriation  
11.27 is available until June 30, 2017, and the  
11.28 second year appropriation is available until  
11.29 June 30, 2018. The commissioner may use  
11.30 up to 4.5 percent of the appropriation for  
11.31 administration of the incentive payment  
11.32 programs.

11.33 Of the amount appropriated for the  
11.34 agricultural growth, research, and innovation  
11.35 program in this subdivision, \$250,000 the first

12.1 year is for grants to communities to develop  
12.2 or expand food hubs and other alternative  
12.3 community-based food distribution  
12.4 systems. Of this amount, \$50,000 is for  
12.5 the commissioner to consult with existing  
12.6 food hubs, alternative community-based  
12.7 food distribution systems, and University  
12.8 of Minnesota Extension to identify best  
12.9 practices for use by other Minnesota  
12.10 communities. No later than December 15,  
12.11 2015, the commissioner must report to the  
12.12 legislative committees with jurisdiction over  
12.13 agriculture and health regarding the status of  
12.14 emerging alternative community-based food  
12.15 distribution systems in the state along with  
12.16 recommendations to eliminate any barriers to  
12.17 success. This is a onetime appropriation.  
12.18 \$250,000 the first year and \$250,000 the  
12.19 second year are for grants that enable  
12.20 retail petroleum dispensers to dispense  
12.21 biofuels to the public in accordance with the  
12.22 biofuel replacement goals established under  
12.23 Minnesota Statutes, section 239.7911. A  
12.24 retail petroleum dispenser selling petroleum  
12.25 for use in spark ignition engines for vehicle  
12.26 model years after 2000 is eligible for grant  
12.27 money under this paragraph if the retail  
12.28 petroleum dispenser has no more than 15  
12.29 retail petroleum dispensing sites and each  
12.30 site is located in Minnesota. The grant  
12.31 money received under this paragraph must  
12.32 be used for the installation of appropriate  
12.33 technology that uses fuel dispensing  
12.34 equipment appropriate for at least one fuel  
12.35 dispensing site to dispense gasoline that is  
12.36 blended with 15 percent of agriculturally

13.1 derived, denatured ethanol, by volume, and  
 13.2 appropriate technical assistance related to  
 13.3 the installation. A grant award must not  
 13.4 exceed 85 percent of the cost of the technical  
 13.5 assistance and appropriate technology,  
 13.6 including remetering of and retrofits for  
 13.7 retail petroleum dispensers and replacement  
 13.8 of petroleum dispenser projects. The  
 13.9 commissioner may use up to \$35,000 of this  
 13.10 appropriation for administrative expenses.  
 13.11 The commissioner shall cooperate with  
 13.12 biofuel stakeholders in the implementation  
 13.13 of the grant program. The commissioner  
 13.14 must report to the legislative committees  
 13.15 with jurisdiction over agriculture policy and  
 13.16 finance by February 1 each year, detailing  
 13.17 the number of grants awarded under this  
 13.18 paragraph and the projected effect of the grant  
 13.19 program on meeting the biofuel replacement  
 13.20 goals under Minnesota Statutes, section  
 13.21 239.7911. These are onetime appropriations.  
 13.22 \$25,000 the first year and \$25,000 the second  
 13.23 year are for grants to the Southern Minnesota  
 13.24 Initiative Foundation to promote local foods  
 13.25 through an annual event that raises public  
 13.26 awareness of local foods and connects local  
 13.27 food producers and processors with potential  
 13.28 buyers.

13.29 **Subd. 5. Administration and Financial**  
 13.30 **Assistance**

6,067,000

6,252,000

13.31 \$150,000 the first year and \$150,000 the  
 13.32 second year are for grants to the Center for  
 13.33 Rural Policy and Development.  
 13.34 The base for the farm-to-foodshelf program  
 13.35 in fiscal years 2018 and 2019 is \$1,100,000  
 13.36 each year.

- 14.1 \$25,000 the first year is for the livestock  
14.2 industry study.
- 14.3 \$47,000 the first year and \$47,000 the second  
14.4 year are for the Northern Crops Institute.  
14.5 These appropriations may be spent to  
14.6 purchase equipment.
- 14.7 \$18,000 the first year and \$18,000 the  
14.8 second year are for grants to the Minnesota  
14.9 Livestock Breeders Association.
- 14.10 \$235,000 the first year and \$235,000 the  
14.11 second year are for grants to the Minnesota  
14.12 Agricultural Education and Leadership  
14.13 Council for programs of the council under  
14.14 Minnesota Statutes, chapter 41D.
- 14.15 \$474,000 the first year and \$474,000 the  
14.16 second year are for payments to county and  
14.17 district agricultural societies and associations  
14.18 under Minnesota Statutes, section 38.02,  
14.19 subdivision 1. Aid payments to county and  
14.20 district agricultural societies and associations  
14.21 shall be disbursed no later than July 15 of  
14.22 each year. These payments are the amount of  
14.23 aid from the state for an annual fair held in  
14.24 the previous calendar year.
- 14.25 \$1,000 the first year and \$1,000 the second  
14.26 year are for grants to the Minnesota State  
14.27 Poultry Association.
- 14.28 \$108,000 the first year and \$108,000 the  
14.29 second year are for annual grants to the  
14.30 Minnesota Turf Seed Council for basic  
14.31 and applied research on: (1) the improved  
14.32 production of forage and turf seed related to  
14.33 new and improved varieties; and (2) native  
14.34 plants, including plant breeding, nutrient  
14.35 management, pest management, disease

15.1 management, yield, and viability. The grant  
15.2 recipient may subcontract with a qualified  
15.3 third party for some or all of the basic or  
15.4 applied research.

15.5 \$550,000 the first year and \$550,000 the  
15.6 second year are for grants to Second Harvest  
15.7 Heartland on behalf of Minnesota's six  
15.8 Second Harvest food banks for the purchase  
15.9 of milk for distribution to Minnesota's food  
15.10 shelves and other charitable organizations  
15.11 that are eligible to receive food from the food  
15.12 banks. Milk purchased under the grants must  
15.13 be acquired from Minnesota milk processors  
15.14 and based on low-cost bids. The milk must be  
15.15 allocated to each Second Harvest food bank  
15.16 serving Minnesota according to the formula  
15.17 used in the distribution of United States  
15.18 Department of Agriculture commodities  
15.19 under The Emergency Food Assistance  
15.20 Program (TEFAP). Second Harvest  
15.21 Heartland must submit quarterly reports  
15.22 to the commissioner on forms prescribed  
15.23 by the commissioner. The reports must  
15.24 include, but are not limited to, information  
15.25 on the expenditure of funds, the amount  
15.26 of milk purchased, and the organizations  
15.27 to which the milk was distributed. Second  
15.28 Harvest Heartland may enter into contracts  
15.29 or agreements with food banks for shared  
15.30 funding or reimbursement of the direct  
15.31 purchase of milk. Each food bank receiving  
15.32 money from this appropriation may use up to  
15.33 two percent of the grant for administrative  
15.34 expenses.

15.35 \$113,000 the first year and \$113,000 the  
15.36 second year are for transfer to the Board of

16.1 Trustees of the Minnesota State Colleges  
 16.2 and Universities for statewide mental health  
 16.3 counseling support to farm families and  
 16.4 business operators. South Central College  
 16.5 shall serve as the fiscal agent.

16.6 \$17,000 the first year and \$17,000 the  
 16.7 second year are for grants to the Minnesota  
 16.8 Horticultural Society.

16.9 Sec. 3. **BOARD OF ANIMAL HEALTH**                    \$            **5,318,000** \$            **5,384,000**

16.10 Sec. 4. **AGRICULTURAL UTILIZATION**  
 16.11 **RESEARCH INSTITUTE**                                    \$            **3,643,000** \$            **3,643,000**

16.12        Sec. 5. **AVIAN INFLUENZA RESPONSE ACTIVITIES; APPROPRIATIONS**  
 16.13 **AND TRANSFERS.**

16.14        (a) \$3,619,000 is appropriated from the general fund in fiscal year 2016 to the  
 16.15 commissioner of agriculture for avian influenza emergency response activities. The  
 16.16 commissioner may use money appropriated under this paragraph to purchase necessary  
 16.17 euthanasia and composting equipment and to reimburse costs incurred by local units of  
 16.18 government directly related to avian influenza emergency response activities that are not  
 16.19 eligible for federal reimbursement. This appropriation is available the day following final  
 16.20 enactment until June 30, 2017.

16.21        (b) \$1,853,000 is appropriated from the general fund in fiscal year 2016 to the  
 16.22 Board of Animal Health for avian influenza emergency response activities. The Board  
 16.23 may use money appropriated under this paragraph to purchase necessary euthanasia and  
 16.24 composting equipment. This appropriation is available the day following final enactment  
 16.25 until June 30, 2017.

16.26        (c) \$103,000 is appropriated from the general fund in fiscal year 2016 to the  
 16.27 commissioner of health for avian influenza emergency response activities. This  
 16.28 appropriation is available the day following final enactment until June 30, 2017.

16.29        (d) \$350,000 is appropriated from the general fund in fiscal year 2016 to the  
 16.30 commissioner of natural resources for sampling wild animals to detect and monitor the  
 16.31 avian influenza virus. This appropriation may also be used to conduct serology sampling,  
 16.32 in consultation with the Board of Animal Health and the University of Minnesota Pomeroy  
 16.33 Chair in Avian Health, from birds within a control zone and outside of a control zone.  
 16.34 This appropriation is available the day following final enactment until June 30, 2017.



17.1 (e) \$544,000 is appropriated from the general fund in fiscal year 2016 to the  
 17.2 commissioner of public safety to operate the State Emergency Operation Center in  
 17.3 coordination with the statewide avian influenza response activities. Appropriations  
 17.4 under this paragraph may also be used to support a staff person at the state's agricultural  
 17.5 incident command post in Willmar. This appropriation is available the day following final  
 17.6 enactment until June 30, 2017.

17.7 (f) The commissioner of management and budget may transfer unexpended balances  
 17.8 from the appropriations in this section to any state agency for operating expenses related  
 17.9 to avian influenza emergency response activities. The commissioner of management and  
 17.10 budget must report each transfer to the chairs and ranking minority members of the senate  
 17.11 Committee on Finance and the house of representatives Committee on Ways and Means.

17.12 (g) In addition to the transfers required under Laws 2015, chapter 65, article 1,  
 17.13 section 17, no later than September 30, 2015, the commissioner of management and  
 17.14 budget must transfer \$4,400,000 from the fiscal year 2015 closing balance in the general  
 17.15 fund to the disaster assistance contingency account in Minnesota Statutes, section 12.221,  
 17.16 subdivision 6. This amount is available for avian influenza emergency response activities  
 17.17 as provided in Laws 2015, chapter 65, article 1, section 18.

17.18 **Sec. 6. RURAL FINANCE AUTHORITY; APPROPRIATION.**

17.19 \$10,000,000 is appropriated in fiscal year 2016 from the general fund to the  
 17.20 commissioner of agriculture for transfer to the rural finance authority revolving loan  
 17.21 account under Minnesota Statutes, section 41B.06, for the purposes of disaster recovery  
 17.22 loans under Minnesota Statutes, section 41B.047. This appropriation is available the day  
 17.23 following final enactment until June 30, 2017.

17.24 **Sec. 7. AVIAN INFLUENZA; FEDERAL FUNDS APPROPRIATION AND**  
 17.25 **REPORTING.**

17.26 All federal money received in fiscal years 2015 through 2017 by the Board of Animal  
 17.27 Health or the commissioner of agriculture, health, natural resources, or public safety to  
 17.28 address avian influenza is appropriated in the fiscal year when it is received. Before  
 17.29 spending federal funds appropriated in this section, the commissioner of management and  
 17.30 budget shall report the anticipated federal funds appropriated under this section and their  
 17.31 intended purpose to the Legislative Advisory Commission, consistent with the urgent  
 17.32 federal funds request procedure under Minnesota Statutes, section 3.3005, subdivision  
 17.33 4. By January 15, 2018, the commissioner of management and budget shall report the

18.1 actual federal funds received and appropriated under this section and their actual use  
 18.2 to the Legislative Advisory Commission.

18.3 Sec. 8. **EFFECTIVE DATE.**

18.4 Sections 5 to 7 are effective the day following final enactment.

## 18.5 ARTICLE 2

### 18.6 AGRICULTURE POLICY

18.7 Section 1. Minnesota Statutes 2014, section 3.737, is amended by adding a subdivision  
 18.8 to read:

18.9 Subd. 6. **Federal reimbursement.** The commissioner must pursue federal  
 18.10 reimbursement for any compensation payment issued under this section while:

18.11 (1) the United States Fish and Wildlife Service lists the Minnesota population of gray  
 18.12 wolves as endangered and threatened wildlife under the federal Endangered Species Act; or

18.13 (2) the federal government otherwise prohibits livestock producers from protecting  
 18.14 their livestock from wolf depredation.

18.15 Sec. 2. Minnesota Statutes 2014, section 13.643, subdivision 1, is amended to read:

18.16 Subdivision 1. **Department of Agriculture data.** (a) **Loan and grant applicant**  
 18.17 **data.** The following data on applicants, collected by the Department of Agriculture in its  
 18.18 sustainable agriculture revolving loan and grant programs program under sections 17.115  
 18.19 and section 17.116, are private or nonpublic: nonfarm income; credit history; insurance  
 18.20 coverage; machinery and equipment list; financial information; and credit information  
 18.21 requests.

18.22 (b) **Farm advocate data.** The following data supplied by farmer clients to  
 18.23 Minnesota farm advocates and to the Department of Agriculture are private data on  
 18.24 individuals: financial history, including listings of assets and debts, and personal and  
 18.25 emotional status information.

18.26 Sec. 3. Minnesota Statutes 2014, section 18B.01, subdivision 28, is amended to read:

18.27 Subd. 28. **Structural pest.** "Structural pest" means a an invertebrate pest, other  
 18.28 than a plant, or commensal rodent in, on, under, or near a structure such as a residential  
 18.29 or commercial building.

18.30 Sec. 4. Minnesota Statutes 2014, section 18B.01, subdivision 29, is amended to read:

19.1 Subd. 29. **Structural pest control.** "Structural pest control" means the control of  
 19.2 any structural pest through the use of a device, a procedure, or application of pesticides or  
 19.3 through other means in or around a building or other structures, including trucks, boxcars,  
 19.4 ships, aircraft, docks, and fumigation vaults, ~~and the business activity related to use of a~~  
 19.5 ~~device, a procedure, or application of a pesticide.~~

19.6 Sec. 5. Minnesota Statutes 2014, section 18B.05, subdivision 1, is amended to read:

19.7 Subdivision 1. **Establishment.** A pesticide regulatory account is established in the  
 19.8 agricultural fund. Fees, assessments, and penalties collected under this chapter must  
 19.9 be deposited in the agricultural fund and credited to the pesticide regulatory account.  
 19.10 Money in the account, including interest, is appropriated to the commissioner for the  
 19.11 administration and enforcement of this chapter and up to \$20,000 per fiscal year may also  
 19.12 be used by the commissioner for purposes of section 18H.14, paragraph (e).

19.13 Sec. 6. Minnesota Statutes 2014, section 18B.32, subdivision 1, is amended to read:

19.14 Subdivision 1. **Requirement.** (a) A person may not engage in structural pest  
 19.15 control applications:

19.16 (1) for hire without a structural pest control license; and

19.17 (2) as a sole proprietorship, company, partnership, or corporation unless the person  
 19.18 is or employs a licensed master in structural pest control operations.

19.19 (b) A structural pest control licensee must have a valid license identification card  
 19.20 ~~when applying to purchase a restricted use pesticide or apply pesticides for hire and must~~  
 19.21 display it upon demand by an authorized representative of the commissioner or a law  
 19.22 enforcement officer. The license identification card must contain information required by  
 19.23 the commissioner.

19.24 (c) ~~Notwithstanding the licensing requirements of this subdivision, a person may~~  
 19.25 ~~control the following nuisance or economically damaging wild animals, by trapping,~~  
 19.26 ~~without a structural pest control license:~~

19.27 (1) ~~fur-bearing animals, as defined in section 97A.015, with a valid trapping license~~  
 19.28 ~~or special permit from the commissioner of natural resources; and~~

19.29 (2) ~~skunks, woodchucks, gophers, porcupines, coyotes, moles, and weasels.~~

19.30 Sec. 7. Minnesota Statutes 2014, section 18B.33, subdivision 1, is amended to read:

19.31 Subdivision 1. **Requirement.** (a) A person may not apply a pesticide for hire  
 19.32 without a commercial applicator license for the appropriate use categories or a structural  
 19.33 pest control license.

20.1 (b) A commercial applicator licensee must have a valid license identification card  
 20.2 ~~when applying to purchase a restricted use pesticide or apply pesticides for hire and must~~  
 20.3 display it upon demand by an authorized representative of the commissioner or a law  
 20.4 enforcement officer. The commissioner shall prescribe the information required on the  
 20.5 license identification card.

20.6 Sec. 8. Minnesota Statutes 2014, section 18B.34, subdivision 1, is amended to read:

20.7 Subdivision 1. **Requirement.** (a) Except for a licensed commercial applicator,  
 20.8 certified private applicator, or licensed structural pest control applicator, a person,  
 20.9 including a government employee, may not purchase or use a restricted use pesticide in  
 20.10 performance of official duties without having a noncommercial applicator license for an  
 20.11 appropriate use category.

20.12 (b) A licensee must have a valid license identification card when applying pesticides  
 20.13 and must display it upon demand by an authorized representative of the commissioner  
 20.14 or a law enforcement officer. The license identification card must contain information  
 20.15 required by the commissioner.

20.16 Sec. 9. Minnesota Statutes 2014, section 18C.425, subdivision 6, is amended to read:

20.17 Subd. 6. **Payment of inspection fee.** (a) The person who registers and distributes in  
 20.18 the state a specialty fertilizer, soil amendment, or plant amendment under section 18C.411  
 20.19 shall pay the inspection fee to the commissioner.

20.20 (b) The person licensed under section 18C.415 who distributes a fertilizer to a person  
 20.21 not required to be so licensed shall pay the inspection fee to the commissioner, except as  
 20.22 exempted under section 18C.421, subdivision 1, paragraph (b).

20.23 (c) The person responsible for payment of the inspection fees for fertilizers, soil  
 20.24 amendments, or plant amendments sold and used in this state must pay an inspection fee  
 20.25 of ~~30~~ 39 cents per ton, and until June 30, 2019, an additional 40 cents per ton, of fertilizer,  
 20.26 soil amendment, and plant amendment sold or distributed in this state, with a minimum  
 20.27 of \$10 on all tonnage reports. Notwithstanding section 18C.131, the commissioner  
 20.28 must deposit all revenue from the additional 40 cent per ton fee in the agricultural  
 20.29 fertilizer research and education account in section 18C.80. Products sold or distributed to  
 20.30 manufacturers or exchanged between them are exempt from the inspection fee imposed by  
 20.31 this subdivision if the products are used exclusively for manufacturing purposes.

20.32 (d) A registrant or licensee must retain invoices showing proof of fertilizer, plant  
 20.33 amendment, or soil amendment distribution amounts and inspection fees paid for a period  
 20.34 of three years.

21.1 Sec. 10. Minnesota Statutes 2014, section 18C.70, subdivision 2, is amended to read:

21.2 Subd. 2. **Powers and duties.** The council must review applications and select  
 21.3 projects to receive agricultural fertilizer research and education program grants, as  
 21.4 authorized in section 18C.71. The council must establish a program to provide grants to  
 21.5 research, education, and technology transfer projects related to agricultural fertilizer, soil  
 21.6 amendments, and plant amendments. For the purpose of this section, "fertilizer" includes  
 21.7 soil amendments and plant amendments, but does not include vegetable or animal manures  
 21.8 that are not manipulated. The commissioner is responsible for all fiscal and administrative  
 21.9 duties in the first year and may use up to eight percent of program revenue to offset costs  
 21.10 incurred. No later than October 1, 2007, the commissioner must provide the council with  
 21.11 an estimate of the annual costs the commissioner would incur in administering the program.

21.12 Sec. 11. **[18C.80] AGRICULTURAL FERTILIZER RESEARCH AND**  
 21.13 **EDUCATION ACCOUNT.**

21.14 Subdivision 1. **Account; appropriation.** An agricultural fertilizer research  
 21.15 and education account is established in the agricultural fund. Money in the account,  
 21.16 including interest earned, is appropriated to the commissioner for grants determined by the  
 21.17 Minnesota Agricultural Fertilizer Research and Education Council under section 18C.71.  
 21.18 The commissioner may use up to \$80,000 each fiscal year for direct costs incurred to  
 21.19 provide fiscal and administrative support to the council as required under section 18C.70,  
 21.20 subdivision 2. The commissioner may also recover associated indirect costs from the  
 21.21 account as required under section 16A.127.

21.22 Subd. 2. **Expiration.** This section expires June 30, 2020.

21.23 Sec. 12. Minnesota Statutes 2014, section 18G.10, subdivision 3, is amended to read:

21.24 Subd. 3. **Cooperative agreements.** The commissioner may enter into cooperative  
 21.25 agreements with federal and state agencies for administration of the export certification  
 21.26 program. ~~An exporter of plants or plant products desiring to originate shipments from~~  
 21.27 ~~Minnesota to a foreign country requiring a phytosanitary certificate or export certificate~~  
 21.28 ~~must submit an application to the commissioner.~~

21.29 Sec. 13. Minnesota Statutes 2014, section 18G.10, subdivision 4, is amended to read:

21.30 Subd. 4. **Phytosanitary and export certificates.** An exporter of plants or plant  
 21.31 products desiring to originate shipments from Minnesota to a foreign country requiring  
 21.32 a phytosanitary certificate or export certificate must submit an application to the  
 21.33 commissioner. Application for phytosanitary certificates or export certificates must be

22.1 made on forms provided or approved by the commissioner. The commissioner ~~shall~~ may  
 22.2 conduct inspections of plants, plant products, or facilities for persons that have applied for  
 22.3 or intend to apply for a phytosanitary certificate or export certificate from the commissioner.  
 22.4 ~~Inspections must include one or more of the following as requested or required:~~

22.5 ~~(1) an inspection of the plants or plant products intended for export under a~~  
 22.6 ~~phytosanitary certificate or export certificate;~~

22.7 ~~(2) field inspections of growing plants to determine presence or absence of plant~~  
 22.8 ~~diseases, if necessary;~~

22.9 ~~(3) laboratory diagnosis for presence or absence of plant diseases, if necessary;~~

22.10 ~~(4) observation and evaluation of procedures and facilities utilized in handling~~  
 22.11 ~~plants and plant products, if necessary; and~~

22.12 ~~(5) review of United States Department of Agriculture, Federal Grain Inspection~~  
 22.13 ~~Service Official Export Grain Inspection Certificate logs.~~

22.14 The commissioner may issue a phytosanitary certificate or export certificate if the  
 22.15 plants or plant products satisfactorily meet the requirements of the importing foreign  
 22.16 country and the United States Department of Agriculture requirements. The requirements  
 22.17 of the destination countries must be met by the applicant.

22.18 Sec. 14. Minnesota Statutes 2014, section 18G.10, subdivision 5, is amended to read:

22.19 Subd. 5. **Certificate fees.** (a) The commissioner shall assess ~~the fees in paragraphs~~  
 22.20 ~~(b) to (f) fees sufficient to recover all costs~~ for the inspection, service, and work performed  
 22.21 in carrying out the issuance of a phytosanitary certificate or export certificate. ~~The~~  
 22.22 ~~inspection fee must be based on mileage and inspection time.~~

22.23 ~~(b) Mileage charge: current United States Internal Revenue Service mileage rate.~~

22.24 ~~(c) Inspection time: \$50 per hour minimum or fee necessary to cover department~~  
 22.25 ~~costs. Inspection time includes the driving time to and from the location in addition to~~  
 22.26 ~~the time spent conducting the inspection.~~

22.27 ~~(d) (b)~~ If laboratory analysis or other technical analysis is required to issue a  
 22.28 certificate, the commissioner must set and collect the fee to recover this additional cost.

22.29 ~~(e) (c) The certificate fee for product value greater than \$250: is \$75 or a fee amount,~~  
 22.30 not to exceed \$300, that is sufficient to recover all processing costs for each phytosanitary  
 22.31 or export certificate issued for any single shipment valued at more than \$250 in addition to  
 22.32 any mileage or inspection time charges that are assessed.

22.33 ~~(f) Certificate fee for product value less than \$250: \$25 for each phytosanitary or~~  
 22.34 ~~export certificate issued for any single shipment valued at less than \$250 in addition to~~  
 22.35 ~~any mileage or inspection time charges that are assessed.~~

23.1 ~~(g)~~ (d) For services provided for in subdivision 7 that are goods and services  
 23.2 provided for the direct and primary use of a private individual, business, or other entity,  
 23.3 the commissioner must set and collect the fees to cover the cost of the services provided.

23.4 Sec. 15. Minnesota Statutes 2014, section 18H.02, subdivision 20, is amended to read:

23.5 Subd. 20. **Nursery stock.** "Nursery stock" means a plant intended for planting or  
 23.6 propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts,  
 23.7 cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all  
 23.8 viable parts of these plants. Nursery stock does not include:

- 23.9 (1) field and forage crops or sod;
- 23.10 (2) ~~the seeds of grasses, cereal grains, vegetable crops, and flowers~~;
- 23.11 (3) vegetable plants, bulbs, or tubers;
- 23.12 (4) cut flowers, unless stems or other portions are intended for propagation;
- 23.13 (5) annuals; or
- 23.14 (6) Christmas trees.

23.15 Sec. 16. Minnesota Statutes 2014, section 18H.02, is amended by adding a subdivision  
 23.16 to read:

23.17 Subd. 32a. **Sod.** "Sod" means the upper portion of soil that contains the roots of  
 23.18 grasses and the living grass plants.

23.19 Sec. 17. Minnesota Statutes 2014, section 18H.02, is amended by adding a subdivision  
 23.20 to read:

23.21 Subd. 35. **Tropical plant.** "Tropical plant" means a plant that has a United States  
 23.22 Department of Agriculture hardiness zone designation of zone 6 or greater, or an annual  
 23.23 minimum hardiness temperature of -9 degrees Fahrenheit.

23.24 Sec. 18. Minnesota Statutes 2014, section 18H.06, subdivision 2, is amended to read:

23.25 Subd. 2. **Occasional sales.** (a) An individual may offer nursery stock for sale and be  
 23.26 exempt from the requirement to obtain a nursery stock ~~dealer~~ certificate if:

- 23.27 (1) the gross sales of all nursery stock in a calendar year do not exceed \$2,000;
- 23.28 (2) all nursery stock sold or distributed by the individual is intended for planting  
 23.29 in Minnesota;
- 23.30 (3) all nursery stock purchased or procured for resale or distribution was grown in  
 23.31 Minnesota and has been certified by the commissioner; and

24.1 (4) the individual conducts sales or distributions of nursery stock on ten or fewer  
24.2 days in a calendar year.

24.3 (b) The commissioner may prescribe the conditions of the exempt nursery sales under  
24.4 this subdivision and may conduct routine inspections of the nursery stock offered for sale.

24.5 Sec. 19. Minnesota Statutes 2014, section 18H.07, is amended to read:

24.6 **18H.07 FEE SCHEDULE.**

24.7 Subdivision 1. **Establishment of fees.** The commissioner shall establish fees  
24.8 sufficient to allow for the administration and enforcement of this chapter and rules adopted  
24.9 under this chapter, including the portion of general support costs and statewide indirect  
24.10 costs of the agency attributable to that function, with a reserve sufficient for up to six  
24.11 months. The commissioner shall review the fee schedule annually in consultation with  
24.12 the Minnesota Nursery and Landscape Advisory Committee. For the certificate year  
24.13 beginning January 1, 2006, the fees are as described in this section.

24.14 Subd. 2. **Nursery stock grower certificate.** (a) A nursery stock grower must  
24.15 pay an annual fee based on the area of all acreage on which nursery stock is grown for  
24.16 ~~certification~~ as follows:

- 24.17 (1) less than one-half acre, \$150;
- 24.18 (2) from one-half acre to two acres, \$200;
- 24.19 (3) over two acres up to five acres, \$300;
- 24.20 (4) over five acres up to ten acres, \$350;
- 24.21 (5) over ten acres up to 20 acres, \$500;
- 24.22 (6) over 20 acres up to 40 acres, \$650;
- 24.23 (7) over 40 acres up to 50 acres, \$800;
- 24.24 (8) over 50 acres up to 200 acres, \$1,100;
- 24.25 (9) over 200 acres up to 500 acres, \$1,500; and
- 24.26 (10) over 500 acres, \$1,500 plus \$2 for each additional acre.

24.27 (b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee due  
24.28 must be charged for each month, or portion thereof, that the fee is delinquent up to a  
24.29 maximum of 30 percent for any application for renewal not postmarked by December 31  
24.30 of the current year.

24.31 (c) A nursery stock grower found operating without a valid nursery stock grower  
24.32 certificate cannot offer for sale or sell nursery stock until: (1) payment is received by the  
24.33 commissioner for (i) the certificate fee due, and (ii) a penalty equal to the certificate fee  
24.34 owed; and (2) a new certificate is issued to the nursery stock grower by the commissioner.



25.1 Subd. 3. **Nursery stock dealer certificate.** (a) A nursery stock dealer must pay an  
 25.2 annual fee based on the dealer's gross sales of certified nursery stock per location during  
 25.3 the most recent certificate year. A certificate applicant operating for the first time must pay  
 25.4 the minimum fee. The fees per sales location are:

- 25.5 (1) gross sales up to \$5,000, \$150;
- 25.6 (2) gross sales over \$5,000 up to \$20,000, \$175;
- 25.7 (3) gross sales over \$20,000 up to \$50,000, \$300;
- 25.8 (4) gross sales over \$50,000 up to \$75,000, \$425;
- 25.9 (5) gross sales over \$75,000 up to \$100,000, \$550;
- 25.10 (6) gross sales over \$100,000 up to \$200,000, \$675; and
- 25.11 (7) gross sales over \$200,000, \$800.

25.12 (b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee due  
 25.13 must be charged for each month, or portion thereof, that the fee is delinquent up to a  
 25.14 maximum of 30 percent for any application for renewal not postmarked by December 31  
 25.15 of the current year.

25.16 (c) A nursery stock dealer found operating without a valid nursery stock dealer  
 25.17 certificate cannot offer for sale or sell nursery stock until: (1) payment is received by the  
 25.18 commissioner for (i) the certificate fee due, and (ii) a penalty equal to the certificate fee  
 25.19 owed; and (2) a new certificate is issued to the nursery stock dealer by the commissioner.

25.20 Subd. 4. **Reinspection; additional or optional inspection fees.** If a reinspection is  
 25.21 required or an additional inspection is needed or requested a fee must be assessed based  
 25.22 on mileage and inspection time as follows:

25.23 (1) mileage must be charged at the current United States Internal Revenue Service  
 25.24 reimbursement rate; and

25.25 (2) inspection time must be charged at ~~the rate of \$50 per hour~~ a rate sufficient to  
 25.26 recover all inspection costs, including the driving time to and from the location in addition  
 25.27 to the time spent conducting the inspection.

25.28 Sec. 20. Minnesota Statutes 2014, section 18H.17, is amended to read:

25.29 **18H.17 NURSERY AND PHYTOSANITARY ACCOUNT.**

25.30 A nursery and phytosanitary account is established in the state treasury. The fees  
 25.31 and penalties collected under this chapter and interest attributable to money in the account  
 25.32 must be deposited in the state treasury and credited to the nursery and phytosanitary  
 25.33 account in the agricultural fund. Money in the account, including interest earned, is  
 25.34 annually appropriated to the commissioner for the administration and enforcement for

26.1 this chapter. The commissioner may spend no more than \$20,000 from the account each  
 26.2 fiscal year for purposes of section 18H.14, paragraph (e).

26.3 Sec. 21. Minnesota Statutes 2014, section 18J.01, is amended to read:

26.4 **18J.01 DEFINITIONS.**

26.5 (a) The definitions in sections 18G.02, 18H.02, 18K.02, 27.01, 223.16, 231.01,  
 26.6 and 232.21 apply to this chapter.

26.7 (b) For purposes of this chapter, "associated rules" means rules adopted under this  
 26.8 chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232, or sections 21.80 to 21.92.

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

26.10 Sec. 22. Minnesota Statutes 2014, section 18J.02, is amended to read:

26.11 **18J.02 DUTIES OF COMMISSIONER.**

26.12 The commissioner shall administer and enforce this chapter, chapters 18G, 18H,  
 26.13 18K, 27, 223, 231, and 232; sections 21.80 to 21.92; and associated rules.

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

26.15 Sec. 23. Minnesota Statutes 2014, section 18J.03, is amended to read:

26.16 **18J.03 CIVIL LIABILITY.**

26.17 A person regulated by this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232,  
 26.18 or sections 21.80 to 21.92, is civilly liable for any violation of one of those statutes or  
 26.19 associated rules by the person's employee or agent.

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

26.21 Sec. 24. Minnesota Statutes 2014, section 18J.04, subdivision 1, is amended to read:

26.22 Subdivision 1. **Access and entry.** The commissioner, upon presentation of official  
 26.23 department credentials, must be granted immediate access at reasonable times to sites  
 26.24 where a person manufactures, distributes, uses, handles, disposes of, stores, or transports  
 26.25 seeds, plants, grain, household goods, general merchandise, produce, or other living or  
 26.26 nonliving products or other objects regulated under chapter 18G, 18H, 18K, 27, 223, 231,  
 26.27 or 232; sections 21.80 to 21.92; or associated rules.

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

27.1 Sec. 25. Minnesota Statutes 2014, section 18J.04, subdivision 2, is amended to read:

27.2 Subd. 2. **Purpose of entry.** (a) The commissioner may enter sites for:

27.3 (1) inspection of inventory and equipment for the manufacture, storage, handling,  
27.4 distribution, disposal, or any other process regulated under chapter 18G, 18H, 18K, 27,  
27.5 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

27.6 (2) sampling of sites, seeds, plants, products, grain, household goods, general  
27.7 merchandise, produce, or other living or nonliving objects that are manufactured, stored,  
27.8 distributed, handled, or disposed of at those sites and regulated under chapter 18G, 18H,  
27.9 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

27.10 (3) inspection of records related to the manufacture, distribution, storage, handling,  
27.11 or disposal of seeds, plants, products, grain, household goods, general merchandise,  
27.12 produce, or other living or nonliving objects regulated under chapter 18G, 18H, 18K, 27,  
27.13 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

27.14 (4) investigating compliance with chapter 18G, 18H, 18K, 27, 223, 231, or 232;  
27.15 sections 21.80 to 21.92; or associated rules; or

27.16 (5) other purposes necessary to implement chapter 18G, 18H, 18K, 27, 223, 231, or  
27.17 232; sections 21.80 to 21.92; or associated rules.

27.18 (b) The commissioner may enter any public or private premises during or after  
27.19 regular business hours without notice of inspection when a suspected violation of chapter  
27.20 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may  
27.21 threaten public health or the environment.

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

27.23 Sec. 26. Minnesota Statutes 2014, section 18J.04, subdivision 3, is amended to read:

27.24 Subd. 3. **Notice of inspection samples and analyses.** (a) The commissioner shall

27.25 provide the owner, operator, or agent in charge with a receipt describing any samples  
27.26 obtained. If requested, the commissioner shall split any samples obtained and provide

27.27 them to the owner, operator, or agent in charge. If an analysis is made of the samples,

27.28 a copy of the results of the analysis must be furnished to the owner, operator, or agent

27.29 in charge within 30 days after an analysis has been performed. If an analysis is not

27.30 performed, the commissioner must notify the owner, operator, or agent in charge within 30

27.31 days of the decision not to perform the analysis.

27.32 (b) The sampling and analysis must be done according to methods provided for

27.33 under applicable provisions of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections

27.34 21.80 to 21.92; or associated rules. In cases not covered by those sections and methods

28.1 or in cases where methods are available in which improved applicability has been  
28.2 demonstrated the commissioner may adopt appropriate methods from other sources.

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

28.4 Sec. 27. Minnesota Statutes 2014, section 18J.04, subdivision 4, is amended to read:

28.5 Subd. 4. **Inspection requests by others.** (a) A person who believes that a violation  
28.6 of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated  
28.7 rules has occurred may request an inspection by giving notice to the commissioner of the  
28.8 violation. The notice must be in writing, state with reasonable particularity the grounds  
28.9 for the notice, and be signed by the person making the request.

28.10 (b) If after receiving a notice of violation the commissioner reasonably believes that  
28.11 a violation has occurred, the commissioner shall make a special inspection in accordance  
28.12 with the provisions of this section as soon as practicable, to determine if a violation has  
28.13 occurred.

28.14 (c) An inspection conducted pursuant to a notice under this subdivision may cover  
28.15 an entire site and is not limited to the portion of the site specified in the notice. If the  
28.16 commissioner determines that reasonable grounds to believe that a violation occurred  
28.17 do not exist, the commissioner must notify the person making the request in writing of  
28.18 the determination.

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

28.20 Sec. 28. Minnesota Statutes 2014, section 18J.05, subdivision 1, is amended to read:

28.21 Subdivision 1. **Enforcement required.** (a) A violation of chapter 18G, 18H, 18K, 27,  
28.22 223, 231, or 232; sections 21.80 to 21.92; or an associated rule is a violation of this chapter.

28.23 (b) Upon the request of the commissioner, county attorneys, sheriffs, and other  
28.24 officers having authority in the enforcement of the general criminal laws must take action  
28.25 to the extent of their authority necessary or proper for the enforcement of chapter 18G,  
28.26 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules or valid  
28.27 orders, standards, stipulations, and agreements of the commissioner.

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

28.29 Sec. 29. Minnesota Statutes 2014, section 18J.05, subdivision 2, is amended to read:

28.30 Subd. 2. **Commissioner's discretion.** If minor violations of chapter 18G, 18H,  
28.31 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules occur or the

29.1 commissioner believes the public interest will be best served by a suitable notice of  
 29.2 warning in writing, this section does not require the commissioner to:

- 29.3 (1) report the violation for prosecution;  
 29.4 (2) institute seizure proceedings; or  
 29.5 (3) issue a withdrawal from distribution, stop-sale, or other order.

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

29.7 Sec. 30. Minnesota Statutes 2014, section 18J.05, subdivision 6, is amended to read:

29.8 Subd. 6. **Agent for service of process.** All persons licensed, permitted, registered,  
 29.9 or certified under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or  
 29.10 associated rules must appoint the commissioner as the agent upon whom all legal process  
 29.11 may be served and service upon the commissioner is deemed to be service on the licensee,  
 29.12 permittee, registrant, or certified person.

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

29.14 Sec. 31. Minnesota Statutes 2014, section 18J.06, is amended to read:

29.15 **18J.06 FALSE STATEMENT OR RECORD.**

29.16 A person must not knowingly make or offer a false statement, record, or other  
 29.17 information as part of:

- 29.18 (1) an application for registration, license, certification, or permit under chapter 18G,  
 29.19 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;  
 29.20 (2) records or reports required under chapter 18G, 18H, 18K, 27, 223, 231, or 232;  
 29.21 sections 21.80 to 21.92; or associated rules; or  
 29.22 (3) an investigation of a violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232;  
 29.23 sections 21.80 to 21.92; or associated rules.

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

29.25 Sec. 32. Minnesota Statutes 2014, section 18J.07, subdivision 3, is amended to read:

29.26 Subd. 3. **Cancellation of registration, permit, license, certification.** The  
 29.27 commissioner may cancel or revoke a registration, permit, license, or certification  
 29.28 provided for under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92;  
 29.29 or associated rules or refuse to register, permit, license, or certify under provisions of  
 29.30 chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules  
 29.31 if the registrant, permittee, licensee, or certified person has used fraudulent or deceptive

30.1 practices in the evasion or attempted evasion of a provision of chapter 18G, 18H, 18K, 27,  
30.2 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

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

30.4 Sec. 33. Minnesota Statutes 2014, section 18J.07, subdivision 4, is amended to read:

30.5 Subd. 4. **Service of order or notice.** (a) If a person is not available for service of an  
30.6 order, the commissioner may attach the order to the facility, site, seed or seed container,  
30.7 plant or other living or nonliving object regulated under chapter 18G, 18H, 18K, 27, 223,  
30.8 231, or 232; sections 21.80 to 21.92; or associated rules and notify the owner, custodian,  
30.9 other responsible party, or registrant.

30.10 (b) The seed, seed container, plant, or other living or nonliving object regulated  
30.11 under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated  
30.12 rules may not be sold, used, tampered with, or removed until released under conditions  
30.13 specified by the commissioner, by an administrative law judge, or by a court.

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

30.15 Sec. 34. Minnesota Statutes 2014, section 18J.07, subdivision 5, is amended to read:

30.16 Subd. 5. **Unsatisfied judgments.** (a) An applicant for a license, permit, registration,  
30.17 or certification under provisions of this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or  
30.18 232; sections 21.80 to 21.92; or associated rules may not allow a final judgment against  
30.19 the applicant for damages arising from a violation of those statutes or rules to remain  
30.20 unsatisfied for a period of more than 30 days.

30.21 (b) Failure to satisfy, within 30 days, a final judgment resulting from a violation of this  
30.22 chapter results in automatic suspension of the license, permit, registration, or certification.

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

30.24 Sec. 35. Minnesota Statutes 2014, section 18J.09, is amended to read:

30.25 **18J.09 CREDITING OF PENALTIES, FEES, AND COSTS.**

30.26 Penalties, cost reimbursements, fees, and other money collected under this chapter  
30.27 must be deposited into the state treasury and credited to the appropriate nursery and  
30.28 phytosanitary, industrial hemp, or seed account.

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

30.30 Sec. 36. Minnesota Statutes 2014, section 18J.11, subdivision 1, is amended to read:

31.1 Subdivision 1. **General violation.** Except as provided in subdivisions 2 ~~and~~, 3, and  
 31.2 4, a person is guilty of a misdemeanor if the person violates this chapter or an order,  
 31.3 standard, stipulation, agreement, or schedule of compliance of the commissioner.

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

31.5 Sec. 37. Minnesota Statutes 2014, section 18J.11, is amended by adding a subdivision  
 31.6 to read:

31.7 **Subd. 4. Controlled substance offenses.** Prosecution under this section does not  
 31.8 preclude prosecution under chapter 152.

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

31.10 Sec. 38. **[18K.01] SHORT TITLE.**

31.11 **This chapter may be referred to as the "Industrial Hemp Development Act."**

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

31.13 Sec. 39. **[18K.02] DEFINITIONS.**

31.14 **Subdivision 1. Scope.** The definitions in this section apply to this chapter.

31.15 **Subd. 2. Commissioner.** "Commissioner" means the commissioner of agriculture.

31.16 **Subd. 3. Industrial hemp.** "Industrial hemp" means the plant *Cannabis sativa* L.  
 31.17 and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol  
 31.18 concentration of not more than 0.3 percent on a dry weight basis. Industrial hemp is not  
 31.19 marijuana as defined in section 152.01, subdivision 9.

31.20 **Subd. 4. Marijuana.** "Marijuana" has the meaning given in section 152.01,  
 31.21 subdivision 9.

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

31.23 Sec. 40. **[18K.03] AGRICULTURAL CROP; POSSESSION AUTHORIZED.**

31.24 **Industrial hemp is an agricultural crop in this state. A person may possess, transport,**  
 31.25 **process, sell, or buy industrial hemp that is grown pursuant to this chapter.**

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

31.27 Sec. 41. **[18K.04] LICENSING.**

31.28 **Subdivision 1. Requirement; issuance; presumption.** (a) A person must obtain a  
 31.29 **license from the commissioner before growing industrial hemp for commercial purposes.**

32.1 A person must apply to the commissioner in the form prescribed by the commissioner and  
 32.2 must pay the annual registration and inspection fee established by the commissioner in  
 32.3 accordance with section 16A.1285, subdivision 2. The license application must include  
 32.4 the name and address of the applicant and the legal description of the land area or areas  
 32.5 where industrial hemp will be grown by the applicant.

32.6 (b) When an applicant has paid the fee and completed the application process to the  
 32.7 satisfaction of the commissioner, the commissioner must issue a license which is valid  
 32.8 until December 31 of the year of application.

32.9 (c) A person licensed under this section is presumed to be growing industrial hemp  
 32.10 for commercial purposes.

32.11 Subd. 2. **Background check; data classification.** The commissioner must require  
 32.12 each first-time applicant for a license to submit to a background investigation conducted  
 32.13 by the Bureau of Criminal Apprehension as a condition of licensure. As part of the  
 32.14 background investigation, the Bureau of Criminal Apprehension must conduct criminal  
 32.15 history checks of Minnesota records and is authorized to exchange fingerprints with the  
 32.16 United States Department of Justice, Federal Bureau of Investigation for the purpose of a  
 32.17 criminal background check of the national files. The cost of the investigation must be paid  
 32.18 by the applicant. Criminal history records provided to the commissioner under this section  
 32.19 must be treated as private data on individuals, as defined in section 13.02, subdivision 12.

32.20 Subd. 3. **Federal requirements.** The applicant must demonstrate to the satisfaction  
 32.21 of the commissioner that the applicant has complied with all applicable federal  
 32.22 requirements pertaining to the production, distribution, and sale of industrial hemp.

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

32.24 Sec. 42. **[18K.05] ANNUAL REPORT; SALES NOTIFICATION.**

32.25 (a) Annually, a licensee must file with the commissioner:

32.26 (1) documentation demonstrating to the commissioner's satisfaction that the seeds  
 32.27 planted by the licensee are of a type and variety that contain no more than three-tenths of  
 32.28 one percent delta-9 tetrahydrocannabinol; and

32.29 (2) a copy of any contract to grow industrial hemp.

32.30 (b) Within 30 days, a licensee must notify the commissioner of each sale or  
 32.31 distribution of industrial hemp grown by the licensee including, but not limited to, the  
 32.32 name and address of the person receiving the industrial hemp and the amount of industrial  
 32.33 hemp sold or distributed.

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



33.1 Sec. 43. **[18K.06] RULEMAKING.**

33.2 (a) The commissioner shall adopt rules governing the production, testing, and  
 33.3 licensing of industrial hemp.

33.4 (b) Rules adopted under paragraph (a) must include, but not be limited to, provisions  
 33.5 governing:

33.6 (1) the supervision and inspection of industrial hemp during its growth and harvest;

33.7 (2) the testing of industrial hemp to determine delta-9 tetrahydrocannabinol levels;

33.8 (3) the use of background checks results required under section 18K.04 to approve  
 33.9 or deny a license application; and

33.10 (4) any other provision or procedure necessary to carry out the purposes of this  
 33.11 chapter.

33.12 (c) Rules issued under this section must be consistent with federal law regarding  
 33.13 the production, distribution, and sale of industrial hemp.

33.14 **EFFECTIVE DATE.** This section is effective the day after the federal government  
 33.15 authorizes the commercial production of industrial hemp in this country.

33.16 Sec. 44. **[18K.07] FEES.**

33.17 Fees collected under this chapter must be credited to the industrial hemp account,  
 33.18 which is hereby established in the agricultural fund in the state treasury. Interest earned  
 33.19 in the account accrues to the account. Funds in the industrial hemp account are annually  
 33.20 appropriated to the commissioner to implement and enforce this chapter.

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

33.22 Sec. 45. **[18K.08] DEFENSE FOR POSSESSION OF MARIJUANA.**

33.23 It is an affirmative defense to a prosecution for the possession of marijuana under  
 33.24 chapter 152 if:

33.25 (1) the defendant possesses industrial hemp grown pursuant to this chapter; or

33.26 (2) the defendant has a valid controlled substance registration from the United States  
 33.27 Department of Justice, Drug Enforcement Administration, if required under federal law.

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

33.29 Sec. 46. **[18K.09] PILOT PROGRAM; OTHER RESEARCH AUTHORIZED.**

33.30 Subdivision 1. **Authorized activity.** The commissioner may grow or cultivate  
 33.31 industrial hemp pursuant to a pilot program administered by the commissioner to study  
 33.32 the growth, cultivation, or marketing of industrial hemp. The commissioner may: (1)

34.1 authorize institutions of higher education to grow or cultivate industrial hemp as part  
 34.2 of the commissioner's pilot program or as is necessary to perform other agricultural,  
 34.3 renewable energy, or academic research; and (2) contract with public or private entities for  
 34.4 testing or other activities authorized under this subdivision. Authorized activity under this  
 34.5 section may include collecting seed from wild hemp sources.

34.6 Subd. 2. **Site registration.** Before growing or cultivating industrial hemp pursuant  
 34.7 to this section, each site must be registered with and certified by the commissioner. A  
 34.8 person must register each site annually in the form prescribed by the commissioner and  
 34.9 must pay the annual registration and certification fee established by the commissioner in  
 34.10 accordance with section 16A.1285, subdivision 2.

34.11 Subd. 3. **Rulemaking.** The commissioner may adopt rules that govern the pilot  
 34.12 program pursuant to this section and Public Law 113-79.

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

34.14 Sec. 47. Minnesota Statutes 2014, section 21.89, subdivision 2, is amended to read:

34.15 **Subd. 2. Permits; issuance and revocation.** The commissioner shall issue a permit  
 34.16 to the initial labeler of agricultural, vegetable, flower, and wildflower seeds which are sold  
 34.17 for use in Minnesota and which conform to and are labeled under sections 21.80 to 21.92.  
 34.18 The categories of permits are as follows:

34.19 (1) for initial labelers who sell 50,000 pounds or less of agricultural seed each  
 34.20 calendar year, an annual permit issued for a fee established in section 21.891, subdivision  
 34.21 2, paragraph (b);

34.22 (2) for initial labelers who sell vegetable, flower, and wildflower seed packed for  
 34.23 use in home gardens or household plantings, and initial labelers who sell native grasses  
 34.24 and wildflower seed in commercial or agricultural quantities, an annual permit issued for  
 34.25 a fee established in section 21.891, subdivision 2, paragraph (c), based upon the gross  
 34.26 sales from the previous year; and

34.27 (3) for initial labelers who sell more than 50,000 pounds of agricultural seed  
 34.28 each calendar year, a permanent permit issued for a fee established in section 21.891,  
 34.29 subdivision 2, paragraph (d).

34.30 In addition, the person shall furnish to the commissioner an itemized statement of all  
 34.31 seeds sold in Minnesota for the periods established by the commissioner. This statement  
 34.32 shall be delivered, along with the payment of the fee, based upon the amount and type  
 34.33 of seed sold, to the commissioner no later than 30 days after the end of each reporting  
 34.34 period. Any person holding a permit shall show as part of the analysis labels or invoices  
 34.35 on all agricultural, vegetable, flower, wildflower, tree, or shrub seeds all information the

35.1 commissioner requires. The commissioner may revoke any permit in the event of failure  
35.2 to comply with applicable laws and rules.

35.3 Sec. 48. Minnesota Statutes 2014, section 21.891, subdivision 2, is amended to read:

35.4 Subd. 2. **Seed fee permits.** (a) An initial labeler who wishes to sell seed in  
35.5 Minnesota must comply with section 21.89, subdivisions 1 and 2, and the procedures in  
35.6 this subdivision. Each initial labeler who wishes to sell seed in Minnesota must apply to  
35.7 the commissioner to obtain a permit. The application must contain the name and address of  
35.8 the applicant, the application date, and the name and title of the applicant's contact person.

35.9 (b) The application for a seed permit covered by section 21.89, subdivision 2, clause  
35.10 (1), must be accompanied by an application fee of ~~\$50~~ \$75.

35.11 (c) The application for a seed permit covered by section 21.89, subdivision 2, clause  
35.12 (2), must be accompanied by an application fee based on the level of annual gross sales  
35.13 as follows:

35.14 (1) for gross sales of \$0 to \$25,000, the annual permit fee is ~~\$50~~ \$75;

35.15 (2) for gross sales of \$25,001 to \$50,000, the annual permit fee is ~~\$100~~ \$150;

35.16 (3) for gross sales of \$50,001 to \$100,000, the annual permit fee is ~~\$200~~ \$300;

35.17 (4) for gross sales of \$100,001 to \$250,000, the annual permit fee is ~~\$500~~ \$750;

35.18 (5) for gross sales of \$250,001 to \$500,000, the annual permit fee is ~~\$1,000~~ \$1,500;

35.19 and

35.20 (6) for gross sales of \$500,001 ~~and above~~ to \$1,000,000, the annual permit fee is  
35.21 ~~\$2,000~~ \$3,000; and

35.22 (7) for gross sales of \$1,000,001 and above, the annual permit fee is \$4,500.

35.23 (d) The application for a seed permit covered by section 21.89, subdivision 2, clause  
35.24 (3), must be accompanied by an application fee of ~~\$50~~ \$75. Initial labelers holding seed  
35.25 fee permits covered under this paragraph need not apply for a new permit or pay the  
35.26 application fee. Under this permit category, the fees for the following kinds of agricultural  
35.27 seed sold either in bulk or containers are:

35.28 (1) oats, wheat, and barley, ~~6.3~~ 9 cents per hundredweight;

35.29 (2) rye, field beans, ~~soybeans~~, buckwheat, and flax, ~~8.4~~ 12 cents per hundredweight;

35.30 (3) field corn, ~~29.4~~ 17 cents per ~~hundredweight~~ 80,000 seed unit;

35.31 (4) forage, lawn and turf grasses, and legumes, ~~49~~ 69 cents per hundredweight;

35.32 (5) sunflower, ~~\$1.40~~ \$1.96 per hundredweight;

35.33 (6) sugar beet, ~~\$3.29~~ 12 cents per hundredweight 100,000 seed unit; and

35.34 (7) soybeans, 7.5 cents per 140,000 seed unit; and

36.1           ~~(7)~~ (8) for any agricultural seed not listed in clauses (1) to ~~(6)~~ (7), the fee for the crop  
36.2 most closely resembling it in normal planting rate applies.

36.3           (e) If, for reasons beyond the control and knowledge of the initial labeler, seed is  
36.4 shipped into Minnesota by a person other than the initial labeler, the responsibility for the  
36.5 seed fees are transferred to the shipper. An application for a transfer of this responsibility  
36.6 must be made to the commissioner. Upon approval by the commissioner of the transfer,  
36.7 the shipper is responsible for payment of the seed permit fees.

36.8           (f) Seed permit fees may be included in the cost of the seed either as a hidden cost or  
36.9 as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the  
36.10 words "Minnesota seed permit fees" must be used.

36.11           (g) All seed fee permit holders must file semiannual reports with the commissioner,  
36.12 even if no seed was sold during the reporting period. Each semiannual report must be  
36.13 submitted within 30 days of the end of each reporting period. The reporting periods are  
36.14 October 1 to March 31 and April 1 to September 30 of each year or July 1 to December  
36.15 31 and January 1 to June 30 of each year. Permit holders may change their reporting  
36.16 periods with the approval of the commissioner.

36.17           (h) The holder of a seed fee permit must pay fees on all seed for which the permit  
36.18 holder is the initial labeler and which are covered by sections 21.80 to 21.92 and sold  
36.19 during the reporting period.

36.20           (i) If a seed fee permit holder fails to submit a semiannual report and pay the seed  
36.21 fee within 30 days after the end of each reporting period, the commissioner shall assess a  
36.22 penalty of \$100 or eight percent, calculated on an annual basis, of the fee due, whichever  
36.23 is greater, but no more than \$500 for each late semiannual report. A \$15 penalty must be  
36.24 charged when the semiannual report is late, even if no fee is due for the reporting period.  
36.25 Seed fee permits may be revoked for failure to comply with the applicable provisions of  
36.26 this paragraph or the Minnesota seed law.

36.27           Sec. 49. Minnesota Statutes 2014, section 21.891, subdivision 5, is amended to read:

36.28           Subd. 5. **Brand name registration fee.** The fee is ~~\$25~~ \$50 for each variety  
36.29 registered for sale by brand name.

36.30           Sec. 50. Minnesota Statutes 2014, section 25.341, subdivision 2, is amended to read:

36.31           Subd. 2. **Application; fee; term.** A person who is required to have a commercial  
36.32 feed license shall submit an application on a form provided or approved by the  
36.33 commissioner accompanied by a fee of ~~\$25~~ \$75 paid to the commissioner for each  
36.34 location. A license is not transferable from one person to another, from one ownership to

37.1 another, or from one location to another. The license year is the calendar year. A license  
37.2 expires on December 31 of the year for which it is issued, except that a license is valid  
37.3 through January 31 of the next year or until the issuance of the renewal license, whichever  
37.4 comes first, if the licensee has filed a renewal application with the commissioner on or  
37.5 before December 31 of the year for which the current license was issued. Any person who  
37.6 is required to have, but fails to obtain a license or a licensee who fails to comply with  
37.7 license renewal requirements, shall pay a ~~\$50~~ \$100 late fee in addition to the license fee.

37.8 Sec. 51. Minnesota Statutes 2014, section 25.39, subdivision 1, is amended to read:

37.9 Subdivision 1. **Amount of fee.** (a) An inspection fee at the rate of 16 cents per ton  
37.10 must be paid to the commissioner on commercial feeds distributed in this state by the  
37.11 person who first distributes the commercial feed, except that:

37.12 (1) no fee need be paid on:

37.13 (i) a commercial feed if the payment has been made by a previous distributor; or

37.14 (ii) customer formula feeds if the inspection fee is paid on the commercial feeds

37.15 which are used as ingredients; or

37.16 (2) a Minnesota feed distributor who can substantiate that greater than 50 percent  
37.17 of the distribution of commercial feed is to purchasers outside the state may purchase  
37.18 commercial feeds without payment of the inspection fee under a tonnage fee exemption  
37.19 permit issued by the commissioner. Such location specific permits shall be issued on a  
37.20 calendar year basis to commercial feed distributors who submit a \$100 nonrefundable  
37.21 application fee and comply with rules adopted by the commissioner relative to record  
37.22 keeping, tonnage of commercial feed distributed in Minnesota, total of all commercial  
37.23 feed tonnage distributed, and all other information which the commissioner may require  
37.24 so as to ensure that proper inspection fee payment has been made.

37.25 (b) In the case of pet food distributed in the state only in packages of ten pounds  
37.26 or less, a listing of each product and a current label for each product must be submitted  
37.27 annually on forms provided by the commissioner and accompanied by an annual fee of  
37.28 ~~\$50~~ \$100 for each product in lieu of the inspection fee. This annual fee is due by July 1.  
37.29 The inspection fee required by paragraph (a) applies to pet food distributed in packages  
37.30 exceeding ten pounds.

37.31 (c) In the case of specialty pet food distributed in the state only in packages of  
37.32 ten pounds or less, a listing of each product and a current label for each product must  
37.33 be submitted annually on forms provided by the commissioner and accompanied by an  
37.34 annual fee of ~~\$25~~ \$100 for each product in lieu of the inspection fee. This annual fee is

38.1 due by July 1. The inspection fee required by paragraph (a) applies to specialty pet food  
38.2 distributed in packages exceeding ten pounds.

38.3 (d) The minimum inspection fee is ~~\$10~~ \$75 per annual reporting period.

38.4 Sec. 52. Minnesota Statutes 2014, section 25.39, subdivision 1a, is amended to read:

38.5 Subd. 1a. **Containers of ten pounds or less.** A distributor who is subject to the  
38.6 annual fee specified in subdivision 1, paragraph (b) or (c), shall do the following:

38.7 (1) before beginning distribution, file with the commissioner a listing of pet and  
38.8 specialty pet foods to be distributed in the state only in containers of ten pounds or less,  
38.9 on forms provided by the commissioner. The listing under this clause must be renewed  
38.10 annually before July 1 and is the basis for the payment of the annual fee. New products  
38.11 added during the year must be submitted to the commissioner as a supplement to the  
38.12 annual listing before distribution; and

38.13 (2) if the annual renewal of the listing is not received before July 1 or if an unlisted  
38.14 product is distributed, pay a late filing fee of ~~\$10~~ \$100 per product in addition to the  
38.15 normal charge for the listing. The late filing fee under this clause is in addition to any  
38.16 other penalty under this chapter.

38.17 Sec. 53. **[28A.152] COTTAGE FOODS EXEMPTION.**

38.18 **Subdivision 1. Licensing provisions applicability.** (a) The licensing provisions of  
38.19 sections 28A.01 to 28A.16 do not apply to the following:

38.20 (1) an individual who prepares and sells food that is not potentially hazardous food,  
38.21 as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements  
38.22 are met:

38.23 (i) the prepared food offered for sale under this clause is labeled to accurately reflect  
38.24 the name and address of the individual preparing and selling the food, the date on which  
38.25 the food was prepared, and the ingredients and any possible allergens; and

38.26 (ii) the individual displays at the point of sale a clearly legible sign or placard stating:  
38.27 "These products are homemade and not subject to state inspection."; and

38.28 (2) an individual who prepares and sells home-processed and home-canned food  
38.29 products if the following requirements are met:

38.30 (i) the products are pickles, vegetables, or fruits having an equilibrium pH value of  
38.31 4.6 or lower;

38.32 (ii) the products are home-processed and home-canned in Minnesota;

38.33 (iii) the individual displays at the point of sale a clearly legible sign or placard  
38.34 stating: "These canned goods are homemade and not subject to state inspection."; and

39.1 (iv) each container of the product sold or offered for sale under this clause is  
39.2 accurately labeled to provide the name and address of the individual who processed  
39.3 and canned the goods, the date on which the goods were processed and canned, and  
39.4 ingredients and any possible allergens.

39.5 (b) An individual who qualifies for an exemption under paragraph (a), clause (2), is  
39.6 also exempt from the provisions of sections 31.31 and 31.392.

39.7 Subd. 2. **Direct sales to consumers.** (a) An individual qualifying for an exemption  
39.8 under subdivision 1 may sell the exempt food:

39.9 (1) directly to the ultimate consumer;

39.10 (2) at a community event or farmers' market; or

39.11 (3) directly from the individual's home to the consumer, to the extent allowed by  
39.12 local ordinance.

39.13 (b) If an exempt food product will be delivered to the ultimate consumer upon sale  
39.14 of the food product, the individual who prepared the food product must be the person who  
39.15 delivers the food product to the ultimate consumer.

39.16 (c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be  
39.17 sold outside of Minnesota.

39.18 (d) Food products exempt under subdivision 1 may be sold over the Internet but  
39.19 must be delivered directly to the ultimate consumer by the individual who prepared the  
39.20 food product. The statement "These products are homemade and not subject to state  
39.21 inspection." must be displayed on the Web site that offers the exempt foods for purchase.

39.22 Subd. 3. **Limitation on sales.** An individual selling exempt foods under this section  
39.23 is limited to total sales with gross receipts of \$18,000 or less in a calendar year.

39.24 Subd. 4. **Registration.** An individual who prepares and sells exempt food under  
39.25 subdivision 1 must register annually with the commissioner. The annual registration fee is  
39.26 \$50. An individual with \$5,000 or less in annual gross receipts from the sale of exempt  
39.27 food under this section is not required to pay the registration fee.

39.28 Subd. 5. **Training.** (a) An individual with gross receipts between \$5,000 and  
39.29 \$18,000 in a calendar year from the sale of exempt food under this section must complete a  
39.30 safe food handling training course that is approved by the commissioner before registering  
39.31 under subdivision 4. The training shall not exceed eight hours and must be completed  
39.32 every three years while the individual is registered under subdivision 4.

39.33 (b) An individual with gross receipts of less than \$5,000 in a calendar year from  
39.34 the sale of exempt food under this section must satisfactorily complete an online course  
39.35 and exam as approved by the commissioner before registering under subdivision 4. The

40.1 commissioner shall offer the online course and exam under this paragraph at no cost to  
 40.2 the individual.

40.3 Subd. 6. **Local ordinances.** This section does not preempt the application of any  
 40.4 business licensing requirement or sanitation, public health, or zoning ordinance of a  
 40.5 political subdivision.

40.6 Subd. 7. **Account established.** A cottage foods account is created as a separate  
 40.7 account in the agricultural fund in the state treasury for depositing money received by the  
 40.8 commissioner under this section. Money in the account, including interest, is appropriated  
 40.9 to the commissioner for purposes of this section.

40.10 Sec. 54. Minnesota Statutes 2014, section 32.075, is amended to read:

40.11 **32.075 TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES.**

40.12 ~~Every~~ An initial license issued by the commissioner ~~shall be for a period ending~~  
 40.13 expires on the following December 31st day of December next following, and shall is not  
 40.14 be transferable. A renewal license is valid for two years and expires on December 31 of  
 40.15 the second year. The fee for each such an initial or renewal license shall be \$50 and each  
 40.16 renewal thereof shall be \$25 and is \$60. The fee shall be paid to the commissioner before  
 40.17 any the commissioner issues an initial or renewal license or renewal thereof is issued. If a  
 40.18 license renewal is not applied for on or before January 1 of each year, a penalty of \$10 \$30  
 40.19 shall be imposed. A person who does not renew a license within one year following its  
 40.20 December 31 expiration date, except those persons who do not renew such license while  
 40.21 engaged in active military service, shall be required to prove competency and qualification  
 40.22 pursuant to section 32.073, before a license is issued. The commissioner may require any  
 40.23 other person who renews a license to prove competency and qualification in the same  
 40.24 manner. All license fees and penalties received by the commissioner shall be paid into the  
 40.25 state treasury deposited in the dairy services account in the agricultural fund.

40.26 Sec. 55. Minnesota Statutes 2014, section 32.105, is amended to read:

40.27 **32.105 MILK PROCUREMENT FEE.**

40.28 Each dairy plant operator within the state must pay to the commissioner on or before  
 40.29 the 18th of each month a fee of ~~71~~ 1.1 cents per hundredweight of milk purchased the  
 40.30 previous month. If a milk producer within the state ships milk out of the state for sale, the  
 40.31 producer must pay the fee to the commissioner unless the purchaser voluntarily pays the fee.

40.32 Producers who ship milk out of state or processors must submit monthly reports as  
 40.33 to milk purchases along with the appropriate procurement fee to the commissioner. The  
 40.34 commissioner may have access to all relevant purchase or sale records as necessary to



41.1 verify compliance with this section and may require the producer or purchaser to produce  
41.2 records as necessary to determine compliance.

41.3 The fees collected under this section must be deposited in the dairy services account  
41.4 in the agricultural fund. Money in the account, including interest earned, is appropriated  
41.5 to the commissioner to administer this chapter.

41.6 Sec. 56. **[41A.14] AGRICULTURE RESEARCH, EDUCATION, EXTENSION,**  
41.7 **AND TECHNOLOGY TRANSFER GRANT PROGRAM.**

41.8 Subdivision 1. Duties; grants. The agriculture research, education, extension, and  
41.9 technology transfer grant program is created. The purpose of the grant program is to  
41.10 provide investments that will most efficiently achieve long-term agricultural productivity  
41.11 increases through improved infrastructure, vision, and accountability. The scope and  
41.12 intent of the grants, to the extent possible, shall provide for a long-term base funding  
41.13 that allows the research grantee to continue the functions of the research, education, and  
41.14 extension efforts to a practical conclusion. Priority for grants shall be given to human  
41.15 infrastructure. The commissioner shall provide grants for:

41.16 (1) agricultural research and technology transfer needs and recipients including  
41.17 agricultural research and extension at the University of Minnesota, research and outreach  
41.18 centers, the College of Food, Agricultural and Natural Resource Sciences, the Minnesota  
41.19 Agricultural Experiment Station, University of Minnesota Extension Service, the  
41.20 University of Minnesota Veterinary School, the Veterinary Diagnostic Laboratory,  
41.21 the Stakman-Borlaug Center, and the Minnesota Agriculture Fertilizer Research and  
41.22 Education Council;

41.23 (2) agriculture rapid response for plant and animal diseases and pests; and

41.24 (3) agricultural education including but not limited to the Minnesota Agriculture  
41.25 Education Leadership Council, farm business management, mentoring programs, graduate  
41.26 debt forgiveness, and high school programs.

41.27 Subd. 2. Advisory panel. In awarding grants under this section, the commissioner  
41.28 must consult with an advisory panel consisting of the following stakeholders:

41.29 (1) a representative of the College of Food, Agricultural and Natural Resource  
41.30 Sciences at the University of Minnesota;

41.31 (2) a representative of the Minnesota State Colleges and Universities system;

41.32 (3) a representative of the Minnesota Farm Bureau;

41.33 (4) a representative of the Minnesota Farmers Union;

41.34 (5) a person representing agriculture industry statewide;

42.1 (6) a representative of each of the state commodity councils organized under section  
 42.2 17.54 and the Minnesota Pork Board;

42.3 (7) a person representing an association of primary manufacturers of forest products;

42.4 (8) a person representing organic or sustainable agriculture; and

42.5 (9) a person representing statewide environment and natural resource conservation  
 42.6 organizations.

42.7 Subd. 3. **Account.** An agriculture research, education, extension, and technology  
 42.8 transfer account is created in the agricultural fund in the state treasury. The account  
 42.9 consists of money received in the form of gifts, grants, reimbursement, or appropriations  
 42.10 from any source for any of the purposes provided in subdivision 1, and any interest or  
 42.11 earnings of the account. Money in the account is appropriated to the commissioner of  
 42.12 agriculture for the purposes under subdivision 1.

42.13 Sec. 57. **[41A.15] DEFINITIONS.**

42.14 Subdivision 1. **Scope.** For the purposes of sections 41A.15 to 41A.18, the terms  
 42.15 defined in this section have the meanings given them.

42.16 Subd. 2. **Advanced biofuel.** "Advanced biofuel" has the meaning given in section  
 42.17 239.051, subdivision 1a.

42.18 Subd. 3. **Biomass thermal production.** "Biomass thermal production" means the  
 42.19 generation of energy for commercial heat or industrial process heat from a cellulosic  
 42.20 material or other material composed of forestry or agricultural feedstocks for a new or  
 42.21 expanding capacity facility or a facility that is displacing existing use of fossil fuel after  
 42.22 the effective date of this section.

42.23 Subd. 4. **Cellulosic biomass.** "Cellulosic biomass" means material primarily made  
 42.24 up of cellulose, hemicellulose, or lignin, or a combination of those ingredients.

42.25 Subd. 5. **Cellulosic sugar.** "Cellulosic sugar" means sugar derived from cellulosic  
 42.26 biomass from agricultural or forestry resources.

42.27 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of agriculture.

42.28 Subd. 7. **Cover crops.** "Cover crops" means grasses, legumes, forbs, or other  
 42.29 herbaceous plants that are known to be noninvasive and not listed as a noxious weed in  
 42.30 Minnesota and that are either interseeded into living cash crops or planted on agricultural  
 42.31 fields during fallow periods for seasonal cover and conservation purposes.

42.32 Subd. 8. **MMbtu.** "MMbtu" means 1,000,000 British thermal units.

42.33 Subd. 9. **Perennial crops.** "Perennial crops" means agriculturally produced plants  
 42.34 that are known to be noninvasive and not listed as a noxious weed in Minnesota and that

43.1 have a life cycle of at least three years at the location where the plants are being cultivated.  
43.2 Biomass from alfalfa produced in a two-year rotation shall be considered a perennial crop.

43.3 Subd. 10. **Renewable chemical.** "Renewable chemical" means a chemical with  
43.4 biobased content as defined in section 41A.105, subdivision 1a.

43.5 Sec. 58. **[41A.16] ADVANCED BIOFUEL PRODUCTION INCENTIVE.**

43.6 Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this section must  
43.7 source at least 80 percent raw materials from Minnesota. If a facility is sited 50 miles or  
43.8 less from the state border, raw materials may be sourced from within a 100-mile radius.  
43.9 Raw materials must be from agricultural or forestry sources or from solid waste. The  
43.10 facility must be located in Minnesota, must begin production at a specific location by June  
43.11 30, 2025, and must not begin operating above 95,000 MMbtu of annual biofuel production  
43.12 before July 1, 2015. Eligible facilities include existing companies and facilities that are  
43.13 adding advanced biofuel production capacity, or retrofitting existing capacity, as well as  
43.14 new companies and facilities. Production of conventional corn ethanol and conventional  
43.15 biodiesel is not eligible. Eligible advanced biofuel facilities must produce at least 95,000  
43.16 MMbtu a year.

43.17 (b) No payments shall be made for advanced biofuel production that occurs after  
43.18 June 30, 2035, for those eligible biofuel producers under paragraph (a).

43.19 (c) An eligible producer of advanced biofuel shall not transfer the producer's  
43.20 eligibility for payments under this section to an advanced biofuel facility at a different  
43.21 location.

43.22 (d) A producer that ceases production for any reason is ineligible to receive  
43.23 payments under this section until the producer resumes production.

43.24 (e) Renewable chemical production for which payment has been received under  
43.25 section 41A.17, and biomass thermal production for which payment has been received  
43.26 under section 41A.18, are not eligible for payment under this section.

43.27 Subd. 2. **Payment amounts; limits.** (a) The commissioner shall make payments  
43.28 to eligible producers of advanced biofuel. The amount of the payment for each eligible  
43.29 producer's annual production is \$2.1053 per MMbtu for advanced biofuel production from  
43.30 cellulosic biomass, and \$1.053 per MMbtu for advanced biofuel production from sugar or  
43.31 starch at a specific location for ten years after the start of production.

43.32 (b) Total payments under this section to an eligible biofuel producer in a fiscal  
43.33 year may not exceed the amount necessary for 2,850,000 MMbtu of biofuel production.  
43.34 Total payments under this section to all eligible biofuel producers in a fiscal year may  
43.35 not exceed the amount necessary for 17,100,000 MMbtu of biofuel production. The

44.1 commissioner shall award payments on a first-come, first-served basis within the limits of  
 44.2 available funding.

44.3 (c) For purposes of this section, an entity that holds a controlling interest in more  
 44.4 than one advanced biofuel facility is considered a single eligible producer.

44.5 Subd. 3. **Perennial and cover crops required.** To be eligible for payment under  
 44.6 this section, a producer that produces advanced biofuel from agricultural cellulosic  
 44.7 biomass other than corn kernel fiber or biogas must derive at least the following portions  
 44.8 of the producer's total eligible MMBtus from perennial crop or cover crop biomass:

44.9 (1) ten percent during the first two years of eligible production;

44.10 (2) 30 percent during the third and fourth years of eligible production; and

44.11 (3) 50 percent during the fifth through tenth years of eligible production.

44.12 Subd. 4. **Cellulosic forestry biomass requirements.** All forestry-derived cellulosic  
 44.13 biomass must be produced using Minnesota state biomass harvesting guidelines or the  
 44.14 equivalent. All biomass from brushlands must be produced using Minnesota brushland  
 44.15 harvesting biomass harvest guidelines or the equivalent. Forestry-derived cellulosic  
 44.16 biomass that comes from land parcels greater than 160 acres must be certified by the Forest  
 44.17 Stewardship Council, Sustainable Forestry Initiative, or American Tree Farm System.  
 44.18 Uncertified land from parcels of 160 acres or less and federal land must be harvested by  
 44.19 a logger who has completed training for biomass harvesting from the Minnesota logger  
 44.20 education program or the equivalent and have a forest stewardship plan.

44.21 Subd. 5. **Agricultural cellulosic biomass sourcing plan.** (a) An eligible producer  
 44.22 who utilizes agricultural cellulosic biomass must submit a responsible biomass sourcing  
 44.23 plan for approval by the commissioner prior to applying for payments under this section.  
 44.24 The commissioner shall make the plan publicly available. The plan must:

44.25 (1) provide a detailed explanation of how agricultural cellulosic biomass will be  
 44.26 produced and managed in a way that preserves soil quality, does not increase soil and  
 44.27 nutrient runoff, avoids introduction of harmful invasive species, limits negative impacts  
 44.28 on wildlife habitat, and reduces greenhouse gas emissions;

44.29 (2) include the producer's approach to verifying that biomass suppliers are following  
 44.30 the plan;

44.31 (3) discuss how new technologies and practices that are not yet commercially viable  
 44.32 may be encouraged and adopted during the life of the facility, and how the producer will  
 44.33 encourage continuous improvement during the life of the project;

44.34 (4) include specific numeric goals and timelines for making progress;

45.1 (5) require agronomic practices that result in a positive Natural Resources  
 45.2 Conservation Service Soil Conditioning Index score for acres from which biomass from  
 45.3 corn stover will be harvested; and

45.4 (6) include biennial soil sampling to verify maintained or increased levels of soil  
 45.5 organic matter.

45.6 (b) An eligible producer who utilizes agricultural cellulosic biomass and receives  
 45.7 payments under this section shall submit an annual report on the producer's responsible  
 45.8 biomass sourcing plan to the commissioner by January 15 each year. The report must  
 45.9 include data on progress made by the producer in meeting specific goals laid out in the  
 45.10 plan. The commissioner shall make the report publicly available. The commissioner shall  
 45.11 perform an annual review of submitted reports and may make a determination that the  
 45.12 producer is not following the plan based on the reports submitted. The commissioner  
 45.13 may take appropriate steps, including reducing or ceasing payments, until the producer  
 45.14 is in compliance with the plan.

45.15 Subd. 6. **Claims.** (a) By the last day of October, January, April, and July, each eligible  
 45.16 biofuel producer shall file a claim for payment for advanced biofuel production during the  
 45.17 preceding three calendar months. An eligible biofuel producer that files a claim under  
 45.18 this subdivision shall include a statement of the eligible biofuel producer's total advanced  
 45.19 biofuel production in Minnesota during the quarter covered by the claim. For each claim  
 45.20 and statement of total advanced biofuel production filed under this subdivision, the volume  
 45.21 of advanced biofuel production must be examined by a CPA firm with a valid permit to  
 45.22 practice under chapter 326A, in accordance with Statements on Standards for Attestation  
 45.23 Engagements established by the American Institute of Certified Public Accountants.

45.24 (b) The commissioner must issue payments by November 15, February 15, May 15,  
 45.25 and August 15. A separate payment must be made for each claim filed.

45.26 Sec. 59. **[41A.17] RENEWABLE CHEMICAL PRODUCTION INCENTIVE.**

45.27 Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this program  
 45.28 must source at least 80 percent biobased content, as defined in section 41A.105,  
 45.29 subdivision 1a, clause (1), from Minnesota. If a facility is sited 50 miles or less from the  
 45.30 state border, biobased content must be sourced from within a 100-mile radius. Biobased  
 45.31 content must be from agricultural or forestry sources or from solid waste. The facility  
 45.32 must be located in Minnesota, must begin production at a specific location by June 30,  
 45.33 2025, and must not begin production of 3,000,000 pounds of chemicals annually before  
 45.34 January 1, 2015. Eligible facilities include existing companies and facilities that are  
 45.35 adding production capacity, or retrofitting existing capacity, as well as new companies and

46.1 facilities. Eligible renewable chemical facilities must produce at least 3,000,000 pounds  
46.2 per year. Renewable chemicals produced through processes that are fully commercial  
46.3 before January 1, 2000, are not eligible.

46.4 (b) No payments shall be made for renewable chemical production that occurs after  
46.5 June 30, 2035, for those eligible renewable chemical producers under paragraph (a).

46.6 (c) An eligible producer of renewable chemicals shall not transfer the producer's  
46.7 eligibility for payments under this section to a renewable chemical facility at a different  
46.8 location.

46.9 (d) A producer that ceases production for any reason is ineligible to receive  
46.10 payments under this section until the producer resumes production.

46.11 (e) Advanced biofuel production for which payment has been received under section  
46.12 41A.16, and biomass thermal production for which payment has been received under  
46.13 section 41A.18, are not eligible for payment under this section.

46.14 Subd. 2. **Payment amounts; bonus; limits.** (a) The commissioner shall make  
46.15 payments to eligible producers of renewable chemicals located in the state. The amount of  
46.16 the payment for each producer's annual production is \$0.03 per pound of sugar-derived  
46.17 renewable chemical, \$0.03 per pound of cellulosic sugar, and \$0.06 per pound of  
46.18 cellulosic-derived renewable chemical produced at a specific location for ten years after  
46.19 the start of production.

46.20 (b) An eligible facility producing renewable chemicals using agricultural cellulosic  
46.21 biomass is eligible for a 20 percent bonus payment for each MMbtu produced from  
46.22 agricultural biomass that is derived from perennial crop or cover crop biomass.

46.23 (c) Total payments under this section to an eligible renewable chemical producer in  
46.24 a fiscal year may not exceed the amount necessary for 99,999,999 pounds of renewable  
46.25 chemical production. Total payments under this section to all eligible renewable chemical  
46.26 producers in a fiscal year may not exceed the amount necessary for 599,999,999 pounds of  
46.27 renewable chemical production. The commissioner shall award payments on a first-come,  
46.28 first-served basis within the limits of available funding.

46.29 (d) For purposes of this section, an entity that holds a controlling interest in more  
46.30 than one renewable chemical production facility is considered a single eligible producer.

46.31 Subd. 3. **Cellulosic biomass requirements.** All forestry-derived cellulosic biomass  
46.32 must be produced using Minnesota state biomass harvesting guidelines or the equivalent.  
46.33 All cellulosic biomass from brushlands must be produced using Minnesota brushland  
46.34 harvesting biomass harvest guidelines or the equivalent. Forestry-derived cellulosic  
46.35 biomass that comes from land parcels greater than 160 acres must be certified by the Forest  
46.36 Stewardship Council, Sustainable Forestry Initiative, or American Tree Farm System.

47.1 Uncertified land from parcels of 160 acres or less and federal land must be harvested by  
47.2 a logger who has completed training for biomass harvesting from the Minnesota logger  
47.3 education program or the equivalent and have a forest stewardship plan.

47.4 Subd. 4. **Agricultural cellulosic biomass sourcing plan.** (a) An eligible producer  
47.5 who utilizes agricultural cellulosic biomass must submit a responsible biomass sourcing  
47.6 plan to the commissioner prior to applying for payments under this section. The plan must:

47.7 (1) provide a detailed explanation of how agricultural cellulosic biomass will be  
47.8 produced and managed in a way that preserves soil quality, does not increase soil and  
47.9 nutrient runoff, avoids introduction of harmful invasive species, limits negative impacts  
47.10 on wildlife habitat, and reduces greenhouse gas emissions;

47.11 (2) include the producer's approach to verifying that biomass suppliers are following  
47.12 the plan;

47.13 (3) discuss how new technologies and practices that are not yet commercially viable  
47.14 may be encouraged and adopted during the life of the facility, and how the producer will  
47.15 encourage continuous improvement during the life of the project; and

47.16 (4) include specific numeric goals and timelines for making progress.

47.17 (b) An eligible producer who utilizes agricultural cellulosic biomass and receives  
47.18 payments under this section shall submit an annual report on the producer's responsible  
47.19 biomass sourcing plan to the commissioner by January 15 each year. The report must  
47.20 include data on progress made by the producer in meeting specific goals laid out in the  
47.21 plan. The commissioner shall make the report publicly available. The commissioner shall  
47.22 perform an annual review of submitted reports and may make a determination that the  
47.23 producer is not following the plan based on the reports submitted. The commissioner  
47.24 may take appropriate steps, including reducing or ceasing payments, until the producer  
47.25 is in compliance with the plan.

47.26 Subd. 5. **Claims.** (a) By the last day of October, January, April, and July, each  
47.27 eligible renewable chemical producer shall file a claim for payment for renewable  
47.28 chemical production during the preceding three calendar months. An eligible renewable  
47.29 chemical producer that files a claim under this subdivision shall include a statement of  
47.30 the eligible producer's total renewable chemical production in Minnesota during the  
47.31 quarter covered by the claim. For each claim and statement of total renewable chemical  
47.32 production filed under this paragraph, the volume of renewable chemical production  
47.33 must be examined by a CPA firm with a valid permit to practice under chapter 326A, in  
47.34 accordance with Statements on Standards for Attestation Engagements established by the  
47.35 American Institute of Certified Public Accountants.

48.1 (b) The commissioner must issue payments by November 15, February 15, May 15,  
48.2 and August 15. A separate payment must be made for each claim filed.

48.3 **Sec. 60. [41A.18] BIOMASS THERMAL PRODUCTION INCENTIVE.**

48.4 Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this section must  
48.5 source at least 80 percent raw materials from Minnesota. If a facility is sited 50 miles or  
48.6 less from the state border, raw materials should be sourced from within a 100-mile radius.  
48.7 Raw materials must be from agricultural or forestry sources. The facility must be located  
48.8 in Minnesota, must have begun production at a specific location by June 30, 2025, and  
48.9 must not begin before July 1, 2015. Eligible facilities include existing companies and  
48.10 facilities that are adding production capacity, or retrofitting existing capacity, as well as  
48.11 new companies and facilities. Eligible biomass thermal production facilities must produce  
48.12 at least 1,000 MMbtu per year.

48.13 (b) No payments shall be made for biomass thermal production that occurs after June  
48.14 30, 2035, for those eligible biomass thermal producers under paragraph (a).

48.15 (c) An eligible producer of biomass thermal production shall not transfer the  
48.16 producer's eligibility for payments under this section to a biomass thermal production  
48.17 facility at a different location.

48.18 (d) A producer that ceases production for any reason is ineligible to receive  
48.19 payments under this section until the producer resumes production.

48.20 (e) Biofuel production for which payment has been received under section 41A.16,  
48.21 and renewable chemical production for which payment has been received under section  
48.22 41A.17, are not eligible for payment under this section.

48.23 Subd. 2. **Payment amounts; bonus; limits; blending.** (a) The commissioner shall  
48.24 make payments to eligible producers of biomass thermal located in the state. The amount  
48.25 of the payment for each producer's annual production is \$5.00 per MMbtu of biomass  
48.26 thermal production produced at a specific location for ten years after the start of production.

48.27 (b) An eligible facility producing biomass thermal using agricultural cellulosic  
48.28 biomass is eligible for a 20 percent bonus payment for each MMbtu produced from  
48.29 agricultural biomass that is derived from perennial crop or cover crop biomass.

48.30 (c) Total payments under this section to an eligible thermal producer in a fiscal  
48.31 year may not exceed the amount necessary for 30,000 MMbtu of thermal production.  
48.32 Total payments under this section to all eligible thermal producers in a fiscal year may  
48.33 not exceed the amount necessary for 150,000 MMbtu of total thermal production. The  
48.34 commissioner shall award payments on a first-come, first-served basis within the limits of  
48.35 available funding.



49.1 (d) An eligible facility may blend a cellulosic feedstock with other fuels in the  
49.2 biomass thermal production facility, but only the percentage attributable to cellulosic  
49.3 material is eligible to receive payment.

49.4 (e) For purposes of this section, an entity that holds a controlling interest in more  
49.5 than one biomass thermal production facility is considered a single eligible producer.

49.6 Subd. 3. **Cellulosic biomass requirements.** All forestry-derived cellulosic biomass  
49.7 must be produced using Minnesota state biomass harvesting guidelines or the equivalent.  
49.8 All biomass from brushland must be produced using Minnesota brushland harvesting  
49.9 biomass guidelines or the equivalent. Forestry-derived cellulosic biomass that comes from  
49.10 land parcels greater than 160 acres must be certified by the Forest Stewardship Council,  
49.11 the Sustainable Forestry Initiative, or American Tree Farm. Uncertified land from parcels  
49.12 of 160 acres or less and federal land must be harvested by a logger who has completed  
49.13 training for biomass harvesting from the Minnesota logger education program or the  
49.14 equivalent and have a forest stewardship plan.

49.15 Subd. 4. **Agricultural cellulosic biomass sourcing plan.** (a) An eligible producer  
49.16 who utilizes agricultural cellulosic biomass must submit a responsible biomass sourcing  
49.17 plan to the commissioner prior to applying for payments under this section. The plan must:

49.18 (1) provide a detailed explanation of how agricultural cellulosic biomass will be  
49.19 produced and managed in a way that preserves soil quality, does not increase soil and  
49.20 nutrient runoff, avoids introduction of harmful invasive species, limits negative impacts  
49.21 on wildlife habitat, and reduces greenhouse gas emissions;

49.22 (2) include the producer's approach to verifying that biomass suppliers are following  
49.23 the plan;

49.24 (3) discuss how new technologies and practices that are not yet commercially viable  
49.25 may be encouraged and adopted during the life of the facility, and how the producer will  
49.26 encourage continuous improvement during the life of the project; and

49.27 (4) include specific numeric goals and timelines for making progress.

49.28 (b) An eligible producer who utilizes agricultural cellulosic biomass and receives  
49.29 payments under this section shall submit an annual report on the producer's responsible  
49.30 biomass sourcing plan to the commissioner by January 15 each year. The report must  
49.31 include data on progress made by the producer in meeting specific goals laid out in the  
49.32 plan. The commissioner shall make the report publicly available. The commissioner shall  
49.33 perform an annual review of submitted reports and may make a determination that the  
49.34 producer is not following the plan based on the reports submitted. The commissioner  
49.35 may take appropriate steps, including reducing or ceasing payments, until the producer  
49.36 is in compliance with the plan.

50.1 Subd. 5. **Claims.** (a) By the last day of October, January, April, and July, each  
 50.2 producer shall file a claim for payment for biomass thermal production during the  
 50.3 preceding three calendar months. A producer that files a claim under this subdivision shall  
 50.4 include a statement of the producer's total biomass thermal production in Minnesota  
 50.5 during the quarter covered by the claim. For each claim and statement of total biomass  
 50.6 thermal production filed under this paragraph, the volume of biomass thermal production  
 50.7 must be examined by a CPA firm with a valid permit to practice under chapter 326A, in  
 50.8 accordance with Statements on Standards for Attestation Engagements established by the  
 50.9 American Institute of Certified Public Accountants.

50.10 (b) The commissioner must issue payments by November 15, February 15, May 15,  
 50.11 and August 15. A separate payment shall be made for each claim filed.

50.12 **Sec. 61. [41A.19] REPORT; INCENTIVE PROGRAMS.**

50.13 By January 15 each year, the commissioner shall report on the incentive programs  
 50.14 under sections 41A.16, 41A.17, and 41A.18 to the legislative committees with jurisdiction  
 50.15 over environment and agriculture policy and finance. The report shall include information  
 50.16 on production and incentive expenditures under the programs.

50.17 **Sec. 62.** Minnesota Statutes 2014, section 41B.03, subdivision 6, is amended to read:

50.18 **Subd. 6. **Application fee.**** The authority may impose a reasonable nonrefundable  
 50.19 application fee for each application submitted for a beginning farmer loan or a  
 50.20 seller-sponsored loan. The application fee is initially \$50. The authority may review the  
 50.21 fee annually and make adjustments as necessary. The fee must be deposited in the state  
 50.22 treasury and credited to ~~an account in the special revenue fund. Money in the account is~~  
 50.23 ~~appropriated to the commissioner for administrative expenses of the beginning farmer~~  
 50.24 ~~and seller-sponsored loan programs~~ the Rural Finance Authority administrative account  
 50.25 established in subdivision 7.

50.26 **Sec. 63.** Minnesota Statutes 2014, section 41B.03, is amended by adding a subdivision  
 50.27 to read:

50.28 **Subd. 7. **Rural Finance Authority administrative account.**** There is established  
 50.29 in the agricultural fund a Rural Finance Authority administrative account. Money in the  
 50.30 account, including interest, is appropriated to the commissioner of agriculture for the  
 50.31 administrative expenses of the loan programs administered by the Rural Finance Authority.

50.32 **Sec. 64.** Minnesota Statutes 2014, section 41B.04, subdivision 17, is amended to read:

51.1 Subd. 17. **Application and origination fee.** The authority may impose a reasonable  
 51.2 nonrefundable application fee for each application and an origination fee for each loan  
 51.3 issued under the loan restructuring program. The origination fee is 1.5 percent of the  
 51.4 authority's participation interest in the loan and the application fee is \$50. The authority  
 51.5 may review the fees annually and make adjustments as necessary. The fees must be  
 51.6 deposited in the state treasury and credited to ~~an account in the special revenue fund.~~  
 51.7 ~~Money in the account is appropriated to the commissioner for administrative expenses~~  
 51.8 ~~of the loan restructuring program~~ the Rural Finance Authority administrative account  
 51.9 established in section 41B.03.

51.10 Sec. 65. Minnesota Statutes 2014, section 41B.043, subdivision 3, is amended to read:

51.11 Subd. 3. **Application and origination fee.** The authority may impose a reasonable  
 51.12 nonrefundable application fee for each application submitted for a participation issued  
 51.13 under the agricultural improvement loan program. The application fee is initially \$50. The  
 51.14 authority may review the fees annually and make adjustments as necessary. The fees must  
 51.15 be deposited in the state treasury and credited to ~~an account in the special revenue fund.~~  
 51.16 ~~Money in this account is appropriated to the commissioner for administrative expenses of~~  
 51.17 ~~the agricultural improvement loan program~~ the Rural Finance Authority administrative  
 51.18 account established in section 41B.03.

51.19 Sec. 66. Minnesota Statutes 2014, section 41B.045, subdivision 3, is amended to read:

51.20 Subd. 3. **Specifications.** ~~No loan may be made to refinance an existing debt.~~ Each  
 51.21 loan participation must be secured by a mortgage on real property and such other security  
 51.22 as the authority may require.

51.23 Sec. 67. Minnesota Statutes 2014, section 41B.045, subdivision 4, is amended to read:

51.24 Subd. 4. **Application and origination fee.** The authority may impose a reasonable  
 51.25 nonrefundable application fee for each application for a loan participation and an  
 51.26 origination fee for each loan issued under the livestock expansion loan program. The  
 51.27 origination fee initially shall be set at 1.5 percent and the application fee at \$50. The  
 51.28 authority may review the fees annually and make adjustments as necessary. The fees must  
 51.29 be deposited in the state treasury and credited to ~~an account in the special revenue fund.~~  
 51.30 ~~Money in this account is appropriated to the commissioner for administrative expenses of~~  
 51.31 ~~the livestock expansion loan program~~ the Rural Finance Authority administrative account  
 51.32 established in section 41B.03.

52.1 Sec. 68. Minnesota Statutes 2014, section 41B.046, subdivision 5, is amended to read:

52.2 Subd. 5. **Loans.** (a) The authority may participate in a stock loan with an eligible  
52.3 lender to a farmer who is eligible under subdivision 4. Participation is limited to 45  
52.4 percent of the principal amount of the loan or \$40,000, whichever is less. The interest  
52.5 rates and repayment terms of the authority's participation interest may differ from the  
52.6 interest rates and repayment terms of the lender's retained portion of the loan, but the  
52.7 authority's interest rate must not exceed 50 percent of the lender's interest rate.

52.8 (b) No more than 95 percent of the purchase price of the stock may be financed  
52.9 under this program.

52.10 (c) Security for stock loans must be the stock purchased, a personal note executed by  
52.11 the borrower, and whatever other security is required by the eligible lender or the authority.

52.12 (d) The authority may impose a reasonable nonrefundable application fee for each  
52.13 application for a stock loan. The authority may review the fee annually and make  
52.14 adjustments as necessary. The application fee is initially \$50. Application fees received  
52.15 by the authority must be deposited in the ~~revolving loan account established in section~~  
52.16 41B.06 Rural Finance Authority administrative account established in section 41B.03.

52.17 (e) Stock loans under this program will be made using money in the revolving  
52.18 loan account established in section 41B.06.

52.19 (f) The authority may not grant stock loans in a cumulative amount exceeding  
52.20 \$2,000,000 for the financing of stock purchases in any one cooperative.

52.21 (g) Repayments of financial assistance under this section, including principal and  
52.22 interest, must be deposited into the revolving loan account established in section 41B.06.

52.23 Sec. 69. Minnesota Statutes 2014, section 41B.047, subdivision 1, as amended by  
52.24 Laws 2015, chapter 44, section 27, is amended to read:

52.25 Subdivision 1. **Establishment.** The authority shall establish and implement a  
52.26 disaster recovery loan program to help farmers:

52.27 (1) clean up, repair, or replace farm structures and septic and water systems, as well  
52.28 as replace seed, other crop inputs, feed, and livestock, when damaged by high winds,  
52.29 hail, tornado, or flood;

52.30 (2) purchase watering systems, irrigation systems, and other drought mitigation  
52.31 systems and practices when drought is the cause of the purchase;

52.32 (3) restore farmland; or

52.33 (4) replace flocks, make building improvements, or ~~obtain an operating line of credit~~  
52.34 if the loss or damage cover the loss of revenue when the replacement, improvements, or

53.1 loss of revenue is due to the confirmed presence of the highly pathogenic avian influenza  
 53.2 in a commercial poultry or game flock located in Minnesota.

53.3 Sec. 70. Minnesota Statutes 2014, section 41B.047, subdivision 3, as amended by  
 53.4 Laws 2015, chapter 44, section 28, is amended to read:

53.5 Subd. 3. **Eligibility.** To be eligible for this program, a borrower must:

53.6 (1) meet the requirements of section 41B.03, subdivision 1;

53.7 (2) certify that the damage or loss was (i) sustained within a county that was the  
 53.8 subject of (i) a state or federal disaster declaration or (ii) ~~a peacetime emergency declaration~~  
 53.9 ~~made by the governor under section 12.31~~ due to the confirmed presence of the highly  
 53.10 pathogenic avian influenza in a commercial poultry or game flock located in Minnesota;

53.11 (3) demonstrate an ability to repay the loan; and

53.12 ~~(4) for loans under subdivision 1, clauses (1) to (3), have a total net worth, including~~  
 53.13 ~~assets and liabilities of the borrower's spouse and dependents, of less than \$660,000 in~~  
 53.14 ~~2004 and an amount in subsequent years which is adjusted for inflation by multiplying that~~  
 53.15 ~~amount by the cumulative inflation rate as determined by the Consumer Price Index; and~~

53.16 ~~(5)~~ (4) have received at least 50 percent of average annual gross income from  
 53.17 farming for the past three years.

53.18 Sec. 71. Minnesota Statutes 2014, section 41B.047, subdivision 4, is amended to read:

53.19 Subd. 4. **Loans.** (a) The authority may participate in a disaster recovery loan with  
 53.20 an eligible lender to a farmer who is eligible under subdivision 3. Participation is limited  
 53.21 to 45 percent of the principal amount of the loan or ~~\$50,000~~ \$200,000, whichever is less.

53.22 The interest rates and repayment terms of the authority's participation interest may differ  
 53.23 from the interest rates and repayment terms of the lender's retained portion of the loan, but  
 53.24 the authority's interest rate must not exceed four percent.

53.25 (b) Standards for loan amortization shall be set by the Rural Finance Authority  
 53.26 not to exceed ten years.

53.27 (c) Security for the disaster recovery loans must be a personal note executed by the  
 53.28 borrower and whatever other security is required by the eligible lender or the authority.

53.29 (d) The authority may impose a reasonable nonrefundable application fee for a  
 53.30 disaster recovery loan. The authority may review the fee annually and make adjustments  
 53.31 as necessary. The application fee is initially \$50. Application fees received by the  
 53.32 authority must be deposited in the ~~revolving loan account established under section~~  
 53.33 ~~41B.06~~ Rural Finance Authority administrative account established in section 41B.03.

54.1 (e) Disaster recovery loans under this program will be made using money in the  
54.2 revolving loan account established under section 41B.06.

54.3 (f) Repayments of financial assistance under this section, including principal and  
54.4 interest, must be deposited into the revolving loan account established under section  
54.5 41B.06.

54.6 Sec. 72. Minnesota Statutes 2014, section 41B.048, subdivision 6, is amended to read:

54.7 Subd. 6. **Loans.** (a) The authority may disburse loans through a fiscal agent to  
54.8 farmers and agricultural landowners who are eligible under subdivision 5. The total  
54.9 accumulative loan principal must not exceed \$75,000 per loan.

54.10 (b) The fiscal agent may impose a loan origination fee in the amount of one percent  
54.11 of the total approved loan. This fee is to be paid by the borrower to the fiscal agent at  
54.12 the time of loan closing.

54.13 (c) The loan may be disbursed over a period not to exceed 12 years.

54.14 (d) A borrower may receive loans, depending on the availability of funds, for planted  
54.15 areas up to 160 acres for up to:

54.16 (1) the total amount necessary for establishment of the crop;

54.17 (2) the total amount of maintenance costs, including weed control, during the first  
54.18 three years; and

54.19 (3) 70 percent of the estimated value of one year's growth of the crop for years  
54.20 four through 12.

54.21 (e) Security for the loan must be the crop, a personal note executed by the borrower, an  
54.22 interest in the land upon which the crop is growing, and whatever other security is required  
54.23 by the fiscal agent or the authority. All recording fees must be paid by the borrower.

54.24 (f) The authority may prescribe forms and establish an application process for  
54.25 applicants to apply for a loan.

54.26 (g) The authority may impose a reasonable, nonrefundable application fee for each  
54.27 application for a loan under this program. The application fee is initially \$50. Application  
54.28 fees received by the authority must be deposited in the revolving loan account established  
54.29 under section 41B.06 Rural Finance Authority administrative account established in  
54.30 section 41B.03.

54.31 (h) Loans under the program must be made using money in the revolving loan  
54.32 account established under section 41B.06.

54.33 (i) All repayments of financial assistance granted under this section, including  
54.34 principal and interest, must be deposited into the revolving loan account established  
54.35 under section 41B.06.

55.1 (j) The interest payable on loans made by the authority for the agroforestry loan  
 55.2 program must, if funded by revenue bond proceeds, be at a rate not less than the rate on the  
 55.3 revenue bonds, and may be established at a higher rate necessary to pay costs associated  
 55.4 with the issuance of the revenue bonds and a proportionate share of the cost of administering  
 55.5 the program. The interest payable on loans for the agroforestry loan program funded from  
 55.6 sources other than revenue bond proceeds must be at a rate determined by the authority.

55.7 (k) Loan principal balance outstanding plus all assessed interest must be repaid  
 55.8 within 120 days of harvest, but no later than 15 years from planting.

55.9 Sec. 73. Minnesota Statutes 2014, section 41B.049, subdivision 4, is amended to read:

55.10 Subd. 4. **Loans.** (a) The authority may make a direct loan or participate in a loan  
 55.11 with an eligible lender to a farmer who is eligible under subdivision 3. Repayment terms  
 55.12 of the authority's participation interest may differ from repayment terms of the lender's  
 55.13 retained portion of the loan. Loans made under this section must be no-interest loans.

55.14 (b) Application for a direct loan or a loan participation must be made on forms  
 55.15 prescribed by the authority.

55.16 (c) Standards for loan amortization shall be set by the Rural Finance Authority  
 55.17 not to exceed ten years.

55.18 (d) Security for the loans must be a personal note executed by the borrower and  
 55.19 whatever other security is required by the eligible lender or the authority.

55.20 (e) No loan proceeds may be used to refinance a debt existing prior to application.

55.21 (f) The authority may impose a reasonable nonrefundable application fee for  
 55.22 each application for a direct loan or a loan participation. The authority may review the  
 55.23 application fees annually and make adjustments as necessary. The application fee is  
 55.24 initially set at \$100 for a loan under subdivision 1. The fees received by the authority must  
 55.25 be deposited in the revolving loan account established in section 41B.06 Rural Finance  
 55.26 Authority administrative account established in section 41B.03.

55.27 Sec. 74. Minnesota Statutes 2014, section 41B.055, subdivision 3, is amended to read:

55.28 Subd. 3. **Loans.** (a) The authority may participate in a livestock equipment loan  
 55.29 equal to 90 percent of the purchased equipment value with an eligible lender to a farmer  
 55.30 who is eligible under subdivision 2. Participation is limited to 45 percent of the principal  
 55.31 amount of the loan or \$40,000, whichever is less. The interest rates and repayment terms  
 55.32 of the authority's participation interest may differ from the interest rates and repayment  
 55.33 terms of the lender's retained portion of the loan, but the authority's interest rate must

56.1 not exceed three percent. The authority may review the interest annually and make  
56.2 adjustments as necessary.

56.3 (b) Standards for loan amortization must be set by the Rural Finance Authority  
56.4 and must not exceed ten years.

56.5 (c) Security for a livestock equipment loan must be a personal note executed by the  
56.6 borrower and whatever other security is required by the eligible lender or the authority.

56.7 (d) Refinancing of existing debt is not an eligible purpose.

56.8 (e) The authority may impose a reasonable, nonrefundable application fee for  
56.9 a livestock equipment loan. The authority may review the fee annually and make  
56.10 adjustments as necessary. The initial application fee is \$50. Application fees received  
56.11 by the authority must be deposited in the ~~revolving loan account established in section~~  
56.12 41B.06 Rural Finance Authority administrative account established in section 41B.03.

56.13 (f) Loans under this program must be made using money in the revolving loan  
56.14 account established in section 41B.06.

56.15 Sec. 75. Minnesota Statutes 2014, section 41B.056, subdivision 2, is amended to read:

56.16 Subd. 2. **Definitions.** (a) The definitions in this subdivision apply to this section.

56.17 (b) "Intermediary" means any lending institution or other organization of a for-profit  
56.18 or nonprofit nature that is in good standing with the state of Minnesota that has the  
56.19 appropriate business structure and trained personnel suitable to providing efficient  
56.20 disbursement of loan funds and the servicing and collection of loans.

56.21 (c) "Specialty crops" means agricultural crops, such as annuals, flowers, perennials,  
56.22 and other horticultural products, that are intensively cultivated.

56.23 (d) "Eligible livestock" means ~~poultry that has been allowed access to the outside,~~  
56.24 sheep, or goats ~~beef cattle, dairy cattle, swine, poultry, goats, mules, farmed cervidae,~~  
56.25 ratitae, bison, sheep, horses, and llamas.

56.26 Sec. 76. **[41B.057] FARM OPPORTUNITY LOAN PROGRAM.**

56.27 Subdivision 1. **Establishment.** The authority shall establish a farm opportunity loan  
56.28 program to provide loans that enable farmers to:

56.29 (1) add value to crops or livestock produced in Minnesota;

56.30 (2) adopt best management practices that emphasize sufficiency and self-sufficiency;

56.31 (3) reduce or improve management of agricultural inputs resulting in environmental  
56.32 improvements; or

56.33 (4) increase production of on-farm energy.



57.1 Subd. 2. **Loan criteria.** (a) The farm opportunity loan program shall provide loans  
 57.2 for purchase of new or used equipment and installation of equipment for projects that  
 57.3 make environmental improvements and enhance farm profitability. The loan program  
 57.4 shall also be used to add value to crops or livestock produced in Minnesota by, but not  
 57.5 limited to, initiating or expanding livestock product processing; purchasing equipment to  
 57.6 initiate, upgrade, or modernize value-added agricultural businesses; or increasing farmers'  
 57.7 processing and aggregating capacity facilitating entry into farm-to-institution and other  
 57.8 markets. Eligible loan uses do not include expenses related to seeds, fertilizer, fuel, or  
 57.9 other operating expenses.

57.10 (b) The authority may impose a reasonable, nonrefundable application fee for a farm  
 57.11 opportunity loan. The authority may review the fee annually and make adjustments as  
 57.12 necessary. The initial application fee is \$50. Application fees received by the authority  
 57.13 must be deposited in the Rural Finance Authority administrative account established  
 57.14 in section 41B.03.

57.15 (c) Loans may only be made to Minnesota residents engaged in farming. Standards  
 57.16 for loan amortization must be set by the Rural Finance Authority and must not exceed  
 57.17 ten years.

57.18 (d) The borrower must show the ability to repay the loan.

57.19 (e) Refinancing of existing debt is not an eligible expense.

57.20 (f) Loans under this program must be made using money in the revolving loan  
 57.21 account established in section 41B.06.

57.22 Subd. 3. **Loan participation.** The authority may participate in a farm opportunity  
 57.23 loan with an eligible lender, as defined in section 41B.02, subdivision 8, to a farmer or a  
 57.24 group of farmers on joint projects who are eligible under subdivision 2, paragraph (c),  
 57.25 and who are actively engaged in farming. Participation is limited to 45 percent of the  
 57.26 principal amount of the loan or \$45,000 per individual, whichever is less. For loans to a  
 57.27 group made up of four or more individuals, participation is limited to 45 percent of the  
 57.28 principal amount of the loan or \$180,000, whichever is less. The interest rate on the  
 57.29 loans must not exceed six percent.

57.30 Sec. 77. Minnesota Statutes 2014, section 41B.06, is amended to read:

57.31 **41B.06 RURAL FINANCE AUTHORITY REVOLVING LOAN ACCOUNT.**

57.32 There is established in the rural finance administration fund a Rural Finance  
 57.33 Authority revolving loan account that is eligible to receive appropriations and the transfer  
 57.34 of loan funds from other programs. All repayments of financial assistance granted from  
 57.35 this account, including principal and interest, must be deposited into this account. Interest

58.1 earned on money in the account accrues to the account, and the money in the account is  
 58.2 appropriated to the commissioner of agriculture for purposes of the Rural Finance Authority  
 58.3 livestock equipment, methane digester, disaster recovery, value-added agricultural  
 58.4 product, agroforestry, ~~and agricultural microloan~~, and farm opportunity loan programs,  
 58.5 including costs incurred by the authority to establish and administer the programs.

58.6 Sec. 78. Minnesota Statutes 2014, section 135A.52, is amended by adding a  
 58.7 subdivision to read:

58.8 Subd. 6. **Farm business management.** Minnesota State Colleges and Universities  
 58.9 campuses that offer farm business management may specify space availability in the  
 58.10 delivery of farm business management courses.

58.11 Sec. 79. Minnesota Statutes 2014, section 375.30, subdivision 2, is amended to read:

58.12 Subd. 2. **Wild hemp.** A county board, by resolution, may appropriate and spend  
 58.13 money as necessary to spray and otherwise eradicate wild hemp, ~~commonly known as~~  
 58.14 ~~marijuana~~, on private property within the county. The county board may authorize the  
 58.15 use of county equipment, personnel and supplies and materials to spray or otherwise  
 58.16 eradicate wild hemp on private property, and may pro rate the expenses involved between  
 58.17 the county and owner or occupant of the property. Industrial hemp grown by a person  
 58.18 licensed under chapter 18K is not wild hemp.

58.19 Sec. 80. Minnesota Statutes 2014, section 500.24, subdivision 4, is amended to read:

58.20 Subd. 4. **Reports.** (a) The chief executive officer of every pension or investment  
 58.21 fund, corporation, limited partnership, limited liability company, or entity that is seeking  
 58.22 to qualify for an exemption from the commissioner, and the trustee of a family farm trust  
 58.23 that holds any interest in agricultural land or land used for the breeding, feeding, pasturing,  
 58.24 growing, or raising of livestock, dairy or poultry, or products thereof, or land used for  
 58.25 the production of agricultural crops or fruit or other horticultural products, other than a  
 58.26 bona fide encumbrance taken for purposes of security, or which is engaged in farming  
 58.27 or proposing to commence farming in this state after May 20, 1973, shall file with the  
 58.28 commissioner a report containing the following information and documents:

58.29 (1) the name of the pension or investment fund, corporation, limited partnership, or  
 58.30 limited liability company and its place of incorporation, certification, or registration;

58.31 (2) the address of the pension or investment plan headquarters or of the registered  
 58.32 office of the corporation in this state, the name and address of its registered agent in this state

59.1 and, in the case of a foreign corporation, limited partnership, or limited liability company,  
59.2 the address of its principal office in its place of incorporation, certification, or registration;

59.3 (3) the acreage and location listed by quarter-quarter section, township, and county  
59.4 of each lot or parcel of agricultural land or land used for the keeping or feeding of poultry  
59.5 in this state owned or leased by the pension or investment fund, limited partnership,  
59.6 corporation, or limited liability company;

59.7 (4) the names and addresses of the officers, administrators, directors, or trustees of  
59.8 the pension or investment fund, or of the officers, shareholders owning more than ten  
59.9 percent of the stock, including the percent of stock owned by each such shareholder, the  
59.10 members of the board of directors of the corporation, and the members of the limited  
59.11 liability company, and the general and limited partners and the percentage of interest in  
59.12 the partnership by each partner;

59.13 (5) the farm products which the pension or investment fund, limited partnership,  
59.14 corporation, or limited liability company produces or intends to produce on its agricultural  
59.15 land;

59.16 (6) with the first report, a copy of the title to the property where the farming operations  
59.17 are or will occur indicating the particular exception claimed under subdivision 3; and

59.18 (7) with the first or second report, a copy of the conservation plan proposed by the  
59.19 soil and water conservation district, and with subsequent reports a statement of whether  
59.20 the conservation plan was implemented.

59.21 The report of a corporation, trust, limited liability company, or partnership seeking  
59.22 to qualify hereunder as a family farm corporation, an authorized farm corporation, an  
59.23 authorized livestock farm corporation, a family farm partnership, an authorized farm  
59.24 partnership, a family farm limited liability company, an authorized farm limited liability  
59.25 company, or a family farm trust or under an exemption from the commissioner shall  
59.26 contain the following additional information: the number of shares, partnership interests,  
59.27 or governance and financial rights owned by persons or current beneficiaries of a family  
59.28 farm trust residing on the farm or actively engaged in farming, or their relatives within  
59.29 the third degree of kindred according to the rules of the civil law or their spouses; the  
59.30 name, address, and number of shares owned by each shareholder, partnership interests  
59.31 owned by each partner or governance and financial rights owned by each member, and a  
59.32 statement as to percentage of gross receipts of the corporation derived from rent, royalties,  
59.33 dividends, interest, and annuities. No pension or investment fund, limited partnership,  
59.34 corporation, or limited liability company shall commence farming in this state until the  
59.35 commissioner has inspected the report and certified that its proposed operations comply  
59.36 with the provisions of this section.

60.1 (b) Every pension or investment fund, limited partnership, trust, corporation, or  
 60.2 limited liability company as described in paragraph (a) shall, prior to April 15 of each  
 60.3 year, file with the commissioner a report containing the information required in paragraph  
 60.4 (a), based on its operations in the preceding calendar year and its status at the end of the  
 60.5 year. A pension or investment fund, limited partnership, corporation, or limited liability  
 60.6 company that does not file the report by April 15 must pay a \$500 civil penalty. The  
 60.7 penalty is a lien on the land being farmed under subdivision 3 until the penalty is paid.

60.8 (c) The commissioner may, for good cause shown, issue a written waiver or  
 60.9 reduction of the civil penalty for failure to make a timely filing of the annual report  
 60.10 required by this subdivision. The waiver or reduction is final and conclusive with respect  
 60.11 to the civil penalty, and may not be reopened or modified by an officer, employee, or  
 60.12 agent of the state, except upon a showing of fraud or malfeasance or misrepresentation  
 60.13 of a material fact. The report required under paragraph (b) must be completed prior to a  
 60.14 reduction or waiver under this paragraph. The commissioner may enter into an agreement  
 60.15 under this paragraph only once for each corporation or partnership.

60.16 (d) A report required under paragraph (a) or (b) must be submitted with a filing fee  
 60.17 of \$15. The fee must be deposited in the state treasury and credited to an account in  
 60.18 the agricultural fund. Money in the account, including interest, is appropriated to the  
 60.19 commissioner for the administrative expenses of this section.

60.20 ~~(d)~~ (e) Failure to file a required report or the willful filing of false information is a  
 60.21 gross misdemeanor.

60.22 Sec. 81. Minnesota Statutes 2014, section 583.215, is amended to read:

60.23 **583.215 EXPIRATION.**

60.24 Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and 583.20  
 60.25 to 583.32, expire June 30, ~~2016~~ 2017.

60.26 **EFFECTIVE DATE.** This section is effective May 23, 2016, if the legislature does  
 60.27 not meet in regular session in calendar year 2016 before May 23, 2016. If the legislature  
 60.28 meets in regular session in calendar year 2016 before May 23, 2016, this section is void.

60.29 Sec. 82. Laws 2014, chapter 312, article 12, section 3, is amended to read:

60.30	Sec. 3. <b>AGRICULTURE.</b>	<b>\$</b>	<b>-0-</b>	<b>\$</b>	<b>2,750,000</b>
60.31	\$2,000,000 in 2015 is for a grant to Second				
60.32	Harvest Heartland on behalf of the six				
60.33	Feeding America food banks that serve				

61.1 Minnesota to compensate agricultural  
61.2 producers and processors for costs incurred  
61.3 to harvest and package for transfer surplus  
61.4 fruits, vegetables, or other agricultural  
61.5 commodities that would otherwise go  
61.6 unharvested ~~or~~, be discarded, or be sold in  
61.7 a secondary market. Surplus commodities  
61.8 must be distributed statewide to food  
61.9 shelves and other charitable organizations  
61.10 that are eligible to receive food from the  
61.11 food banks. Surplus food acquired under  
61.12 this appropriation must be from Minnesota  
61.13 producers and processors. Second Harvest  
61.14 Heartland must report when required by, and  
61.15 in the form prescribed by, the commissioner.  
61.16 ~~For fiscal year 2015, Second Harvest~~  
61.17 ~~Heartland may use up to 11 percent of any~~  
61.18 ~~grant received for administrative expenses~~  
61.19 ~~and up to four percent of the grant for~~  
61.20 ~~transportation expenses. For fiscal years~~  
61.21 ~~2016 and 2017, Second Harvest Heartland~~  
61.22 ~~may use up to five percent of any grant~~  
61.23 ~~received for administrative expenses. This~~  
61.24 ~~is a onetime appropriation and is available~~  
61.25 ~~until June 30, 2017.~~

61.26 The commissioner shall examine how other  
61.27 states are implementing the industrial hemp  
61.28 research authority provided in Public Law  
61.29 113-79 and gauge the interest of Minnesota  
61.30 higher education institutions. No later  
61.31 than January 15, 2015, the commissioner  
61.32 must report the information and items for  
61.33 legislative consideration to the legislative  
61.34 committees with jurisdiction over agriculture  
61.35 policy and finance.

62.1 \$350,000 in 2015 is for an increase in retail  
 62.2 food handler inspections.  
 62.3 \$200,000 in 2015 is added to the  
 62.4 appropriation in Laws 2013, chapter 114,  
 62.5 article 1, section 3, subdivision 4, for  
 62.6 distribution to the state's county fairs. This is  
 62.7 a onetime appropriation.  
 62.8 \$200,000 in 2015 is for a grant as determined  
 62.9 by the commissioner to a public higher  
 62.10 education institution to research porcine  
 62.11 epidemic diarrhea virus. This is a onetime  
 62.12 appropriation and is available until June 30,  
 62.13 2017.

62.14 Sec. 83. **LIVESTOCK INDUSTRY STUDY.**

62.15 The commissioner of agriculture must identify causes of the relative growth or  
 62.16 decline in the number of head of poultry and livestock produced in Minnesota, Iowa,  
 62.17 North Dakota, South Dakota, Wisconsin, and Nebraska over the last ten years, including  
 62.18 but not limited to the impact of nuisance conditions and lawsuits filed against poultry or  
 62.19 livestock farms. No later than February 1, 2016, the commissioner must report findings  
 62.20 by poultry and livestock sector and provide recommendations on how to strengthen and  
 62.21 expand Minnesota animal agriculture to the legislative committees with jurisdiction over  
 62.22 agriculture policy and finance.

62.23 Sec. 84. **CORRECTIONAL FACILITY VOCATIONAL TRAINING PILOT**  
 62.24 **PROGRAM.**

62.25 Subdivision 1. **Pilot program.** The commissioner of agriculture must coordinate  
 62.26 a pilot program operated by the Northeast Regional Corrections Center to train inmates  
 62.27 for careers as meat cutters upon release. The commissioner must facilitate program  
 62.28 development and ensure that the program prepares inmates to meet applicable food safety  
 62.29 and licensure requirements.

62.30 Subd. 2. **Program development.** In facilitating development of the pilot program,  
 62.31 the commissioner must consult with the commissioner of employment and economic  
 62.32 development and a representative of each of the following organizations:

- 62.33 (1) Northeast Regional Corrections Center; and  
 62.34 (2) United Food and Commercial Workers.

63.1 Subd. 3. **Report required.** No later than February 1, 2017, the commissioner must  
 63.2 report on the progress and outcomes of the program to the legislative committees with  
 63.3 jurisdiction over agriculture, economic development, higher education, and public safety.

63.4 Subd. 4. **Expiration.** This section expires on June 30, 2017.

63.5 **Sec. 85. URBAN AGRICULTURE DEVELOPMENT PROPOSAL.**

63.6 The commissioner of agriculture must convene interested stakeholders and develop  
 63.7 a proposal to effectively and efficiently promote urban agriculture in Minnesota cities.  
 63.8 For purposes of this section, "urban agriculture" means producing agricultural plants,  
 63.9 poultry, or livestock on public or private property within city limits. No later than January  
 63.10 15, 2016, the commissioner must report to the legislative committees with jurisdiction  
 63.11 over agriculture policy and finance and submit proposed legislation that includes a new  
 63.12 definition of urban agriculture if the commissioner and stakeholders determine that a  
 63.13 different definition more accurately defines urban agriculture.

63.14 **Sec. 86. BALANCES TRANSFERRED; ACCOUNTS ABOLISHED.**

63.15 The balances in the accounts created under Minnesota Statutes, sections 41B.03,  
 63.16 subdivision 6; 41B.04, subdivision 17; 41B.043, subdivision 3; and 41B.045, subdivision  
 63.17 4, are transferred to the Rural Finance Authority administrative account established under  
 63.18 Minnesota Statutes, section 41B.03, subdivision 7, and the original accounts are abolished.

63.19 The balance in the account created under Minnesota Statutes, section 17.115,  
 63.20 is transferred to the Rural Finance Authority revolving loan account established under  
 63.21 Minnesota Statutes, section 41B.06, and the original account is abolished.

63.22 **Sec. 87. REPEALER.**

63.23 Minnesota Statutes 2014, sections 17.115; 28A.15, subdivisions 9 and 10; and  
 63.24 116V.03, are repealed.

63.25 **Sec. 88. EFFECTIVE DATE.**

63.26 (a) Sections 62 to 77 and section 86 are effective the day following final enactment.

63.27 (b) Laws 2015, chapter 44, sections 22 to 26 and section 29, are effective the day  
 63.28 following final enactment.

63.29 **ARTICLE 3**

63.30 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

64.1 The sums shown in the columns marked "Appropriations" are appropriated to the  
 64.2 agencies and for the purposes specified in this article. The appropriations are from the  
 64.3 general fund, or another named fund, and are available for the fiscal years indicated  
 64.4 for each purpose. The figures "2016" and "2017" used in this article mean that the  
 64.5 appropriations listed under them are available for the fiscal year ending June 30, 2016, or  
 64.6 June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal  
 64.7 year 2017. "The biennium" is fiscal years 2016 and 2017. Appropriations for the fiscal  
 64.8 year ending June 30, 2015, are effective the day following final enactment.

64.9 **APPROPRIATIONS**  
 64.10 **Available for the Year**  
 64.11 **Ending June 30**  
 64.12 **2016                      2017**

64.13 **Sec. 2. POLLUTION CONTROL AGENCY**

64.14 **Subdivision 1. Total Appropriation                      \$      95,082,000 \$      91,784,000**

64.15	<u>Appropriations by Fund</u>		
64.16		<u>2016</u>	<u>2017</u>
64.17	<u>General</u>	<u>10,263,000</u>	<u>5,727,000</u>
64.18	<u>State Government</u>		
64.19	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
64.20	<u>Environmental</u>	<u>73,480,000</u>	<u>74,548,000</u>
64.21	<u>Remediation</u>	<u>11,264,000</u>	<u>11,434,000</u>

64.22 The amounts that may be spent for each  
 64.23 purpose are specified in the following  
 64.24 subdivisions.

64.25 The commissioner must present the agency's  
 64.26 biennial budget for fiscal years 2018 and  
 64.27 2019 to the legislature in a transparent way  
 64.28 by agency division, including the proposed  
 64.29 budget bill and presentations of the budget to  
 64.30 committees and divisions with jurisdiction  
 64.31 over the agency's budget.

64.32 **Subd. 2. Water    26,388,000                      26,081,000**

64.33	<u>Appropriations by Fund</u>		
64.34		<u>2016</u>	<u>2017</u>
64.35	<u>General</u>	<u>4,307,000</u>	<u>3,627,000</u>



65.1	<u>State Government</u>		
65.2	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
65.3	<u>Environmental</u>	<u>22,006,000</u>	<u>22,379,000</u>

65.4 \$1,959,000 the first year and \$1,959,000  
 65.5 the second year are for grants to delegated  
 65.6 counties to administer the county feedlot  
 65.7 program under Minnesota Statutes, section  
 65.8 116.0711, subdivisions 2 and 3. Money  
 65.9 remaining after the first year is available for  
 65.10 the second year.

65.11 \$753,000 the first year and \$765,000 the  
 65.12 second year are from the environmental  
 65.13 fund to address the need for continued  
 65.14 increased activity in the areas of new  
 65.15 technology review, technical assistance  
 65.16 for local governments, and enforcement  
 65.17 under Minnesota Statutes, sections 115.55  
 65.18 to 115.58, and to complete the requirements  
 65.19 of Laws 2003, chapter 128, article 1, section  
 65.20 165.

65.21 \$673,000 the first year and \$683,000 the  
 65.22 second year are from the environmental  
 65.23 fund for subsurface sewage treatment  
 65.24 system (SSTS) program administration  
 65.25 and community technical assistance and  
 65.26 education, including grants and technical  
 65.27 assistance to communities for water quality  
 65.28 protection. Of this amount, \$129,000 each  
 65.29 year is for assistance to counties through  
 65.30 grants for SSTS program administration.  
 65.31 A county receiving a grant from this  
 65.32 appropriation shall submit the results  
 65.33 achieved with the grant to the commissioner  
 65.34 as part of its annual SSTS report. Any  
 65.35 unexpended balance in the first year does not  
 65.36 cancel but is available in the second year.

66.1 \$107,000 the first year and \$109,000 the  
66.2 second year are from the environmental fund  
66.3 for registration of wastewater laboratories.

66.4 \$913,000 the first year and \$913,000 the  
66.5 second year are from the environmental fund  
66.6 to continue perfluorochemical biomonitoring  
66.7 in eastern metropolitan communities, as  
66.8 recommended by the Environmental Health  
66.9 Tracking and Biomonitoring Advisory Panel,  
66.10 and address other environmental health risks,  
66.11 including air quality. The communities must  
66.12 include Hmong and other immigrant farming  
66.13 communities. Of this amount, up to \$677,000  
66.14 the first year and \$677,000 the second year  
66.15 are for transfer to the Department of Health.

66.16 \$250,000 the first year and \$250,000 the  
66.17 second year are from the general fund for:

66.18 (1) a municipal liaison to assist municipalities  
66.19 in implementing and participating in the  
66.20 water quality standards rulemaking process  
66.21 and navigating the NPDES/SDS permitting  
66.22 process;

66.23 (2) enhanced economic analysis in the  
66.24 water quality standards rulemaking process,  
66.25 including more specific analysis and  
66.26 identification of cost-effective permitting;

66.27 (3) development of statewide economic  
66.28 analyses and templates to reduce the  
66.29 amount of information and time required for  
66.30 municipalities to apply for variances from  
66.31 water quality standards; and

66.32 (4) coordinating with the Public Facilities  
66.33 Authority to identify and advocate for  
66.34 the resources needed for municipalities to  
66.35 achieve permit requirements.

67.1 \$500,000 the first year is for transfer to the  
67.2 commissioner of management and budget for  
67.3 a cost analysis of water quality standards as  
67.4 required under this act.

67.5 \$200,000 the first year is for a grant to  
67.6 the Red River Basin Commission for  
67.7 development of a water quality strategic plan  
67.8 for the Red River of the North. This is a  
67.9 onetime appropriation and is available until  
67.10 June 30, 2018. The plan must include, but is  
67.11 not limited to, consistency in water quality  
67.12 goals and objectives for the Red River of the  
67.13 North and pollution reduction allocations for  
67.14 both point and nonpoint sources on the Red  
67.15 River of the North and for individual major  
67.16 watersheds tributary to the Red River of the  
67.17 North. The Red River Basin Commission  
67.18 must involve the interests of local, state, and  
67.19 federal government, business and industry,  
67.20 environmental groups, and Red River  
67.21 Basin landowners. The Red River Basin  
67.22 Commission must report progress on the plan  
67.23 to the house of representatives and senate  
67.24 committees and divisions with jurisdiction  
67.25 over environment policy and finance by  
67.26 February 15 in 2016 and 2017, and must  
67.27 submit the completed plan by December 31,  
67.28 2017.

67.29 The commissioner of the Pollution Control  
67.30 Agency must work with the Red River Basin  
67.31 Commission, the North Dakota Department  
67.32 of Health, the United States Environmental  
67.33 Protection Agency, Regions 5 and 8, and  
67.34 wastewater treatment plants in the Red River  
67.35 Basin to achieve phosphorous reductions

68.1 needed to protect the Red River and Lake  
 68.2 Winnipeg.  
 68.3 Notwithstanding Minnesota Statutes, section  
 68.4 16A.28, the appropriations encumbered on or  
 68.5 before June 30, 2017, as grants or contracts  
 68.6 for subsurface sewage treatment systems,  
 68.7 surface water and groundwater assessments,  
 68.8 total maximum daily loads, storm water, and  
 68.9 water quality protection in this subdivision  
 68.10 are available until June 30, 2020.

68.11 Subd. 3. Air 15,640,000 16,087,000

68.12	<u>Appropriations by Fund</u>	
68.13	<u>2016</u>	<u>2017</u>
68.14	<u>Environmental</u> <u>15,640,000</u>	<u>16,087,000</u>

68.15 \$202,000 the first year and \$204,000 the  
 68.16 second year are from the environmental fund  
 68.17 for a monitoring program under Minnesota  
 68.18 Statutes, section 116.454.

68.19 Up to \$150,000 the first year and \$150,000  
 68.20 the second year may be transferred from the  
 68.21 environmental fund to the small business  
 68.22 environmental improvement loan account  
 68.23 established in Minnesota Statutes, section  
 68.24 116.993.

68.25 \$340,000 the first year and \$346,000 the  
 68.26 second year are from the environmental fund  
 68.27 for monitoring ambient air for hazardous  
 68.28 pollutants.

68.29 \$691,000 the first year and \$693,000 the  
 68.30 second year are from the environmental fund  
 68.31 for emission reduction activities and grants to  
 68.32 small businesses and other nonpoint emission  
 68.33 reduction efforts. Of this amount, \$100,000  
 68.34 the first year and \$100,000 the second year is  
 68.35 to continue work with Clean Air Minnesota,

69.1 and the commissioner may enter into an  
 69.2 agreement with Environmental Initiative  
 69.3 to support this effort. Any unexpended  
 69.4 balance in the first year does not cancel but is  
 69.5 available in the second year.

69.6 Subd. 4. Land 21,663,000 18,584,000

69.7	<u>Appropriations by Fund</u>		
69.8		<u>2016</u>	<u>2017</u>
69.9	<u>General</u>	<u>3,368,000</u>	<u>-0-</u>
69.10	<u>Environmental</u>	<u>7,031,000</u>	<u>7,150,000</u>
69.11	<u>Remediation</u>	<u>11,264,000</u>	<u>11,434,000</u>

69.12 All money for environmental response,  
 69.13 compensation, and compliance in the  
 69.14 remediation fund not otherwise appropriated  
 69.15 is appropriated to the commissioners of the  
 69.16 Pollution Control Agency and agriculture  
 69.17 for purposes of Minnesota Statutes, section  
 69.18 115B.20, subdivision 2, clauses (1), (2),  
 69.19 (3), (6), and (7). At the beginning of each  
 69.20 fiscal year, the two commissioners shall  
 69.21 jointly submit an annual spending plan  
 69.22 to the commissioner of management and  
 69.23 budget that maximizes the utilization of  
 69.24 resources and appropriately allocates the  
 69.25 money between the two departments. This  
 69.26 appropriation is available until June 30, 2017.  
 69.27 \$4,279,000 the first year and \$4,343,000 the  
 69.28 second year are from the remediation fund  
 69.29 for purposes of the leaking underground  
 69.30 storage tank program to investigate, clean up,  
 69.31 and prevent future releases from underground  
 69.32 petroleum storage tanks, and to the petroleum  
 69.33 remediation program for purposes of vapor  
 69.34 assessment and remediation. These same  
 69.35 annual amounts are transferred from the  
 69.36 petroleum tank fund to the remediation fund.

70.1 \$252,000 the first year and \$252,000 the  
70.2 second year are from the remediation fund  
70.3 for transfer to the commissioner of health for  
70.4 private water supply monitoring and health  
70.5 assessment costs in areas contaminated  
70.6 by unpermitted mixed municipal solid  
70.7 waste disposal facilities and drinking water  
70.8 advisories and public information activities  
70.9 for areas contaminated by hazardous releases.

70.10 \$868,000 the first year is from the general  
70.11 fund for a grant to the city of Mountain Iron  
70.12 for remediation of the abandoned wastewater  
70.13 treatment pond of the former Nichols  
70.14 Township. This is a onetime appropriation  
70.15 that is available until June 30, 2019. This  
70.16 appropriation is effective December 1, 2015.

70.17 \$2,500,000 the first year is from the general  
70.18 fund to the commissioner for a grant to the  
70.19 city of Paynesville to add an air stripping  
70.20 treatment process to a water treatment plant  
70.21 for removal of volatile organic compounds.  
70.22 This is a onetime appropriation. This  
70.23 appropriation is effective December 1, 2015.

70.24 \$743,000 the second year is transferred  
70.25 from the general fund to the dry cleaner  
70.26 environmental response and reimbursement  
70.27 account in the remediation fund for the  
70.28 purpose of remediating land contaminated  
70.29 by a release from a dry cleaning facility,  
70.30 as provided under Minnesota Statutes,  
70.31 section 115B.50, if legislation is enacted in  
70.32 the 2016 legislative session to address the  
70.33 insolvency of the dry cleaner environmental  
70.34 response and reimbursement account. The  
70.35 commissioner shall prioritize expenditures

71.1 from this transfer to address contaminated  
 71.2 sites that pose the greatest risk to public  
 71.3 health or welfare or to the environment, as  
 71.4 established in Minnesota Statutes, section  
 71.5 115B.17, subdivision 13. This is a onetime  
 71.6 transfer. The commissioner shall reimburse  
 71.7 only a person who otherwise would not be  
 71.8 responsible for a release or threatened release  
 71.9 under Minnesota Statutes, section 115B.03,  
 71.10 for all but \$10,000 of the environmental  
 71.11 response costs incurred by the person if the  
 71.12 commissioner determines that the costs are  
 71.13 reasonable and were actually incurred. To be  
 71.14 eligible for reimbursement from this transfer,  
 71.15 a person seeking reimbursement must make  
 71.16 a request to the commissioner, as required  
 71.17 under Minnesota Statutes, section 115B.50,  
 71.18 subdivision 2, on or before the day following  
 71.19 final enactment of this act.

71.20 **Subd. 5. Environmental Assistance and**  
 71.21 **Cross-Media**

31,391,000

31,032,000

71.22	<u>Appropriations by Fund</u>	
71.23	<u>2016</u>	<u>2017</u>
71.24	<u>Environmental</u>	<u>28,803,000</u> <u>28,932,000</u>
71.25	<u>General</u>	<u>2,588,000</u> <u>2,100,000</u>

71.26 \$17,250,000 the first year and \$17,250,000  
 71.27 the second year are from the environmental  
 71.28 fund for SCORE block grants to counties.  
 71.29 \$119,000 the first year and \$119,000 the  
 71.30 second year are from the environmental  
 71.31 fund for environmental assistance grants  
 71.32 or loans under Minnesota Statutes, section  
 71.33 115A.0716. Any unencumbered grant and  
 71.34 loan balances in the first year do not cancel  
 71.35 but are available for grants and loans in the  
 71.36 second year.

72.1 \$90,000 the first year and \$90,000 the  
72.2 second year are from the environmental fund  
72.3 for duties related to harmful chemicals in  
72.4 products under Minnesota Statutes, sections  
72.5 116.9401 to 116.9407. Of this amount,  
72.6 \$57,000 each year is transferred to the  
72.7 commissioner of health.

72.8 \$203,000 the first year and \$207,000 the  
72.9 second year are from the environmental  
72.10 fund for the costs of implementing general  
72.11 operating permits for feedlots over 1,000  
72.12 animal units.

72.13 \$315,000 the first year and \$319,000 the  
72.14 second year are from the general fund and  
72.15 \$192,000 the first year and \$192,000 the  
72.16 second year are from the environmental fund  
72.17 for Environmental Quality Board operations  
72.18 and support.

72.19 \$50,000 the first year and \$50,000 the second  
72.20 year are from the environmental fund for  
72.21 transfer to the Office of Administrative  
72.22 Hearings to establish sanitary districts.

72.23 \$502,000 the first year and \$503,000 the  
72.24 second year are from the general fund for  
72.25 the Environmental Quality Board to lead  
72.26 an interagency team to provide technical  
72.27 assistance regarding the mining, processing,  
72.28 and transporting of silica sand. Of this  
72.29 amount, up to \$75,000 each year may be  
72.30 transferred to the commissioner of natural  
72.31 resources to review the implementation  
72.32 of the rules adopted by the commissioner  
72.33 pursuant to Laws 2013, chapter 114, article 4,  
72.34 section 105, paragraph (b), pertaining to the  
72.35 reclamation of silica sand mines, to ensure



73.1 that local government reclamation programs  
73.2 are implemented in a manner consistent with  
73.3 the rules.

73.4 \$500,000 the first year from the general  
73.5 fund is a onetime appropriation to the  
73.6 Environmental Quality Board for activities to  
73.7 streamline the environmental review process.

73.8 \$450,000 the first year and \$450,000 the  
73.9 second year are from the environmental  
73.10 fund to develop and maintain systems to  
73.11 support permitting and regulatory business  
73.12 processes and agency data. This is a onetime  
73.13 appropriation.

73.14 \$1,000,000 the first year and \$1,000,000 the  
73.15 second year are for competitive recycling  
73.16 grants under Minnesota Statutes, section  
73.17 115A.565. This appropriation is available  
73.18 until June 30, 2018.

73.19 \$50,000 the first year and \$50,000 the second  
73.20 year are to acquire and co-locate waste and  
73.21 recycling receptacles, in cooperation with  
73.22 the commissioner of administration, at the  
73.23 State Office Building. Any remaining funds  
73.24 may be used for these purposes at other  
73.25 facilities within the Capitol complex. This is  
73.26 a onetime appropriation.

73.27 All money deposited in the environmental  
73.28 fund for the metropolitan solid waste  
73.29 landfill fee in accordance with Minnesota  
73.30 Statutes, section 473.843, and not otherwise  
73.31 appropriated, is appropriated for the purposes  
73.32 of Minnesota Statutes, section 473.844.

73.33 Notwithstanding Minnesota Statutes, section  
73.34 16A.28, the appropriations encumbered on  
73.35 or before June 30, 2017, as contracts or



75.1	<u>Game and Fish</u>	<u>102,386,000</u>	<u>102,014,000</u>
75.2	<u>Remediation</u>	<u>1,100,000</u>	<u>100,000</u>
75.3	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

75.4 The amounts that may be spent for each  
 75.5 purpose are specified in the following  
 75.6 subdivisions.

75.7 **Subd. 2. Land and Mineral Resources**  
 75.8 **Management**

6,461,000                      5,521,000

75.9                      Appropriations by Fund

75.10		<u>2016</u>	<u>2017</u>
75.11	<u>General</u>	<u>1,585,000</u>	<u>1,585,000</u>
75.12	<u>Natural Resources</u>	<u>3,332,000</u>	<u>3,392,000</u>
75.13	<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
75.14	<u>Remediation</u>	<u>1,000,000</u>	<u>-0-</u>
75.15	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

75.16 \$68,000 the first year and \$68,000 the  
 75.17 second year are for minerals cooperative  
 75.18 environmental research, of which \$34,000  
 75.19 the first year and \$34,000 the second year are  
 75.20 available only as matched by \$1 of nonstate  
 75.21 money for each \$1 of state money. The  
 75.22 match may be cash or in-kind.

75.23 \$251,000 the first year and \$251,000 the  
 75.24 second year are for iron ore cooperative  
 75.25 research. Of this amount, \$200,000 each year  
 75.26 is from the minerals management account  
 75.27 in the natural resources fund. \$175,000 the  
 75.28 first year and \$175,000 the second year are  
 75.29 available only as matched by \$1 of nonstate  
 75.30 money for each \$1 of state money. The match  
 75.31 may be cash or in-kind. Any unencumbered  
 75.32 balance from the first year does not cancel  
 75.33 and is available in the second year.

75.34 \$2,755,000 the first year and \$2,815,000  
 75.35 the second year are from the minerals  
 75.36 management account in the natural resources

76.1 fund for use as provided in Minnesota  
 76.2 Statutes, section 93.2236, paragraph (c),  
 76.3 for mineral resource management, projects  
 76.4 to enhance future mineral income, and  
 76.5 projects to promote new mineral resource  
 76.6 opportunities.

76.7 \$200,000 the first year and \$200,000 the  
 76.8 second year are from the state forest suspense  
 76.9 account in the permanent school fund to  
 76.10 accelerate land exchanges, land sales, and  
 76.11 commercial leasing of school trust lands and  
 76.12 to identify, evaluate, and lease construction  
 76.13 aggregate located on school trust lands. This  
 76.14 appropriation is to be used for securing  
 76.15 long-term economic return from the  
 76.16 school trust lands consistent with fiduciary  
 76.17 responsibilities and sound natural resources  
 76.18 conservation and management principles.

76.19 Notwithstanding Minnesota Statutes, section  
 76.20 115B.20, \$1,000,000 the first year is from  
 76.21 the dedicated account within the remediation  
 76.22 fund for the purposes of Minnesota Statutes,  
 76.23 section 115B.20, subdivision 2, clause (4),  
 76.24 to acquire salt lands as described under  
 76.25 Minnesota Statutes, section 92.05, within  
 76.26 Bear Head Lake State Park. This is a onetime  
 76.27 appropriation and is available until June 30,  
 76.28 2018.

76.29 Subd. 3. **Ecological and Water Resources** 32,414,000 32,167,000

76.30	<u>Appropriations by Fund</u>	
76.31	<u>2016</u>	<u>2017</u>
76.32	<u>General</u>	<u>17,526,000</u> <u>17,110,000</u>
76.33	<u>Natural Resources</u>	<u>10,502,000</u> <u>10,576,000</u>
76.34	<u>Game and Fish</u>	<u>4,386,000</u> <u>4,481,000</u>

76.35 \$3,242,000 the first year and \$3,242,000 the  
 76.36 second year are from the invasive species

77.1 account in the natural resources fund and  
77.2 \$3,206,000 the first year and \$3,206,000 the  
77.3 second year are from the general fund for  
77.4 management, public awareness, assessment  
77.5 and monitoring research, and water access  
77.6 inspection to prevent the spread of invasive  
77.7 species; management of invasive plants in  
77.8 public waters; and management of terrestrial  
77.9 invasive species on state-administered lands.

77.10 \$5,000,000 the first year and \$5,000,000 the  
77.11 second year are from the water management  
77.12 account in the natural resources fund for only  
77.13 the purposes specified in Minnesota Statutes,  
77.14 section 103G.27, subdivision 2.

77.15 \$124,000 the first year and \$124,000 the  
77.16 second year are for a grant to the Mississippi  
77.17 Headwaters Board for up to 50 percent of  
77.18 the cost of implementing the comprehensive  
77.19 plan for the upper Mississippi within areas  
77.20 under the board's jurisdiction.

77.21 \$10,000 the first year and \$10,000 the second  
77.22 year are for payment to the Leech Lake Band  
77.23 of Chippewa Indians to implement the band's  
77.24 portion of the comprehensive plan for the  
77.25 upper Mississippi.

77.26 \$264,000 the first year and \$264,000 the  
77.27 second year are for grants for up to 50  
77.28 percent of the cost of implementation of the  
77.29 Red River mediation agreement.

77.30 \$2,018,000 the first year and \$2,018,000  
77.31 the second year are from the heritage  
77.32 enhancement account in the game and  
77.33 fish fund for only the purposes specified  
77.34 in Minnesota Statutes, section 297A.94,  
77.35 paragraph (e), clause (1).

78.1 \$950,000 the first year and \$950,000 the  
78.2 second year are from the nongame wildlife  
78.3 management account in the natural resources  
78.4 fund for the purpose of nongame wildlife  
78.5 management. Notwithstanding Minnesota  
78.6 Statutes, section 290.431, \$100,000 the first  
78.7 year and \$100,000 the second year may  
78.8 be used for nongame wildlife information,  
78.9 education, and promotion.

78.10 \$6,000,000 the first year and \$6,000,000 the  
78.11 second year are from the general fund for the  
78.12 following activities:

78.13 (1) financial reimbursement and technical  
78.14 support to soil and water conservation  
78.15 districts or other local units of government  
78.16 for groundwater level monitoring;

78.17 (2) surface water monitoring and analysis,  
78.18 including installation of monitoring gauges;

78.19 (3) groundwater analysis to assist with water  
78.20 appropriation permitting decisions;

78.21 (4) permit application review incorporating  
78.22 surface water and groundwater technical  
78.23 analysis;

78.24 (5) precipitation data and analysis to improve  
78.25 the use of irrigation;

78.26 (6) information technology, including  
78.27 electronic permitting and integrated data  
78.28 systems; and

78.29 (7) compliance and monitoring.

78.30 \$10,000 the first year and \$64,000 the  
78.31 second year are to study, in cooperation  
78.32 with the Board of Water and Soil Resources,  
78.33 the feasibility of the state assuming  
78.34 administration of the section 404 permit

79.1 program of the federal Clean Water Act  
79.2 as required in this act. This is a onetime  
79.3 appropriation.

79.4 \$100,000 the first year is to develop  
79.5 cost estimates, in cooperation with the  
79.6 Metropolitan Council, for the augmentation  
79.7 of White Bear Lake with water from  
79.8 the Sucker Lake chain of lakes. The  
79.9 commissioner must submit a report with  
79.10 the cost estimates developed under this  
79.11 paragraph to the chairs and ranking minority  
79.12 members of the house of representatives  
79.13 and senate committees and divisions with  
79.14 jurisdiction over environment and natural  
79.15 resources policy and finance by February 1,  
79.16 2016. This is a onetime appropriation.

79.17 The commissioner of natural resources must  
79.18 create a groundwater model that uses existing  
79.19 data for the Bonanza Valley Groundwater  
79.20 Management Area to describe the current  
79.21 groundwater conditions and characterize the  
79.22 nature and extent of the primary aquifers  
79.23 and the relationship of surface water and  
79.24 groundwater.

79.25 \$400,000 the first year is for grants to assist  
79.26 in the construction of flood protection rural  
79.27 and farmstead ring levees in the Red River  
79.28 watershed. Grants may not exceed 50 percent  
79.29 of the cost of the projects. This is a onetime  
79.30 appropriation and is available until June 30,  
79.31 2019.

79.32 \$75,000 the first year is for a grant to the  
79.33 city of Virginia for erosion control on the  
79.34 northeast side of Silver Lake to protect public

80.1 and private property and infrastructure. This  
80.2 is a onetime appropriation.

80.3 **Subd. 4. Forest Management** 39,614,000 39,781,000

80.4	<u>Appropriations by Fund</u>	
80.5	<u>2016</u>	<u>2017</u>
80.6	<u>General</u>	<u>26,446,000</u> <u>26,350,000</u>
80.7	<u>Natural Resources</u>	<u>11,881,000</u> <u>12,144,000</u>
80.8	<u>Game and Fish</u>	<u>1,287,000</u> <u>1,287,000</u>

80.9 \$7,145,000 the first year and \$7,145,000  
80.10 the second year are for prevention,  
80.11 presuppression, and suppression costs of  
80.12 emergency firefighting and other costs  
80.13 incurred under Minnesota Statutes, section  
80.14 88.12. The amount necessary to pay for  
80.15 presuppression and suppression costs during  
80.16 the biennium is appropriated from the general  
80.17 fund.

80.18 By January 15 of each year, the commissioner  
80.19 of natural resources shall submit a report to  
80.20 the chairs and ranking minority members  
80.21 of the house and senate committees  
80.22 and divisions having jurisdiction over  
80.23 environment and natural resources finance,  
80.24 identifying all firefighting costs incurred  
80.25 and reimbursements received in the prior  
80.26 fiscal year. These appropriations may  
80.27 not be transferred. Any reimbursement  
80.28 of firefighting expenditures made to the  
80.29 commissioner from any source other than  
80.30 federal mobilizations shall be deposited into  
80.31 the general fund.

80.32 \$11,881,000 the first year and \$12,144,000  
80.33 the second year are from the forest  
80.34 management investment account in the  
80.35 natural resources fund for only the purposes  
80.36 specified in Minnesota Statutes, section



81.1 89.039, subdivision 2. The base for fiscal  
 81.2 year 2018 and later is \$11,644,000.  
 81.3 \$1,287,000 the first year and \$1,287,000  
 81.4 the second year are from the heritage  
 81.5 enhancement account in the game and fish  
 81.6 fund to advance ecological classification  
 81.7 systems (ECS) scientific management tools  
 81.8 for forest and invasive species management.  
 81.9 This appropriation is from revenue deposited  
 81.10 in the game and fish fund under Minnesota  
 81.11 Statutes, section 297A.94, paragraph (e),  
 81.12 clause (1).

81.13 \$780,000 the first year and \$780,000 the  
 81.14 second year are for the Forest Resources  
 81.15 Council for implementation of the  
 81.16 Sustainable Forest Resources Act.

81.17 \$250,000 the first year and \$250,000 the  
 81.18 second year are for the FORIST system.

81.19 At least \$500,000 the first year is for forest  
 81.20 road maintenance. The commissioner  
 81.21 shall use the money to perform needed  
 81.22 maintenance on forest roads in conjunction  
 81.23 with timber sales.

81.24 The commissioner shall contract with a  
 81.25 telecommunication provider to place a cell  
 81.26 phone transmitter on the ranger tower on  
 81.27 Side Lake in St. Louis County.

81.28 Subd. 5. **Parks and Trails Management** 74,064,000 73,650,000

81.29	<u>Appropriations by Fund</u>	
81.30	<u>2016</u>	<u>2017</u>
81.31	<u>General</u>	<u>24,967,000</u> <u>24,427,000</u>
81.32	<u>Natural Resources</u>	<u>46,831,000</u> <u>46,950,000</u>
81.33	<u>Game and Fish</u>	<u>2,266,000</u> <u>2,273,000</u>

81.34 \$1,075,000 the first year and \$1,075,000 the  
 81.35 second year are from the water recreation

82.1 account in the natural resources fund for  
82.2 enhancing public water access facilities.

82.3 \$5,740,000 the first year and \$5,740,000 the  
82.4 second year are from the natural resources  
82.5 fund for state trail, park, and recreation area  
82.6 operations. This appropriation is from the  
82.7 revenue deposited in the natural resources  
82.8 fund under Minnesota Statutes, section  
82.9 297A.94, paragraph (e), clause (2).

82.10 \$1,005,000 the first year and \$1,005,000 the  
82.11 second year are from the natural resources  
82.12 fund for park and trail grants to local units of  
82.13 government on land to be maintained for at  
82.14 least 20 years for the purposes of the grants.  
82.15 This appropriation is from the revenue  
82.16 deposited in the natural resources fund  
82.17 under Minnesota Statutes, section 297A.94,  
82.18 paragraph (e), clause (4). Any unencumbered  
82.19 balance does not cancel at the end of the first  
82.20 year and is available for the second year.

82.21 \$8,424,000 the first year and \$8,424,000  
82.22 the second year are from the snowmobile  
82.23 trails and enforcement account in the  
82.24 natural resources fund for the snowmobile  
82.25 grants-in-aid program. Any unencumbered  
82.26 balance does not cancel at the end of the first  
82.27 year and is available for the second year.

82.28 \$1,360,000 the first year and \$1,360,000  
82.29 the second year are from the natural  
82.30 resources fund for the off-highway vehicle  
82.31 grants-in-aid program. Of this amount,  
82.32 \$1,210,000 each year is from the all-terrain  
82.33 vehicle account; and \$150,000 each year is  
82.34 from the off-highway motorcycle account.  
82.35 Any unencumbered balance does not cancel

83.1 at the end of the first year and is available for  
83.2 the second year.

83.3 \$75,000 the first year and \$75,000 the second  
83.4 year are from the cross-country ski account  
83.5 in the natural resources fund for grooming  
83.6 and maintaining cross-country ski trails in  
83.7 state parks, trails, and recreation areas.

83.8 \$250,000 the first year and \$250,000 the  
83.9 second year are from the state land and  
83.10 water conservation account (LAWCON)  
83.11 in the natural resources fund for priorities  
83.12 established by the commissioner for eligible  
83.13 state projects and administrative and  
83.14 planning activities consistent with Minnesota  
83.15 Statutes, section 84.0264, and the federal  
83.16 Land and Water Conservation Fund Act.

83.17 Any unencumbered balance does not cancel  
83.18 at the end of the first year and is available for  
83.19 the second year.

83.20 \$968,000 the first year and \$968,000 the  
83.21 second year are from the off-road vehicle  
83.22 account in the natural resources fund. Of  
83.23 this amount, \$568,000 each year is for parks  
83.24 and trails management for off-road vehicle  
83.25 purposes; \$325,000 each year is for the  
83.26 off-road vehicle grant in aid program; and  
83.27 \$75,000 each year is for a new full-time  
83.28 employee position or contract in northern  
83.29 Minnesota to work in conjunction with the  
83.30 Minnesota Four-Wheel Drive Association  
83.31 to address off-road vehicle touring routes  
83.32 and other issues related to off-road vehicle  
83.33 activities. Of this appropriation, the \$325,000  
83.34 each year is onetime.

84.1 \$65,000 the first year is from the water  
 84.2 recreation account in the natural resources  
 84.3 fund to cooperate with local units of  
 84.4 government in marking routes and  
 84.5 designating river accesses and campsites  
 84.6 under Minnesota Statutes, section 85.32.  
 84.7 This is a onetime appropriation and is  
 84.8 available until June 30, 2019.

84.9 \$190,000 the first year is for a grant to the  
 84.10 city of Virginia for the additional cost of  
 84.11 supporting a trail due to the rerouting of  
 84.12 U.S. Highway No. 53. This is a onetime  
 84.13 appropriation and is available until June 30,  
 84.14 2019.

84.15 \$50,000 the first year is for development of  
 84.16 a master plan for the Mississippi Blufflands  
 84.17 Trail, including work on possible extensions  
 84.18 or connections to other state or regional  
 84.19 trails. This is a onetime appropriation that is  
 84.20 available until June 30, 2017.

84.21 \$61,000 from the natural resources fund the  
 84.22 first year is for a grant to the city of East  
 84.23 Grand Forks for payment under a reciprocity  
 84.24 agreement for the Red River State Recreation  
 84.25 Area.

84.26 \$500,000 the first year is for restoration or  
 84.27 replacement of a historic trestle bridge in  
 84.28 Blackduck. This is a onetime appropriation  
 84.29 and is available until June 30, 2019.

84.30 The base for parks and trails operations in  
 84.31 the natural resources fund in fiscal year 2018  
 84.32 and thereafter is \$46,450,000.

84.33 **Subd. 6. Fish and Wildlife Management**

71,177,000

71,713,000

85.1	<u>Appropriations by Fund</u>			
85.2		<u>2016</u>	<u>2017</u>	
85.3	<u>Natural Resources</u>	<u>1,908,000</u>	<u>1,912,000</u>	
85.4	<u>Game and Fish</u>	<u>69,269,000</u>	<u>69,801,000</u>	
85.5	<u>\$8,167,000 the first year and \$8,167,000</u>			
85.6	<u>the second year are from the heritage</u>			
85.7	<u>enhancement account in the game and fish</u>			
85.8	<u>fund only for activities specified in Minnesota</u>			
85.9	<u>Statutes, section 297A.94, paragraph (e),</u>			
85.10	<u>clause (1). Notwithstanding Minnesota</u>			
85.11	<u>Statutes, section 297A.94, five percent of</u>			
85.12	<u>this appropriation may be used for expanding</u>			
85.13	<u>hunter and angler recruitment and retention.</u>			
85.14	<u>\$1,000,000 the first year and \$1,000,000</u>			
85.15	<u>the second year are from the game and</u>			
85.16	<u>fish fund for shooting sports facility grants</u>			
85.17	<u>under Minnesota Statutes, section 87A.10,</u>			
85.18	<u>including grants for archery facilities. Up to</u>			
85.19	<u>\$100,000 each year is available for shooting</u>			
85.20	<u>sports facilities on state lands. Grants must</u>			
85.21	<u>be matched with a nonstate match, which</u>			
85.22	<u>may include in-kind contributions. This is a</u>			
85.23	<u>onetime appropriation and is available until</u>			
85.24	<u>June 30, 2019.</u>			
85.25	<u>The game and fish fund base for fish and</u>			
85.26	<u>wildlife management in fiscal year 2018 and</u>			
85.27	<u>thereafter is \$65,619,000.</u>			
85.28	<u>Notwithstanding Minnesota Statutes, section</u>			
85.29	<u>84.943, \$13,000 the first year and \$13,000</u>			
85.30	<u>the second year from the critical habitat</u>			
85.31	<u>private sector matching account may be used</u>			
85.32	<u>to publicize the critical habitat license plate</u>			
85.33	<u>match program.</u>			
85.34	<u>Subd. 7. <b>Enforcement</b></u>	<u>39,344,000</u>	<u>38,377,000</u>	

86.1	<u>Appropriations by Fund</u>	
86.2	<u>2016</u>	<u>2017</u>
86.3	<u>General</u>	<u>4,257,000</u> <u>4,140,000</u>
86.4	<u>Natural Resources</u>	<u>10,153,000</u> <u>10,309,000</u>
86.5	<u>Game and Fish</u>	<u>24,834,000</u> <u>23,828,000</u>
86.6	<u>Remediation</u>	<u>100,000</u> <u>100,000</u>

86.7 \$200,000 the first year is from the general  
 86.8 fund and \$1,900,000 the first year is from the  
 86.9 game and fish fund are for aviation services.

86.10 This appropriation is onetime.

86.11 \$1,718,000 the first year and \$1,718,000 the  
 86.12 second year are from the general fund for  
 86.13 enforcement efforts to prevent the spread of  
 86.14 aquatic invasive species.

86.15 \$1,537,000 the first year and \$1,580,000  
 86.16 the second year are from the heritage  
 86.17 enhancement account in the game and  
 86.18 fish fund for only the purposes specified  
 86.19 in Minnesota Statutes, section 297A.94,  
 86.20 paragraph (e), clause (1).

86.21 \$1,082,000 the first year and \$1,082,000 the  
 86.22 second year are from the water recreation  
 86.23 account in the natural resources fund for  
 86.24 grants to counties for boat and water safety.

86.25 Any unencumbered balance does not cancel  
 86.26 at the end of the first year and is available for  
 86.27 the second year.

86.28 \$315,000 the first year and \$315,000 the  
 86.29 second year are from the snowmobile  
 86.30 trails and enforcement account in the  
 86.31 natural resources fund for grants to local  
 86.32 law enforcement agencies for snowmobile  
 86.33 enforcement activities. Any unencumbered  
 86.34 balance does not cancel at the end of the first  
 86.35 year and is available for the second year.

87.1 \$250,000 the first year and \$250,000  
87.2 the second year are from the all-terrain  
87.3 vehicle account for grants to qualifying  
87.4 organizations to assist in safety and  
87.5 environmental education and monitoring  
87.6 trails on public lands under Minnesota  
87.7 Statutes, section 84.9011. Grants issued  
87.8 under this paragraph must be issued through  
87.9 a formal agreement with the organization.  
87.10 By December 15 each year, an organization  
87.11 receiving a grant under this paragraph shall  
87.12 report to the commissioner with details on  
87.13 expenditures and outcomes from the grant.  
87.14 Of this appropriation, \$25,000 each year  
87.15 is for administration of these grants. Any  
87.16 unencumbered balance does not cancel at the  
87.17 end of the first year and is available for the  
87.18 second year.

87.19 \$510,000 the first year and \$510,000  
87.20 the second year are from the natural  
87.21 resources fund for grants to county law  
87.22 enforcement agencies for off-highway  
87.23 vehicle enforcement and public education  
87.24 activities based on off-highway vehicle use  
87.25 in the county. Of this amount, \$498,000 each  
87.26 year is from the all-terrain vehicle account;  
87.27 \$11,000 each year is from the off-highway  
87.28 motorcycle account; and \$1,000 each year  
87.29 is from the off-road vehicle account. The  
87.30 county enforcement agencies may use  
87.31 money received under this appropriation  
87.32 to make grants to other local enforcement  
87.33 agencies within the county that have a high  
87.34 concentration of off-highway vehicle use.  
87.35 Of this appropriation, \$25,000 each year  
87.36 is for administration of these grants. Any

88.1 unencumbered balance does not cancel at the  
 88.2 end of the first year and is available for the  
 88.3 second year.

88.4 **Subd. 8. Operations Support** 870,000 770,000

88.5	<u>Appropriations by Fund</u>	
88.6	<u>2016</u>	<u>2017</u>
88.7	<u>General</u>	<u>550,000</u> <u>450,000</u>
88.8	<u>Natural Resources</u>	<u>320,000</u> <u>320,000</u>

88.9 \$320,000 the first year and \$320,000 the  
 88.10 second year are from the natural resources  
 88.11 fund for grants to be divided equally between  
 88.12 the city of St. Paul for the Como Park Zoo  
 88.13 and Conservatory and the city of Duluth  
 88.14 for the Duluth Zoo. This appropriation  
 88.15 is from the revenue deposited to the fund  
 88.16 under Minnesota Statutes, section 297A.94,  
 88.17 paragraph (e), clause (5).

88.18 \$300,000 the first year and \$450,000 the  
 88.19 second year are for legal costs related to water  
 88.20 management. This is a onetime appropriation  
 88.21 and is available until June 30, 2018.

88.22 With money appropriated in this section, the  
 88.23 commissioner shall give preference to call  
 88.24 centers located in Minnesota.

88.25 **Subd. 9. Cancellation**

88.26 The general fund appropriation of \$1,000,000  
 88.27 in Laws 2014, chapter 312, article 12, section  
 88.28 6, subdivision 2, is canceled on July 1, 2015.

88.29 **Sec. 4. BOARD OF WATER AND SOIL**  
 88.30 **RESOURCES** \$ 13,237,000 \$ 13,415,000

88.31 \$3,423,000 the first year and \$3,423,000 the  
 88.32 second year are for natural resources block  
 88.33 grants to local governments. Grants must be  
 88.34 matched with a combination of local cash or



89.1 in-kind contributions. The base grant portion  
89.2 related to water planning must be matched  
89.3 by an amount as specified by Minnesota  
89.4 Statutes, section 103B.3369. The board may  
89.5 reduce the amount of the natural resources  
89.6 block grant to a county by an amount equal to  
89.7 any reduction in the county's general services  
89.8 allocation to a soil and water conservation  
89.9 district from the county's previous year  
89.10 allocation when the board determines that  
89.11 the reduction was disproportionate.

89.12 \$3,116,000 the first year and \$3,116,000 the  
89.13 second year are for grants to soil and water  
89.14 conservation districts for general purposes,  
89.15 nonpoint engineering, and implementation of  
89.16 the reinvest in Minnesota reserve program.

89.17 Expenditures may be made from these  
89.18 appropriations for supplies and services  
89.19 benefiting soil and water conservation  
89.20 districts. Any district receiving a grant under  
89.21 this paragraph shall maintain a Web page that  
89.22 publishes, at a minimum, its annual report,  
89.23 annual audit, annual budget, and meeting  
89.24 notices.

89.25 \$1,560,000 the first year and \$1,560,000 the  
89.26 second year are for the following cost-share  
89.27 programs:

89.28 (1) \$260,000 each year is for feedlot water  
89.29 quality grants for feedlots under 300 animal  
89.30 units and nutrient and manure management  
89.31 projects in watersheds where there are  
89.32 impaired waters;

89.33 (2) \$1,200,000 each year is for soil and  
89.34 water conservation district cost-sharing  
89.35 contracts for perennially vegetated riparian

90.1 buffers, erosion control, water retention  
 90.2 and treatment, and other high-priority  
 90.3 conservation practices; and  
 90.4 (3) \$100,000 each year is for county  
 90.5 cooperative weed management programs and  
 90.6 to restore native plants in selected invasive  
 90.7 species management sites.  
 90.8 \$800,000 the first year and \$750,000  
 90.9 the second year are for implementation,  
 90.10 enforcement, and oversight of the Wetland  
 90.11 Conservation Act, including administration  
 90.12 of the wetland banking program and in-lieu  
 90.13 fee mechanism. The base for fiscal year 2018  
 90.14 and later is \$761,000.  
 90.15 \$166,000 the first year and \$166,000  
 90.16 the second year are to provide technical  
 90.17 assistance to local drainage management  
 90.18 officials and for the costs of the Drainage  
 90.19 Work Group.  
 90.20 \$100,000 the first year and \$100,000  
 90.21 the second year are for a grant to the  
 90.22 Red River Basin Commission for water  
 90.23 quality and floodplain management,  
 90.24 including administration of programs. This  
 90.25 appropriation must be matched by nonstate  
 90.26 funds. If the appropriation in either year is  
 90.27 insufficient, the appropriation in the other  
 90.28 year is available for it.  
 90.29 \$140,000 the first year and \$140,000  
 90.30 the second year are for grants to Area  
 90.31 II Minnesota River Basin Projects for  
 90.32 floodplain management.  
 90.33 \$8,000 the first year and \$262,000 the  
 90.34 second year are to study, in cooperation  
 90.35 with the commissioner of natural resources,

91.1 the feasibility of the state assuming  
 91.2 administration of the section 404 permit  
 91.3 program of the federal Clean Water Act  
 91.4 as required in this act. This is a onetime  
 91.5 appropriation.

91.6 Notwithstanding Minnesota Statutes, section  
 91.7 103C.501, the board may shift cost-share  
 91.8 funds in this section and may adjust the  
 91.9 technical and administrative assistance  
 91.10 portion of the grant funds to leverage  
 91.11 federal or other nonstate funds or to address  
 91.12 high-priority needs identified in local water  
 91.13 management plans or comprehensive water  
 91.14 management plans.

91.15 The appropriations for grants in this  
 91.16 section are available until expended. If an  
 91.17 appropriation for grants in either year is  
 91.18 insufficient, the appropriation in the other  
 91.19 year is available for it.

91.20 The base for the board in fiscal year 2018 and  
 91.21 thereafter is increased by \$11,000,000 for  
 91.22 grants to soil and water conservation districts  
 91.23 to implement buffer requirements.

91.24 **Sec. 5. METROPOLITAN COUNCIL                    \$            8,740,000 \$            8,740,000**

91.25	<u>Appropriations by Fund</u>		
91.26		<u>2016</u>	<u>2017</u>
91.27	<u>General</u>	<u>3,070,000</u>	<u>3,070,000</u>
91.28	<u>Natural Resources</u>	<u>5,670,000</u>	<u>5,670,000</u>

91.29 \$2,870,000 the first year and \$2,870,000 the  
 91.30 second year are for metropolitan area regional  
 91.31 parks operation and maintenance according  
 91.32 to Minnesota Statutes, section 473.351.

91.33 \$5,670,000 the first year and \$5,670,000 the  
 91.34 second year are from the natural resources

92.1 fund for metropolitan area regional parks  
 92.2 and trails maintenance and operations. This  
 92.3 appropriation is from the revenue deposited  
 92.4 in the natural resources fund under Minnesota  
 92.5 Statutes, section 297A.94, paragraph (e),  
 92.6 clause (3).  
 92.7 \$200,000 the first year and \$200,000 the  
 92.8 second year are for the Metropolitan Area  
 92.9 Water Supply Policy Advisory Committee  
 92.10 study and the Metropolitan Area Water  
 92.11 Supply Technical Advisory Committee  
 92.12 required under Minnesota Statutes, section  
 92.13 473.1565. This is a onetime appropriation.

92.14 **Sec. 6. CONSERVATION CORPS**  
 92.15 **MINNESOTA** **\$ 945,000 \$ 945,000**

<u>Appropriations by Fund</u>	<u>2016</u>	<u>2017</u>
<u>General</u>	<u>455,000</u>	<u>455,000</u>
<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

92.20 Conservation Corps Minnesota may receive  
 92.21 money appropriated from the natural  
 92.22 resources fund under this section only  
 92.23 as provided in an agreement with the  
 92.24 commissioner of natural resources.

92.25 **Sec. 7. ZOOLOGICAL BOARD** **\$ 8,410,000 \$ 8,410,000**

<u>Appropriations by Fund</u>	<u>2016</u>	<u>2017</u>
<u>General</u>	<u>8,250,000</u>	<u>8,250,000</u>
<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

92.30 \$160,000 the first year and \$160,000 the  
 92.31 second year are from the natural resources  
 92.32 fund from the revenue deposited under  
 92.33 Minnesota Statutes, section 297A.94,  
 92.34 paragraph (e), clause (5).

93.1	Sec. 8. <u>SCIENCE MUSEUM</u>	<u>\$</u>	<u>1,079,000</u>	<u>\$</u>	<u>1,079,000</u>
93.2	Sec. 9. <u>ADMINISTRATION</u>	<u>\$</u>	<u>300,000</u>	<u>\$</u>	<u>300,000</u>
93.3	<u>\$300,000 the first year and \$300,000</u>				
93.4	<u>the second year are from the state forest</u>				
93.5	<u>suspense account in the permanent school</u>				
93.6	<u>fund for the school trust lands director to</u>				
93.7	<u>accelerate land exchanges, land sales, and</u>				
93.8	<u>commercial leasing of school trust lands and</u>				
93.9	<u>to identify, evaluate, and lease construction</u>				
93.10	<u>aggregate located on school trust lands. This</u>				
93.11	<u>appropriation is to be used for securing</u>				
93.12	<u>long-term economic return from the</u>				
93.13	<u>school trust lands consistent with fiduciary</u>				
93.14	<u>responsibilities and sound natural resources</u>				
93.15	<u>conservation and management principles.</u>				
93.16	Sec. 10. Laws 2010, chapter 215, article 3, section 5, subdivision 4, is amended to read:				
93.17	Subd. 4. <b>Returned Grants</b>				
93.18	Beginning July 1, 2010, all returned grant				
93.19	money originating from general fund grant				
93.20	programs will be deposited into individual				
93.21	accounts in the special revenue fund and held				
93.22	for eventual transfer back to the general fund.				
93.23	<del>On December 15, 2010, and on December</del>				
93.24	<del>15 of each year thereafter, \$310,000 of the</del>				
93.25	<del>receipts in this special revenue fund will</del>				
93.26	<del>be transferred to the general fund. If less</del>				
93.27	<del>than \$310,000 is available on the transfer</del>				
93.28	<del>date, an additional transfer on June 15</del>				
93.29	<del>sufficient to make the \$310,000 annual</del>				
93.30	<del>obligation will be made</del> <u>may be used for</u>				
93.31	<u>the purposes of Minnesota Statutes, section</u>				
93.32	<u>103B.102, for grants to local governments</u>				
93.33	<u>as authorized in Minnesota Statutes, section</u>				

94.1 103B.3369, or to cover onetime costs for  
 94.2 implementation of natural resources block  
 94.3 grant funded programs, including the  
 94.4 Wetland Conservation Act, wetland banking,  
 94.5 shoreland management, and local water  
 94.6 management programs.

94.7 Sec. 11. Laws 2014, chapter 312, article 12, section 6, subdivision 5, is amended to read:

94.8 **Subd. 5. Fish and Wildlife**  
 94.9 **Management** -0- 2,412,000

94.10 \$3,000 in 2015 is from the heritage  
 94.11 enhancement account in the game and fish  
 94.12 fund for a report on aquatic plant management  
 94.13 permitting policies for the management  
 94.14 of narrow-leaved and hybrid cattail in a  
 94.15 range of basin types across the state. The  
 94.16 report shall be submitted to the chairs and  
 94.17 ranking minority members of the house of  
 94.18 representatives and senate committees with  
 94.19 jurisdiction over environment and natural  
 94.20 resources by December 15, 2014, and include  
 94.21 recommendations for any necessary changes  
 94.22 in statutes, rules, or permitting procedures.  
 94.23 This is a onetime appropriation.

94.24 \$9,000 in 2015 is from the game and fish  
 94.25 fund for the commissioner, in consultation  
 94.26 with interested parties, agencies, and other  
 94.27 states, to develop a detailed restoration plan  
 94.28 to recover the historical native population of  
 94.29 bobwhite quail in Minnesota for its ecological  
 94.30 and recreational benefits to the citizens of the  
 94.31 state. The commissioner shall conduct public  
 94.32 meetings in developing the plan. No later  
 94.33 than January 15, 2015, the commissioner  
 94.34 must report on the plan's progress to the  
 94.35 legislative committees with jurisdiction over

95.1 environment and natural resources policy  
95.2 and finance. This is a onetime appropriation.  
95.3 \$2,000,000 in 2015 is from the game and  
95.4 fish fund for shooting sports facility grants  
95.5 under Minnesota Statutes, section 87A.10.  
95.6 The commissioner may spend up to \$50,000  
95.7 of this appropriation to administer the grant.  
95.8 This is a onetime appropriation and is  
95.9 available until June 30, 2017.  
95.10 \$400,000 in 2015 is from the heritage  
95.11 enhancement account in the game and fish  
95.12 fund for hunter and angler recruitment  
95.13 and retention activities and grants to local  
95.14 chapters of Let's Go Fishing of Minnesota  
95.15 to provide community outreach to senior  
95.16 citizens, youth, and veterans and for the costs  
95.17 associated with establishing and recruiting  
95.18 new chapters. The grants must be matched  
95.19 with cash or in-kind contributions from  
95.20 nonstate sources. Of this amount, \$25,000  
95.21 is for Asian Outdoor Heritage for youth  
95.22 fishing recruitment efforts and outreach in  
95.23 the metropolitan area. The commissioner  
95.24 shall establish a grant application process  
95.25 that includes a standard for ownership  
95.26 of equipment purchased under the grant  
95.27 program and contract requirements that  
95.28 cover the disposition of purchased equipment  
95.29 if the grantee no longer exists. Any  
95.30 equipment purchased with state grant money  
95.31 must be specified on the grant application  
95.32 and approved by the commissioner. The  
95.33 commissioner may spend up to three percent  
95.34 of the appropriation to administer the grant.  
95.35 This is a onetime appropriation and is  
95.36 available until June 30, 2016.

96.1 Sec. 12. **REPEALER.**

96.2 Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended by Laws  
 96.3 2010, First Special Session chapter 1, article 6, section 6, Laws 2013, chapter 114, article  
 96.4 3, section 9, is repealed.

96.5 **ARTICLE 4**

96.6 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

96.7 Section 1. Minnesota Statutes 2014, section 16A.152, subdivision 1b, is amended to  
 96.8 read:

96.9 Subd. 1b. **Budget reserve level.** (a) The commissioner of management and budget  
 96.10 shall calculate the budget reserve level by multiplying the current biennium's general fund  
 96.11 nondedicated revenues and the most recent budget reserve percentage under subdivision 8.

96.12 (b) If, on the basis of a November forecast of general fund revenues and  
 96.13 expenditures, the commissioner of management and budget determines that there will  
 96.14 be a positive unrestricted general fund balance at the close of the biennium and that  
 96.15 the provisions of subdivision 2, clauses (1), (2), (3), ~~and (4)~~, and (5), are satisfied, the  
 96.16 commissioner shall transfer to the budget reserve account in the general fund the amount  
 96.17 necessary to increase the budget reserve to the budget reserve level determined under  
 96.18 paragraph (a). The amount of the transfer authorized in this paragraph shall not exceed 33  
 96.19 percent of the positive unrestricted general fund balance determined in the forecast.

96.20 Sec. 2. Minnesota Statutes 2014, section 16A.152, subdivision 2, is amended to read:

96.21 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general  
 96.22 fund revenues and expenditures, the commissioner of management and budget determines  
 96.23 that there will be a positive unrestricted budgetary general fund balance at the close of  
 96.24 the biennium, the commissioner of management and budget must allocate money to the  
 96.25 following accounts and purposes in priority order:

96.26 (1) the cash flow account established in subdivision 1 until that account reaches  
 96.27 \$350,000,000;

96.28 (2) the budget reserve account established in subdivision 1a until that account  
 96.29 reaches \$810,992,000;

96.30 (3) the amount necessary to increase the aid payment schedule for school district  
 96.31 aids and credits payments in section 127A.45 to not more than 90 percent rounded to the  
 96.32 nearest tenth of a percent without exceeding the amount available and with any remaining  
 96.33 funds deposited in the budget reserve; ~~and~~



97.1 (4) the amount necessary to restore all or a portion of the net aid reductions under  
 97.2 section 127A.441 and to reduce the property tax revenue recognition shift under section  
 97.3 123B.75, subdivision 5, by the same amount; and

97.4 (5) the closed landfill investment fund established in section 115B.421 until  
 97.5 \$58,215,000 has been transferred into the account. This clause expires after the entire  
 97.6 amount of the transfer has been made.

97.7 (b) The amounts necessary to meet the requirements of this section are appropriated  
 97.8 from the general fund within two weeks after the forecast is released or, in the case of  
 97.9 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations  
 97.10 schedules otherwise established in statute.

97.11 (c) The commissioner of management and budget shall certify the total dollar  
 97.12 amount of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of  
 97.13 education. The commissioner of education shall increase the aid payment percentage and  
 97.14 reduce the property tax shift percentage by these amounts and apply those reductions to  
 97.15 the current fiscal year and thereafter.

97.16 Sec. 3. Minnesota Statutes 2014, section 16C.073, subdivision 2, is amended to read:

97.17 Subd. 2. ~~Purchases; printing.~~ (a) Whenever practicable, a public entity shall:

97.18 (1) purchase uncoated copy paper, office paper, and printing paper;

97.19 (2) purchase recycled content copy paper with at least ~~ten~~ 30 percent postconsumer  
 97.20 material by weight and purchase printing and office paper with at least ten percent  
 97.21 postconsumer material by weight;

97.22 (3) purchase copy, office, and printing paper which has not been dyed with colors,  
 97.23 excluding pastel colors;

97.24 (4) purchase recycled content copy, office, and printing paper that is manufactured  
 97.25 using little or no chlorine bleach or chlorine derivatives;

97.26 ~~(5) use no more than two colored inks, standard or processed, except in formats~~  
 97.27 ~~where they are necessary to convey meaning;~~

97.28 ~~(6)~~ (5) use reusable binding materials or staples and bind documents by methods  
 97.29 that do not use glue;

97.30 ~~(7)~~ (6) use soy-based inks;

97.31 ~~(8)~~ (7) produce reports, publications, and periodicals that are readily recyclable  
 97.32 ~~within the state resource recovery program; and~~

97.33 ~~(9)~~ (8) purchase paper which has been made on a paper machine located in Minnesota.

97.34 (b) Paragraph (a), clause (1), does not apply to coated paper that is made with at  
 97.35 least 50 percent postconsumer material.

98.1 (c) A public entity shall print documents on both sides of the paper where commonly  
98.2 accepted publishing practices allow.

98.3 ~~(d) Notwithstanding paragraph (a), clause (2), and section 16C.0725, copier paper~~  
98.4 ~~purchased by a state agency must contain at least ten percent postconsumer material by~~  
98.5 ~~fiber content.~~

98.6 Sec. 4. Minnesota Statutes 2014, section 84.415, subdivision 7, is amended to read:

98.7 Subd. 7. ~~Existing road right-of-way; Application fee exemption.~~ (a) A utility  
98.8 license for crossing public lands or public waters is exempt from all application fees  
98.9 specified in this section and in rules adopted under this section ~~when the utility crossing is~~  
98.10 ~~on an existing right-of-way of a public road.~~

98.11 (b) This subdivision does not apply to electric power lines, cables, or conduits 100  
98.12 kilovolts or greater or to main pipelines for gas, liquids, or solids in suspension.

98.13 EFFECTIVE DATE. This section is effective retroactively from July 1, 2014, and  
98.14 does not authorize the retroactive collection of fees.

98.15 Sec. 5. [84.69] NATURAL RESOURCES CONSERVATION EASEMENT  
98.16 STEWARDSHIP ACCOUNT.

98.17 Subdivision 1. Account established; sources. The natural resources conservation  
98.18 easement stewardship account is created in the special revenue fund. The account consists  
98.19 of money credited to the account and interest and other earnings on money in the account.  
98.20 The State Board of Investment must manage the account to maximize long-term gain. The  
98.21 following revenue must be deposited in the natural resources conservation easement  
98.22 stewardship account:

98.23 (1) contributions to the account or specified for any purpose of the account;

98.24 (2) contributions under subdivision 3; section 84.66, subdivision 11; or other  
98.25 applicable law;

98.26 (3) money appropriated for any of the purposes described in subdivision 2;

98.27 (4) money appropriated for monitoring and enforcement of easements and earnings  
98.28 on the money appropriated that revert to the state under section 97A.056, subdivision  
98.29 17, or other applicable law; and

98.30 (5) gifts under section 84.085 for conservation easement stewardship.

98.31 Subd. 2. Appropriation; purposes of account. Five percent of the balance on  
98.32 July 1 of each year in the natural resources conservation easement stewardship account  
98.33 is annually appropriated to the commissioner of natural resources and may be spent  
98.34 only to cover the costs of managing conservation easements held by the Department

99.1 of Natural Resources, including costs associated with monitoring, landowner contacts,  
 99.2 records storage and management, processing landowner notices, requests for approval  
 99.3 or amendments, enforcement, and legal services associated with conservation easement  
 99.4 management activities.

99.5 Subd. 3. **Financial contributions.** The commissioner shall seek a financial  
 99.6 contribution to the natural resources conservation easement stewardship account for each  
 99.7 conservation easement acquired by or assigned to the Department of Natural Resources.  
 99.8 Unless otherwise provided by law, the commissioner shall determine the amount of the  
 99.9 contribution, which must be an amount calculated to earn sufficient money to meet  
 99.10 the costs of managing the conservation easement at a level that neither significantly  
 99.11 overrecovers nor underrecovers the costs. In determining the amount of the financial  
 99.12 contribution, the commissioner shall consider:

99.13 (1) the estimated annual staff hours needed to manage the conservation easement,  
 99.14 taking into consideration factors such as easement type, size, location, and complexity;

99.15 (2) the average hourly wages for the class or classes of employees expected to  
 99.16 manage the conservation easement;

99.17 (3) the estimated annual travel expenses to manage the conservation easement;

99.18 (4) the estimated annual miscellaneous costs to manage the conservation easement,  
 99.19 including supplies and equipment, information technology support, and aerial flyovers;

99.20 (5) the estimated annualized cost of legal services, including the cost to enforce the  
 99.21 easement in the event of a violation; and

99.22 (6) the expected rate of return on investments in the account.

99.23 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 99.24 following final enactment. Subdivision 3 of this section is effective for conservation  
 99.25 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 99.26 of conservation easements by gift that are initiated on or after July 1, 2015.

99.27 Sec. 6. Minnesota Statutes 2014, section 84.788, subdivision 5, is amended to read:

99.28 Subd. 5. **Report of ownership transfers; fee.** A person who sells or transfers (a)  
 99.29 Application for transfer of ownership of an off-highway motorcycle registered under  
 99.30 this section ~~shall report the sale or transfer~~ must be made to the commissioner within  
 99.31 15 days of the date of transfer.

99.32 (b) An application for transfer must be executed by the registered owner and the  
 99.33 buyer on a form prescribed by the commissioner with the owner's registration certificate,  
 99.34 purchaser using a bill of sale, and a \$4 fee that includes the vehicle serial number.

100.1 (c) The purchaser is subject to the penalties imposed by section 84.774 if the  
100.2 purchaser fails to apply for transfer of ownership as provided under this subdivision.

100.3 **EFFECTIVE DATE.** This section is effective January 1, 2016.

100.4 Sec. 7. Minnesota Statutes 2014, section 84.788, is amended by adding a subdivision  
100.5 to read:

100.6 Subd. 5a. **Report of registration transfers.** (a) Application for transfer of  
100.7 registration under this section must be made to the commissioner within 15 days of the  
100.8 date of transfer.

100.9 (b) An application for transfer must be executed by the registered owner and the  
100.10 purchaser using a bill of sale that includes the vehicle serial number.

100.11 (c) The purchaser is subject to the penalties imposed by section 84.774 if the  
100.12 purchaser fails to apply for transfer of registration as provided under this subdivision.

100.13 **EFFECTIVE DATE.** This section is effective January 1, 2016.

100.14 Sec. 8. **[84.8031] GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

100.15 The commissioner must review an off-road vehicle grant-in-aid application and, if  
100.16 approved, commence public review of the application within 60 days after the completed  
100.17 application has been locally approved and submitted to an area parks and trails office. If  
100.18 the commissioner fails to approve or deny the application within 60 days after submission,  
100.19 the application is deemed approved and the commissioner must provide for a 30-day  
100.20 public review period.

100.21 Sec. 9. Minnesota Statutes 2014, section 84.82, subdivision 2a, is amended to read:

100.22 Subd. 2a. **Nontrail use registration.** A snowmobile may be registered for nontrail  
100.23 use. A snowmobile registered under this subdivision may not be operated on a state or  
100.24 grant-in-aid snowmobile trail. The fee for a nontrail use registration of a snowmobile with  
100.25 an engine displacement that is greater than 125 cubic centimeters is \$45 for three years. A  
100.26 nontrail use registration is not transferable. In addition to other penalties prescribed by  
100.27 law, the penalty for violation of this subdivision is immediate revocation of the nontrail  
100.28 use registration. The commissioner shall ensure that the registration sticker provided for  
100.29 limited nontrail use is of a different color and is distinguishable from other snowmobile  
100.30 registration and state trail stickers provided.

100.31 Sec. 10. Minnesota Statutes 2014, section 84.82, subdivision 6, is amended to read:

101.1 Subd. 6. **Exemptions.** Registration is not required under this section for:

101.2 (1) a snowmobile owned and used by the United States, an Indian tribal government,  
101.3 another state, or a political subdivision thereof;

101.4 (2) a snowmobile registered in a country other than the United States temporarily  
101.5 used within this state;

101.6 (3) a snowmobile that is covered by a valid license of another state and has not been  
101.7 within this state for more than 30 consecutive days or that is registered by an Indian tribal  
101.8 government to a tribal member and has not been outside the tribal reservation boundary  
101.9 for more than 30 consecutive days;

101.10 (4) a snowmobile used exclusively in organized track racing events;

101.11 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

101.12 (6) a snowmobile at least 15 years old in transit by an individual for use only on  
101.13 land owned or leased by the individual; ~~or~~

101.14 (7) a snowmobile while being used to groom a state or grant-in-aid trail; or

101.15 (8) a snowmobile with an engine displacement that is 125 cubic centimeters or less  
101.16 and the snowmobile is not operated on a state or grant-in-aid trail.

101.17 Sec. 11. Minnesota Statutes 2014, section 84.84, is amended to read:

101.18 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

101.19 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a  
101.20 security interest, or the destruction or abandonment of any snowmobile, written notice  
101.21 thereof of the transfer or destruction or abandonment shall be given to the commissioner  
101.22 in such form as the commissioner shall prescribe.

101.23 (b) An application for transfer must be executed by the registered owner and the  
101.24 purchaser using a bill of sale that includes the vehicle serial number.

101.25 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser  
101.26 fails to apply for transfer of ownership as provided under this subdivision. Every owner  
101.27 or part owner of a snowmobile shall, upon failure to give such notice of destruction or  
101.28 abandonment, be subject to the penalties imposed by ~~Laws 1967, chapter 876~~ section 84.88.

101.29 **EFFECTIVE DATE.** This section is effective July 1, 2016.

101.30 Sec. 12. Minnesota Statutes 2014, section 84.92, subdivision 8, is amended to read:

101.31 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means  
101.32 a motorized vehicle ~~of~~ with: (1) not less than three, but not more than six low pressure  
101.33 or non-pneumatic tires, ~~that is limited in engine displacement of less than 1,000 cubic~~

102.1 ~~centimeters and~~; (2) a total dry weight of 2,000 pounds or less; and (3) a total width  
 102.2 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle  
 102.3 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does  
 102.4 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used  
 102.5 specifically for lawn maintenance, agriculture, logging, or mining purposes.

102.6 Sec. 13. Minnesota Statutes 2014, section 84.92, subdivision 9, is amended to read:

102.7 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an  
 102.8 all-terrain vehicle that has a total ~~dry weight of less than 1,200 pounds~~ width from outside  
 102.9 of tire rim to outside of tire rim that is 50 inches or less.

102.10 Sec. 14. Minnesota Statutes 2014, section 84.92, subdivision 10, is amended to read:

102.11 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an  
 102.12 all-terrain vehicle that has a total ~~dry weight of 1,200 to 1,800 pounds~~ width from outside  
 102.13 of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

102.14 Sec. 15. Minnesota Statutes 2014, section 84.922, subdivision 4, is amended to read:

102.15 Subd. 4. **Report of transfers.** ~~A person who sells or transfers ownership of a~~  
 102.16 ~~vehicle registered under this section shall report the sale or~~ (a) Application for transfer of  
 102.17 ownership must be made to the commissioner within 15 days of the date of transfer.

102.18 (b) An application for transfer must be executed by the registered owner and  
 102.19 the purchaser on a form prescribed by the commissioner with the owner's registration  
 102.20 certificate, using a bill of sale and a \$4 fee that includes the vehicle serial number.

102.21 (c) The purchaser is subject to the penalties imposed by section 84.774 if the  
 102.22 purchaser fails to apply for transfer of ownership as provided under this subdivision.

102.23 **EFFECTIVE DATE.** This section is effective January 1, 2016.

102.24 Sec. 16. Minnesota Statutes 2014, section 84.925, subdivision 5, is amended to read:

102.25 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,  
 102.26 1987, and who is 16 years of age or older, must successfully complete the independent  
 102.27 study course component of all-terrain vehicle safety training before operating an all-terrain  
 102.28 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

102.29 (b) An individual who is convicted of violating a law related to the operation of an  
 102.30 all-terrain vehicle must successfully complete the independent study course component of  
 102.31 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

103.1 (c) An individual who is convicted for a second or subsequent excess speed, trespass,  
 103.2 or wetland violation in an all-terrain vehicle season, or any conviction for careless or  
 103.3 reckless operation of an all-terrain vehicle, must successfully complete the independent  
 103.4 study and the testing and operating course components of all-terrain vehicle safety training  
 103.5 before continuing operation of an all-terrain vehicle.

103.6 (d) An individual who receives three or more citations and convictions for violating a  
 103.7 law related to the operation of an all-terrain vehicle in a two-year period must successfully  
 103.8 complete the independent study and the testing and operating course components of  
 103.9 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

103.10 (e) An individual must present evidence of compliance with this subdivision before  
 103.11 an all-terrain vehicle registration is issued or renewed. A person may use the following as  
 103.12 evidence of meeting all-terrain vehicle safety certificate requirements:

103.13 (1) a valid all-terrain vehicle safety certificate issued by the commissioner;

103.14 (2) a driver's license that has a valid all-terrain vehicle safety certificate indicator  
 103.15 issued under section 171.07, subdivision 18; or

103.16 (3) an identification card that has a valid all-terrain vehicle safety certificate indicator  
 103.17 issued under section 171.07, subdivision 18.

103.18 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new  
 103.19 driver and vehicle services information technology system is implemented, whichever  
 103.20 comes later.

103.21 Sec. 17. Minnesota Statutes 2014, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

103.31 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
 103.32 of age but less than 16 years may make a direct crossing of a public road right-of-way  
 103.33 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
 103.34 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety

104.1 certificate issued by the commissioner and is accompanied by a person 18 years of age or  
104.2 older who holds a valid driver's license.

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

104.5 (1) successfully complete the safety education and training program under section  
104.6 84.925, subdivision 1, including a riding component; and

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

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

104.12 (f) A person at least ten years of age but under 12 years of age may operate an  
104.13 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
104.14 accompanied by a parent or legal guardian.

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

104.16 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
104.17 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
104.18 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
104.19 all-terrain vehicle.

104.20 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
104.21 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
104.22 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
104.23 or state or grant-in-aid trails if:

104.24 (1) the nonresident youth has in possession evidence of completing an all-terrain  
104.25 safety course offered by the ATV Safety Institute or another state as provided in section  
104.26 84.925, subdivision 3; and

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

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

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

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

104.35 Sec. 18. Minnesota Statutes 2014, section 84.928, subdivision 1, is amended to read:



105.1 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise  
105.2 allowed in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall  
105.3 not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside  
105.4 bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

105.5 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside  
105.6 bank or slope of a trunk, county state-aid, or county highway unless prohibited under  
105.7 paragraph (d) or (f).

105.8 (c) A person may operate a class 1 all-terrain vehicle designed by the manufacturer  
105.9 for off-road use to be driven by a steering wheel and equipped with operator and passenger  
105.10 seat belts and a roll-over protective structure or a class 2 all-terrain vehicle:

105.11 (1) within the public road right-of-way of a county state-aid or county highway on  
105.12 the right shoulder or the extreme right-hand side of the road and left turns may be made  
105.13 from any part of the road if it is safe to do so under the prevailing conditions, unless  
105.14 prohibited under paragraph (d) or (f);

105.15 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county  
105.16 state-aid, or county highway but only to access businesses or make trail connections, and  
105.17 left turns may be made from any part of the road if it is safe to do so under the prevailing  
105.18 conditions, unless prohibited under paragraph (d) or (f); and

105.19 (3) on the bank or ditch of a public road right-of-way on a designated class 2  
105.20 all-terrain vehicle trail.

105.21 (d) A road authority as defined under section 160.02, subdivision 25, may after a  
105.22 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under  
105.23 its jurisdiction.

105.24 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the  
105.25 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside  
105.26 bank or slope of a trunk, interstate, county state-aid, or county highway:

105.27 (1) that is part of a funded grant-in-aid trail; or

105.28 (2) when the all-terrain vehicle is owned by or operated under contract with:

105.29 (i) a road authority as defined under section 160.02, subdivision 25; or

105.30 (ii) a publicly or privately owned utility or pipeline company and used for work  
105.31 on utilities or pipelines.

105.32 (f) The commissioner may limit the use of a right-of-way for a period of time if the  
105.33 commissioner determines that use of the right-of-way causes:

105.34 (1) degradation of vegetation on adjacent public property;

105.35 (2) siltation of waters of the state;

105.36 (3) impairment or enhancement to the act of taking game; or

106.1 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
106.2 property.

106.3 The commissioner must notify the road authority as soon as it is known that a closure  
106.4 will be ordered. The notice must state the reasons and duration of the closure.

106.5 (g) A person may operate an all-terrain vehicle registered for private use and used  
106.6 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
106.7 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
106.8 side of the road, and left turns may be made from any part of the road if it is safe to do so  
106.9 under the prevailing conditions.

106.10 (h) A person shall not operate an all-terrain vehicle within the public road  
106.11 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
106.12 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
106.13 from work on agricultural lands. This paragraph does not apply to an agent or employee  
106.14 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
106.15 Natural Resources when performing or exercising official duties or powers.

106.16 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way  
106.17 of a trunk, county state-aid, or county highway between the hours of one-half hour after  
106.18 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way  
106.19 and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

106.20 (j) A person shall not operate an all-terrain vehicle at any time within the  
106.21 right-of-way of an interstate highway or freeway within this state.

106.22 (k) A county, city, or town, acting through its governing body, may by ordinance  
106.23 allow a person to operate an all-terrain vehicle on a public road or street under its  
106.24 jurisdiction to access businesses and residences and to make trail connections.

106.25 **EFFECTIVE DATE.** The amendments to paragraph (e) of this section are effective  
106.26 the day following final enactment.

106.27 Sec. 19. Minnesota Statutes 2014, section 84D.01, is amended by adding a subdivision  
106.28 to read:

106.29 **Subd. 1a. Aquatic invasive species affirmation.** "Aquatic invasive species  
106.30 affirmation" means an affirmation of the summary of the aquatic invasive species laws of  
106.31 this chapter that is part of watercraft licenses and nonresident fishing licenses, as provided  
106.32 in section 84D.106.

106.33 **EFFECTIVE DATE.** This section is effective January 1, 2016.

107.1 Sec. 20. Minnesota Statutes 2014, section 84D.01, subdivision 13, is amended to read:

107.2 Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a  
 107.3 nonnative species that has been ~~listed~~ designated as a prohibited invasive species in a rule  
 107.4 adopted by the commissioner under section 84D.12.

107.5 Sec. 21. Minnesota Statutes 2014, section 84D.01, subdivision 15, is amended to read:

107.6 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a  
 107.7 nonnative species that has been ~~listed~~ designated as a regulated invasive species in a rule  
 107.8 adopted by the commissioner under section 84D.12.

107.9 Sec. 22. Minnesota Statutes 2014, section 84D.01, subdivision 17, is amended to read:

107.10 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a  
 107.11 nonnative species that has not been ~~listed~~ designated as a prohibited invasive species, a  
 107.12 regulated invasive species, or an unregulated nonnative species in a rule adopted by the  
 107.13 commissioner under section 84D.12.

107.14 Sec. 23. Minnesota Statutes 2014, section 84D.01, subdivision 18, is amended to read:

107.15 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means  
 107.16 a nonnative species that has been ~~listed~~ designated as an unregulated nonnative species in  
 107.17 a rule adopted by the commissioner under section 84D.12.

107.18 Sec. 24. Minnesota Statutes 2014, section 84D.06, is amended to read:

107.19 **84D.06 UNLISTED NONNATIVE SPECIES.**

107.20 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic  
 107.21 plant or wild animal species unless:

107.22 (1) the person has notified the commissioner in a manner and form prescribed by  
 107.23 the commissioner;

107.24 (2) the commissioner has made the classification determination required in  
 107.25 subdivision 2 and ~~listed~~ designated the species as appropriate; and

107.26 (3) the introduction is allowed under the applicable provisions of this chapter.

107.27 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which  
 107.28 a notification is received under subdivision 1 should be classified as a prohibited invasive  
 107.29 species, the commissioner shall:

107.30 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species  
 107.31 as a prohibited invasive species; and

108.1 (2) notify the person from which the notification was received that the species is  
108.2 subject to section 84D.04.

108.3 (b) If the commissioner determines that a species for which a notification is  
108.4 received under subdivision 1 should be classified as an unregulated nonnative species,  
108.5 the commissioner shall:

108.6 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species  
108.7 as an unregulated nonnative species; and

108.8 (2) notify the person from which the notification was received that the species is not  
108.9 subject to regulation under this chapter.

108.10 (c) If the commissioner determines that a species for which a notification is received  
108.11 under subdivision 1 should be classified as a regulated invasive species, the commissioner  
108.12 shall notify the applicant that the species is subject to the requirements in section 84D.07.

108.13 Sec. 25. Minnesota Statutes 2014, section 84D.10, subdivision 3, is amended to read:

108.14 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed  
108.15 peace officer may order:

108.16 (1) the removal of aquatic macrophytes or prohibited invasive species from  
108.17 water-related equipment, including decontamination using hot water or high pressure  
108.18 equipment when available on site, before ~~it~~ the water-related equipment is transported or  
108.19 before it is placed into waters of the state;

108.20 (2) confinement of the water-related equipment at a mooring, dock, or other location  
108.21 until the water-related equipment is removed from the water;

108.22 (3) removal of water-related equipment from waters of the state to remove prohibited  
108.23 invasive species if the water has not been listed by the commissioner as being infested  
108.24 with that species; ~~and~~

108.25 (4) a prohibition on placing water-related equipment into waters of the state when  
108.26 the water-related equipment has aquatic macrophytes or prohibited invasive species  
108.27 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
108.28 has not been removed in violation of subdivision 4; and

108.29 (5) decontamination of water-related equipment when available on site.

108.30 (b) An order for removal of prohibited invasive species under paragraph (a), clause  
108.31 (1), or decontamination of water-related equipment under paragraph (a), clause (5),  
108.32 may include tagging the water-related equipment and issuing a notice that specifies  
108.33 a time frame for completing the removal or decontamination and reinspection of the  
108.34 water-related equipment.

109.1 ~~(b)~~ (c) An inspector who is not a licensed peace officer may issue orders under  
 109.2 paragraph (a), clauses (1), (3), ~~and (4)~~, and (5).

109.3 Sec. 26. **[84D.106] AQUATIC INVASIVE SPECIES AFFIRMATION.**

109.4 Aquatic invasive species affirmation is required for all:

109.5 (1) watercraft licenses issued under section 86B.401; and

109.6 (2) all nonresident fishing licenses, as provided in section 97C.301, subdivision 2a.

109.7 **EFFECTIVE DATE.** Clause (1) of this section is effective January 1, 2016, and  
 109.8 clause (2) of this section is effective March 1, 2016.

109.9 Sec. 27. Minnesota Statutes 2014, section 84D.11, subdivision 1, is amended to read:

109.10 Subdivision 1. **Prohibited invasive species.** The commissioner may issue a permit  
 109.11 for the propagation, possession, importation, purchase, or transport of a prohibited invasive  
 109.12 species for the purposes of disposal, decontamination, control, research, or education.

109.13 Sec. 28. Minnesota Statutes 2014, section 84D.12, subdivision 1, is amended to read:

109.14 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

109.15 (1) ~~listing~~ designating prohibited invasive species, regulated invasive species, and  
 109.16 unregulated nonnative species of aquatic plants and wild animals;

109.17 (2) governing the application for and issuance of permits under this chapter, which  
 109.18 rules may include a fee schedule; and

109.19 (3) governing notification under section 84D.08.

109.20 Sec. 29. Minnesota Statutes 2014, section 84D.12, subdivision 3, is amended to read:

109.21 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,  
 109.22 subdivision 13, that ~~list~~ designate:

109.23 (1) prohibited invasive species of aquatic plants and wild animals;

109.24 (2) regulated invasive species of aquatic plants and wild animals; and

109.25 (3) unregulated nonnative species of aquatic plants and wild animals.

109.26 Sec. 30. Minnesota Statutes 2014, section 84D.13, subdivision 5, is amended to read:

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

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

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

110.1 (3) for unlawfully possessing or transporting a prohibited invasive species other  
110.2 than an aquatic macrophyte, \$500;

110.3 (4) for placing or attempting to place into waters of the state water-related equipment  
110.4 that has prohibited invasive species attached when the waters are not listed by the  
110.5 commissioner as being infested with that invasive species, \$500;

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

110.8 (6) for failing to have drain plugs or similar devices removed or opened while  
110.9 transporting water-related equipment or for failing to remove plugs, open valves, and  
110.10 drain water from water-related equipment, other than marine sanitary systems, before  
110.11 leaving waters of the state, \$100; ~~and~~

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

110.14 (8) for failing to have aquatic invasive species affirmation displayed or available for  
110.15 inspection as provided in sections 86B.401 and 97C.301, subdivision 2a, \$25.

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

110.19 Sec. 31. Minnesota Statutes 2014, section 84D.15, subdivision 3, is amended to read:

110.20 Subd. 3. **Use of money in account.** Money credited to the invasive species account  
110.21 in subdivision 2 shall be used for management of invasive species and implementation of  
110.22 this chapter as it pertains to invasive species, including control, public awareness, law  
110.23 enforcement, assessment and monitoring, management planning, habitat improvements,  
110.24 and research.

110.25 Sec. 32. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision  
110.26 to read:

110.27 Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under  
110.28 this section may include connections to state parks or recreation areas that generally lie in  
110.29 between or within the vicinity of the waymarks specifically named in the designation.

110.30 Sec. 33. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision  
110.31 to read:

110.32 Subd. 6a. **Mississippi Blufflands Trail; Goodhue and Wabasha Counties.** (a)  
110.33 The Mississippi Blufflands Trail shall originate at the Cannon Valley Trail and thence

111.1 extend generally southeasterly along the Mississippi River through Frontenac State Park in  
 111.2 Goodhue County and continue through Goodhue and Wabasha Counties to the city of Lake  
 111.3 City, and there terminate. The trail shall include connections to the Rattlesnake Bluff Trail.

111.4 (b) The trail shall be developed primarily for riding and hiking.

111.5 (c) In establishing, developing, maintaining, and operating the trail, the  
 111.6 commissioner shall cooperate with local units of government and private individuals and  
 111.7 groups whenever feasible.

111.8 Sec. 34. Minnesota Statutes 2014, section 85.015, subdivision 7, is amended to read:

111.9 Subd. 7. **Blufflands Trail system, Fillmore, Olmsted, Winona, and Houston**  
 111.10 **Counties.** (a) The Root River Trail shall originate at Chatfield in Fillmore County, and  
 111.11 thence extend easterly in the Root River Valley to the intersection of the river with  
 111.12 Minnesota Trunk Highway No. 26 in Houston County, and extend to the Mississippi River.

111.13 (b) Additional trails may be established that extend the Blufflands Trail system to  
 111.14 include La Crescent, Hokah, Caledonia, and Spring Grove in Houston County; Preston,  
 111.15 Harmony, Fountain, Wykoff, Spring Valley, Mabel, Prosper, Canton, ~~and Ostrander~~,  
 111.16 and connections to the Iowa border including a connection to Niagara Cave in Fillmore  
 111.17 County; Rochester, Dover, Eyota, Stewartville, Byron, and Chester Woods County Park in  
 111.18 Olmsted County; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica,  
 111.19 St. Charles, and Elba in Winona County. In addition to the criteria in section 86A.05,  
 111.20 subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

111.21 (c) The trails shall be developed primarily for nonmotorized riding and hiking.

111.22 Sec. 35. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

111.23 Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison**  
 111.24 **Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at  
 111.25 the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park  
 111.26 westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then  
 111.27 easterly along the south side of Camp Ripley across to the east side of the Mississippi  
 111.28 River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment  
 111.29 of the trail shall be established that shall extend in a southerly direction and in close  
 111.30 proximity to the Mississippi River from the southeasterly portion of the first segment of  
 111.31 the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison  
 111.32 County. Separation of motorized and nonmotorized corridors is acceptable as needed.

112.1 Sec. 36. **[85.0506] LAKE VERMILION-SOUDAN UNDERGROUND MINE**  
 112.2 **STATE PARK; HOISTS.**

112.3 The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is  
 112.4 exempt from sections 326B.163 to 326B.191. The federal mine code for hoists that lift  
 112.5 people under Code of Federal Regulations, title 30, part 57, subpart R, applies to the  
 112.6 Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall  
 112.7 employ a hoist safety expert to conduct an annual inspection of the hoist system at the  
 112.8 Lake Vermilion-Soudan Underground Mine State Park.

112.9 Sec. 37. Minnesota Statutes 2014, section 85.054, subdivision 12, is amended to read:

112.10 Subd. 12. **Lake Vermilion-Soudan Underground Mine State Park.** A state park  
 112.11 permit is not required and a fee may not be charged for motor vehicle entry or parking  
 112.12 at the visitor parking area of Soudan Underground Mine ~~State Park~~ and the Stuntz Bay  
 112.13 boat house area.

112.14 Sec. 38. Minnesota Statutes 2014, section 85.32, subdivision 1, is amended to read:

112.15 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
 112.16 in cooperation with local units of government and private individuals and groups when  
 112.17 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,  
 112.18 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,  
 112.19 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
 112.20 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
 112.21 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,  
 112.22 Blue Earth, Cedar, Shell Rock, and Crow Rivers which have historic and scenic values  
 112.23 and to mark appropriately points of interest, portages, camp sites, and all dams, rapids,  
 112.24 waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak,  
 112.25 and watercraft travelers.

112.26 Sec. 39. Minnesota Statutes 2014, section 86B.401, subdivision 3, is amended to read:

112.27 Subd. 3. **Licensing.** (a) The license agent shall register the watercraft on receiving  
 112.28 an application and the license fee. A license and registration sticker with a registration  
 112.29 number shall be issued and must be affixed to the watercraft as prescribed by the  
 112.30 commissioner of natural resources.

112.31 (b) A license includes aquatic invasive species affirmation as provided in section  
 112.32 84D.106. The aquatic invasive species affirmation portion of the license must be on board



113.1 or available with the signed license certificate. The aquatic invasive species affirmation will  
 113.2 be provided with an application for a new, transfer, duplicate, or renewal watercraft license.

113.3 (c) The license is not valid unless signed by at least one owner.

113.4 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 113.5 subject to the penalty prescribed in section 84D.13, subdivision 5.

113.6 **EFFECTIVE DATE.** This section is effective January 1, 2016.

113.7 Sec. 40. Minnesota Statutes 2014, section 87A.10, is amended to read:

113.8 **87A.10 TRAP SHOOTING SPORTS FACILITY GRANTS.**

113.9 The commissioner of natural resources shall administer a program to provide  
 113.10 cost-share grants to local recreational shooting clubs or local units of government for up to  
 113.11 50 percent of the costs of developing or rehabilitating ~~trap~~ shooting sports facilities for  
 113.12 public use. A facility rehabilitated or developed with a grant under this section must  
 113.13 be open to the general public at reasonable times and for a reasonable fee on a walk-in  
 113.14 basis. The commissioner shall give preference to projects that will provide the most  
 113.15 opportunities for youth.

113.16 Sec. 41. Minnesota Statutes 2014, section 88.17, subdivision 3, is amended to read:

113.17 Subd. 3. **Special permits.** The following special permits are required at all times,  
 113.18 including when the ground is snow-covered:

113.19 (a) **Fire training.** A permit to start a fire for the instruction and training of  
 113.20 firefighters, including liquid fuels training, may be given by the commissioner or agent of  
 113.21 the commissioner. Except for owners or operators conducting fire training in specialized  
 113.22 industrial settings pursuant to applicable federal, state, or local standards, owners  
 113.23 or operators conducting open burning for the purpose of instruction and training of  
 113.24 firefighters with regard to structures must ~~follow the techniques described in a document~~  
 113.25 ~~entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~  
 113.26 use only fuel materials as outlined in the current edition of National Fire Protection  
 113.27 Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable  
 113.28 live burn documents in accordance with the current edition of the Board of Firefighter  
 113.29 Training and Education's live burn plan established according to section 299N.02,  
 113.30 subdivision 3, clause (2).

113.31 (b) **Permanent tree and brush open burning sites.** A permit for the operation of  
 113.32 a permanent tree and brush burning site may be given by the commissioner or agent of  
 113.33 the commissioner. Applicants for a permanent open burning site permit shall submit a

114.1 complete application on a form provided by the commissioner. Existing permanent tree  
 114.2 and brush open burning sites must submit for a permit within 90 days of the passage of  
 114.3 this statute for a burning permit. New site applications must be submitted at least 90  
 114.4 days before the date of the proposed operation of the permanent open burning site. The  
 114.5 application must be submitted to the commissioner and must contain:

114.6 (1) the name, address, and telephone number of all owners of the site proposed for  
 114.7 use as the permanent open burning site;

114.8 (2) if the operator for the proposed permanent open burning site is different from the  
 114.9 owner, the name, address, and telephone number of the operator;

114.10 (3) a general description of the materials to be burned, including the source and  
 114.11 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,  
 114.12 and provisions for smoke management; and

114.13 (4) a topographic or similarly detailed map of the site and surrounding area within  
 114.14 a one-mile circumference showing all structures that might be affected by the operation  
 114.15 of the site.

114.16 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative  
 114.17 method such as chipping, composting, or other method shall be permitted to be burned  
 114.18 at a permanent open burning site. A permanent tree and brush open burning site must  
 114.19 be located and operated so as not to create a nuisance or endanger water quality. The  
 114.20 commissioner shall revoke the permit or order actions to mitigate threats to public health,  
 114.21 safety, and the environment in the event that permit conditions are violated.

114.22 Sec. 42. Minnesota Statutes 2014, section 88.49, subdivision 3, is amended to read:

114.23 Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.**

114.24 ~~The commissioner shall submit such contract in recordable form to the owner of the land~~  
 114.25 ~~covered thereby. If the owner shall indicate to the commissioner an unwillingness to~~  
 114.26 ~~execute the same, or if the owner or any of the persons having an interest therein or lien~~  
 114.27 ~~thereon fail to execute it within 60 days from the time of its submission to the owner, all~~  
 114.28 ~~proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

114.29 ~~When the contract shall have been executed it shall forthwith be recorded in the~~  
 114.30 ~~office of the county recorder at the expense of the owner or, if the title to the land be~~  
 114.31 ~~registered, with the registrar of titles. At the time the contract is recorded with the county~~  
 114.32 ~~recorder for record the owner, at the owner's expense, shall record with the county recorder~~  
 114.33 ~~a certificate from the county attorney to the effect that no change in record title thereof has~~  
 114.34 ~~occurred, that no liens or other encumbrances have been placed thereon, and that no taxes~~

115.1 ~~have accrued thereon since the making of the previous certificate. It shall be the duty of~~  
 115.2 ~~the county attorney to furnish this certificate without further compensation.~~

115.3 All the provisions of the a recorded contract shall be for an auxiliary forest are deemed  
 115.4 covenants running with the land from the date of the filing of the contract for record.

115.5 Sec. 43. Minnesota Statutes 2014, section 88.49, subdivision 4, is amended to read:

115.6 Subd. 4. **Effect.** Upon the filing of the contract for record, the land ~~therein~~ described  
 115.7 in the contract shall become, and, during the life of the contract, remain ~~and be~~, an  
 115.8 auxiliary forest entitled to all the benefits and subject to all the restrictions of sections  
 115.9 ~~88.47~~ 88.49 to 88.53, ~~all of which shall be deemed a.~~ These sections are part of the  
 115.10 obligation of the contract and shall be ~~are~~ inviolate, subject only to the police power of the  
 115.11 state, to the power of eminent domain, and to ~~the right of the parties thereto by mutual~~  
 115.12 ~~agreement to make applicable to the contract any laws of the state enacted subsequent to its~~  
 115.13 ~~the execution and filing. This provision shall not be so construed as to prevent amendatory~~  
 115.14 ~~or supplementary legislation which does~~ of the contract. Laws enacted subsequent to  
 115.15 the date of execution of the contract are applicable to the contract, so long as the laws  
 115.16 do not impair these the contract rights of the parties thereto, or as to prevent amendatory  
 115.17 ~~or supplementary legislation in respect of the culture, care, or management of the lands~~  
 115.18 ~~included in any such contract~~ signatories of the contract or their successors or assigns.

115.19 Sec. 44. Minnesota Statutes 2014, section 88.49, subdivision 5, is amended to read:

115.20 Subd. 5. **Cancellation.** ~~Upon the failure of (a) If the owner fails to faithfully to~~  
 115.21 ~~fulfill and perform such the contract or, any provision thereof of the contract, or any~~  
 115.22 ~~requirement of sections 88.47 88.49 to 88.53, or any rule adopted by the commissioner~~  
 115.23 ~~thereunder adopts under those sections, the commissioner may cancel the contract in~~  
 115.24 ~~the manner herein provided. The commissioner shall give to the owner, in the manner~~  
 115.25 ~~prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which~~  
 115.26 ~~the owner may appear and show cause, if any, why the contract should not be canceled.~~  
 115.27 ~~The commissioner shall thereupon then determine whether the contract should be canceled~~  
 115.28 ~~and make an order to that effect. Notice of the commissioner's determination and the~~  
 115.29 ~~making of the order shall be given to~~ The commissioner shall give the owner in the manner  
 115.30 provided in section 88.48, subdivision 4 notice of the commissioner's determination and  
 115.31 order. On determining If the commissioner determines that the contract should be canceled  
 115.32 and no appeal therefrom be taken the owner does not appeal the determination as provided  
 115.33 in subdivision 7, the commissioner shall send notice thereof of the cancellation to the  
 115.34 auditor of the county and to the town clerk of the town affected and file with the recorder a

116.1 certified copy of the order, ~~who~~. The recorder shall forthwith note the cancellation upon  
 116.2 the record thereof, and ~~thereupon~~ the land ~~therein~~ described in the contract shall cease to  
 116.3 be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable  
 116.4 to for all taxes and assessments that otherwise would have been levied against it ~~had it~~  
 116.5 ~~never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any~~  
 116.6 notwithstanding provisions of the statutes of limitation to the contrary ~~notwithstanding~~,  
 116.7 less. The amount of taxes paid under ~~the provisions of~~ section 88.51, subdivision 1,  
 116.8 together with interest on such taxes and assessments at six percent per annum, but without  
 116.9 penalties, must be subtracted from the tax owed by the owner.

116.10 (b) The commissioner may ~~in like manner and with like effect~~ cancel the contract  
 116.11 upon written application of the owner.

116.12 (c) The commissioner shall cancel ~~any the~~ contract if the owner has ~~made successful~~  
 116.13 application successfully applied under ~~sections 290C.01 to 290C.11~~, the Sustainable Forest  
 116.14 Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax  
 116.15 difference between the amount ~~which that~~ would have been paid had the land under contract  
 116.16 been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive  
 116.17 Act from the date of the recording of the contract and the amount actually paid under  
 116.18 section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51,  
 116.19 subdivision 2. ~~This tax difference must be calculated based on the years the lands would~~  
 116.20 ~~have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~  
 116.21 The sustainable forest tax difference is net of the incentive payment of section 290C.07.  
 116.22 If the amount ~~which that~~ would have been paid, ~~had if~~ the land under contract had been  
 116.23 under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from  
 116.24 the date ~~of the filing of~~ the contract, was filed is less than the amount actually paid under  
 116.25 the contract, the cancellation shall be made without further payment by the owner.

116.26 ~~When~~ (d) If the execution of ~~any the~~ contract creating an auxiliary forest ~~shall have~~  
 116.27 been is procured through fraud or deception ~~practiced upon~~ on the county board ~~or~~, the  
 116.28 commissioner, or any other person or body representing the state, it may ~~be canceled~~  
 116.29 cancel it upon suit brought by the attorney general at the direction of the commissioner.  
 116.30 This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the  
 116.31 commissioner.

116.32 Sec. 45. Minnesota Statutes 2014, section 88.49, subdivision 6, is amended to read:

116.33 Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying such taxes,  
 116.34 the county auditor shall, immediately upon ~~receipt of~~ receiving notice of the cancellation  
 116.35 of ~~any a~~ contract creating an auxiliary forest, direct the local assessor to assess the lands

117.1 within the forest, excluding the value of merchantable timber and minerals and other  
 117.2 things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51,  
 117.3 subdivision 2, ~~as of~~ for each of the years ~~during which~~ the lands ~~have been~~ were included  
 117.4 within the auxiliary forest. The local assessor shall ~~forthwith~~ make the assessment and  
 117.5 certify the same to the county auditor. The county auditor shall ~~thereupon~~ levy a tax on the  
 117.6 assessable value of the land ~~as~~, fixed by section 273.13, for each of the years ~~during which~~  
 117.7 the land ~~has been~~ was within an auxiliary forest, at the rate at which other real estate  
 117.8 within the taxing district was taxed in those years. The tax ~~so assessed and levied against~~  
 117.9 ~~any land shall be~~ is a first and prior lien upon the land and upon all timber and forest  
 117.10 products growing, grown, or cut ~~thereon~~ on the land and removed ~~therefrom~~ from the land.  
 117.11 These taxes ~~shall~~ must be enforced in the same manner as other taxes on real estate are  
 117.12 enforced and, ~~in addition thereto~~, the lien of the tax on forest products cut or removed  
 117.13 from this land ~~shall~~ must be enforced by the seizure and sale of the forest products.

117.14 (b) No person shall, after the mailing by the commissioner, as provided in subdivision  
 117.15 5, of notice of hearing on the cancellation of a the contract making ~~any~~ lands an auxiliary  
 117.16 forest, cut or remove from these lands any timber or forest products growing, grown, or  
 117.17 cut thereon until all taxes levied under this subdivision ~~shall have been~~ are paid, or, ~~in the~~  
 117.18 ~~event such~~ if the levy ~~shall~~ is not ~~have been~~ completed, until the owner ~~shall have~~ has given  
 117.19 a bond payable to the county, with sureties approved by the county auditor, in ~~such~~ the  
 117.20 amount ~~as~~ the county auditor ~~shall deem~~ deems ample for the payment of all taxes that may  
 117.21 be levied ~~thereon~~ under this subdivision, conditioned for the payment of ~~such~~ the taxes.

117.22 (c) Any person who ~~shall violate any of the provisions of~~ violates this subdivision  
 117.23 ~~shall be~~ is guilty of a felony.

117.24 Sec. 46. Minnesota Statutes 2014, section 88.49, subdivision 7, is amended to read:

117.25 Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the  
 117.26 commissioner to the district court of the county ~~wherein~~ where the land is ~~situate~~, located  
 117.27 by serving notice of appeal on the commissioner and filing the same with the court  
 117.28 administrator of the district court within 30 days after the date of mailing ~~of~~ notice  
 117.29 of such order.

117.30 (b) The appeal ~~shall~~ must be tried between the state of Minnesota and the owner by  
 117.31 the court as a suit for the rescission of a contract is tried, and the judgment of the court  
 117.32 ~~shall be~~ is substituted for the cancellation order of the commissioner, and ~~shall be~~ is final.

117.33 Sec. 47. Minnesota Statutes 2014, section 88.49, subdivision 8, is amended to read:

118.1 Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of ~~any a~~  
 118.2 contract ~~shall exist~~ exists, the commissioner may, in lieu of canceling ~~such~~ the contract,  
 118.3 perform the terms and conditions, ~~other than the payment of~~ that the owner was required  
 118.4 to perform, except that the commissioner may not pay any taxes; that the owner was  
 118.5 ~~required, by the contract or by law or by the rules of the commissioner, to be performed by~~  
 118.6 ~~the owner, and may for that purpose~~ to have paid by law. The commissioner may use any  
 118.7 available moneys appropriated for the maintenance of the commissioner's division and  
 118.8 any other lawful means to perform all other terms and conditions required to maintain the  
 118.9 auxiliary forest status. The commissioner shall, on December 1 each year, certify to the  
 118.10 auditor of each county the amount of moneys ~~thus~~ expended on and the value of services  
 118.11 ~~thus rendered in respect of any lands therein~~ for land in the county since December 1 of  
 118.12 the preceding year. The county auditor shall ~~forthwith~~ assess and levy the amount shown  
 118.13 by this certificate against the lands described ~~therein~~. This amount ~~shall bear~~ bears interest  
 118.14 at the rate of six percent per annum and ~~shall be~~ is a lien upon the lands described ~~therein~~;  
 118.15 ~~and.~~ The collection thereof of the tax must be enforced in the same manner as taxes  
 118.16 levied under section 88.52, subdivision 1 $\frac{1}{2}$  and; if ~~such~~ the tax be is not sooner paid, it  
 118.17 ~~shall~~ must be added to, and the payment ~~thereof~~ enforced with, the yield tax imposed  
 118.18 under section 88.52, subdivision 2.

118.19 Sec. 48. Minnesota Statutes 2014, section 88.49, subdivision 9, is amended to read:

118.20 Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other  
 118.21 purposes may be withdrawn from an auxiliary forest as herein provided. The owner may  
 118.22 submit a verified application therefor in a form prescribed by the commissioner of natural  
 118.23 resources may be made by the owner to the county board of the county in which the land is  
 118.24 situated, describing the land and stating the purpose of withdrawal. Like proceedings shall  
 118.25 be had upon the application as upon an application for the establishment of an auxiliary  
 118.26 forest, except that consideration need be given only to the questions to be determined as  
 118.27 provided in this subdivision. The county board shall consider the application and hear any  
 118.28 matter offered in support of or in opposition to the application. The county board shall  
 118.29 make proper record of its action upon the application. If the application is rejected, the  
 118.30 county board shall prepare a written statement stating the reasons for the rejection within  
 118.31 30 days of the date of rejection. If the application is rejected, the county auditor shall,  
 118.32 within 30 days of the rejection, endorse the rejection on the application and return it,  
 118.33 together with a copy of the written statement prepared by the county board stating the  
 118.34 reasons for rejection to the applicant. The rejected application and written statement must  
 118.35 be sent to the owner by certified mail at the address given in the application.

119.1 (b) If the application is disapproved as to only a part of the lands described, the  
119.2 county auditor shall notify the applicant in the same manner as if the application were  
119.3 rejected. The applicant may amend the application within 60 days after the notice is  
119.4 mailed. If it is not amended, the application is deemed rejected.

119.5 (c) If the county board ~~shall determine~~ determines that the land proposed to be  
119.6 withdrawn is needed and is suitable for the purposes set forth in the application, and  
119.7 that the remaining land in the auxiliary forest is suitable and sufficient for the purposes  
119.8 ~~thereof~~ of the auxiliary forest as provided by law, the board may, in its discretion, grant  
119.9 the application, subject to the approval of the commissioner. Upon such approval a  
119.10 ~~supplemental contract evidencing the withdrawal shall be executed, filed, and recorded~~  
119.11 ~~or registered as the case may require, in like manner as an original auxiliary forest~~  
119.12 ~~contract. Thereupon~~ by both the county board and the commissioner, the county auditor  
119.13 shall notify the applicant and the commissioner. Upon notice from the county auditor,  
119.14 the commissioner shall cause to be prepared a supplemental contract executed by the  
119.15 commissioner on behalf of the state and by the owner of the fee title or the holder of  
119.16 a state deed and by all other persons having any liens on the land and witnessed and  
119.17 acknowledged as provided by law for the execution of recordable deeds of conveyance.  
119.18 Notices sent by certified mail to the owner in fee at the address given in the application  
119.19 is deemed notice to all persons executing the supplemental contract. The supplemental  
119.20 contract must be prepared by the director of the Division of Forestry on a recordable  
119.21 form approved by an attorney appointed by the commissioner. Every supplemental  
119.22 contract must be approved by the Executive Council. The commissioner shall submit the  
119.23 supplemental contract to the owner of the land. If the owner indicates to the commissioner  
119.24 an unwillingness to execute the supplemental contract, or if the owner or any of the  
119.25 persons with an interest in the land or a lien upon the land fail to execute the contract  
119.26 within 60 days from the time of submission of the contract to the owner for execution, all  
119.27 proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at  
119.28 an end. When the supplemental contract is executed, it must be recorded in the office of  
119.29 the county recorder at the expense of the owner or, if the title to the land is registered, the  
119.30 supplemental contract must be recorded with the registrar of titles. At the time the contract  
119.31 is recorded with the county recorder, the owner, at the owner's expense, shall record with  
119.32 the county recorder a certificate from the county attorney to the effect that no change in  
119.33 record title to the land has occurred, that no liens or other encumbrances have been placed  
119.34 on the land, and that no taxes have accrued on the land since the making of the previous  
119.35 certificate. The county attorney must furnish this certificate without further compensation.  
119.36 Upon execution and recording of the supplemental contract, the land described in the

120.1 supplemental contract ~~shall cease~~ that is to be withdrawn from the auxiliary forest ceases  
 120.2 to be part of the auxiliary forest, and, ~~together with the timber thereon, shall be the owner~~  
 120.3 is liable to taxes and assessments of the withdrawn portion together with the timber on the  
 120.4 withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

120.5 Sec. 49. Minnesota Statutes 2014, section 88.49, subdivision 11, is amended to read:

120.6 Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to  
 120.7 the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer  
 120.8 in the same manner as the title to other real estate, subject to the auxiliary forest contract  
 120.9 ~~therefor~~ and to applicable provisions of law. ~~In case~~ If the ownership of ~~such a~~ an auxiliary  
 120.10 forest is divided into two or more parts by any transfer or transfers of title and the owners  
 120.11 of all ~~such~~ the parts desire to have the ~~same~~ parts made separate auxiliary forests, ~~they~~ the  
 120.12 owners may join in a verified application ~~therefor~~ to the county board of the county in  
 120.13 which the forest is situated in a form prescribed by the commissioner of natural resources.  
 120.14 If the county board determines that each of the parts into which the forest has been divided  
 120.15 is suitable and sufficient for a separate auxiliary forest as provided by law, it may, ~~in~~  
 120.16 ~~its discretion~~, grant the application, subject to the approval of the commissioner. Upon  
 120.17 ~~such~~ approval, the commissioner shall prepare a new auxiliary forest contract for each  
 120.18 part transferred, with like provisions and for the remainder of the same term as the prior  
 120.19 contract in force for the entire forest at the time of the transfer, and shall also prepare a  
 120.20 modification of ~~such~~ the prior contract, eliminating ~~therefrom~~ the part or parts of the land  
 120.21 transferred but otherwise leaving the remaining land subject to all the provisions of ~~such~~  
 120.22 the contract. The new contract or contracts and modification of the prior contract ~~shall~~  
 120.23 must be executed and otherwise dealt with in like manner as provided for ~~an original a~~  
 120.24 supplemental auxiliary forest contract in subdivision 9, but no such instrument ~~shall~~ must  
 120.25 take effect until all of them, ~~covering together all parts of the forest existing before the~~  
 120.26 ~~transfer~~, have been executed, filed, and recorded or registered, ~~as the case may require.~~  
 120.27 ~~Upon the taking effect of~~ When all ~~such~~ the instruments take effect, the owner of the  
 120.28 forest prior to the transfer ~~shall be~~ is divested of all rights and relieved from all liabilities  
 120.29 under the contract then in force with respect to the parts transferred except ~~such~~ those as  
 120.30 may have existed or accrued at the time of the taking effect of such instruments, and  
 120.31 thereafter the several tracts into which the forest has been divided and the respective  
 120.32 owners thereof ~~shall be~~ are subject to the new contract or contracts or the modified prior  
 120.33 contract relating thereto, as the case may be, as provided for an original auxiliary forest  
 120.34 contract. The provisions of this subdivision shall not supersede or affect the application



121.1 of any other provision of law to any auxiliary forest which is divided by transfer of title  
 121.2 unless the procedure herein authorized is fully consummated.

121.3 Sec. 50. Minnesota Statutes 2014, section 88.491, subdivision 2, is amended to read:

121.4 Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire,  
 121.5 or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the  
 121.6 appropriate county office, the lands previously covered by an auxiliary forest contract  
 121.7 automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive  
 121.8 Act; provided that when such lands are included in the Sustainable Forest Incentive Act  
 121.9 prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as  
 121.10 provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable  
 121.11 forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to  
 121.12 the difference between:

121.13 (1) the sum of:

121.14 (i) the amount which would have been paid from the date of the recording of the  
 121.15 contract had the land under contract been subject to the Minnesota Tree Growth Tax  
 121.16 Law; plus

121.17 (ii) beginning with taxes payable in 2003, the taxes that would have been paid if the  
 121.18 land had been enrolled in the sustainable forest incentive program; and

121.19 (2) the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and  
 121.20 Minnesota Statutes 2014, section 88.51, subdivision 2.

121.21 Sec. 51. Minnesota Statutes 2014, section 88.50, is amended to read:

121.22 **88.50 TAXATION.**

121.23 Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent~~  
 121.24 ~~hereinafter provided~~ according to sections 88.49 to 88.53 and not otherwise. Except as  
 121.25 expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed  
 121.26 for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for  
 121.27 the payment of, any tax or assessment, general or special, or any bond, certificate of  
 121.28 indebtedness, or other public obligation of any name or kind, made, issued, or created  
 121.29 subsequent to the filing of the contract creating the auxiliary forest, provided that  
 121.30 temporary buildings, structures, or other fixtures ~~of whatsoever kind~~ located upon land  
 121.31 within an auxiliary forest shall be valued and assessed as personal property and classified  
 121.32 as class 3 under the general system of ad valorem taxation. In any proceeding for the  
 121.33 making of a special improvement under the laws of this state by which any auxiliary forest  
 121.34 will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in

122.1 the manner provided by law, by filing the owner's written consent ~~in writing~~ to the making  
 122.2 ~~of the~~ assessment in the tribunal in which the proceeding is pending, ~~whereupon~~. The lands  
 122.3 shall for the purposes of the improvement and assessment not be treated as lands ~~not~~ in an  
 122.4 auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest ~~shall~~  
 122.5 ~~be~~ is subject to the provisions of the contract creating the auxiliary forest and subordinate  
 122.6 to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

122.7 Sec. 52. Minnesota Statutes 2014, section 88.51, subdivision 1, is amended to read:

122.8 Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the  
 122.9 contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53  
 122.10 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the  
 122.11 land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed  
 122.12 annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and  
 122.13 the payment ~~thereof~~ of the tax, with penalties and interest, enforced in the same manner as  
 122.14 other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts  
 122.15 affected in the proportion of their interest in the taxes on this land if it had not been so  
 122.16 made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May  
 122.17 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause  
 122.18 for cancellation of the contract.

122.19 (b) The levy upon the land of the taxes provided for by section 88.49, subdivision 5,  
 122.20 upon the cancellation of a contract, ~~shall discharge and annul~~ discharges and annuls all  
 122.21 unpaid taxes levied or assessed ~~thereon~~ on the land.

122.22 Sec. 53. Minnesota Statutes 2014, section 88.51, subdivision 3, is amended to read:

122.23 Subd. 3. **Determination of estimated market value.** In determining the net tax  
 122.24 capacity of property within any taxing district, the value of the surface of lands within any  
 122.25 auxiliary forest ~~therein~~ in the taxing district, as determined by the county board ~~under the~~  
 122.26 ~~provisions of section 88.48, subdivision 3~~, shall, for all purposes except the levying of  
 122.27 taxes on lands within any such forest, be deemed the estimated market value ~~thereof~~ of  
 122.28 those surface lands.

122.29 Sec. 54. Minnesota Statutes 2014, section 88.52, subdivision 2, is amended to read:

122.30 Subd. 2. **Examination, report.** When any timber growing or standing in any  
 122.31 auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the  
 122.32 commissioner shall, at the written request of the owner, a copy of which shall at the time be  
 122.33 filed in the office of the county auditor, make an examination of the timber and designate

123.1 for the owner the kind and number of trees most suitable to be cut ~~if~~ in the judgment of  
 123.2 the commissioner ~~there be any, and~~. The cutting and removal of these designated trees so  
 123.3 ~~designated shall~~ must be in accordance with the instructions of the commissioner. The  
 123.4 commissioner shall inspect the cutting or removal and determine whether it or the manner  
 123.5 of its performance constitute a violation of the terms of the contract creating the auxiliary  
 123.6 forest or of the ~~laws applicable thereto~~ laws, or of the instructions of the commissioner  
 123.7 relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation  
 123.8 of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in  
 123.9 force for the remainder of the period ~~therein stated in the contract~~, regardless of the cutting  
 123.10 and removal. Within 90 days after the completion of any cutting or removal operation,  
 123.11 the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the  
 123.12 report to the county auditor and the surveyor general.

123.13 Sec. 55. Minnesota Statutes 2014, section 88.52, subdivision 3, is amended to read:

123.14 Subd. 3. **Kinds, permit, scale report, assessment and payment of tax.** (a) Upon  
 123.15 ~~the filing of the owner's written request of the owner as provided in subdivision 2~~, the  
 123.16 director of ~~lands and~~ forestry, with the county board or the county land commissioner,  
 123.17 shall determine within 30 days the kinds, quantities, and value on the stump of the timber  
 123.18 proposed to be cut.

123.19 Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the  
 123.20 county auditor a report showing the kinds, quantities, and value of the timber proposed to  
 123.21 be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within  
 123.22 two years after the date of approval of the report by the director of ~~lands and~~ forestry. The  
 123.23 county auditor shall assess and levy the estimated yield tax thereon, make proper record  
 123.24 of this assessment and levy in the auditor's office, and notify the owner of the auxiliary  
 123.25 forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or  
 123.26 removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof~~, a deposit in  
 123.27 cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not  
 123.28 less than 150 percent of the amount of the levy, conditioned for the payment of all taxes on  
 123.29 the timber to be cut or removed. Upon receipt of notification from the county auditor that  
 123.30 the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will  
 123.31 issue a cutting permit in accordance with the report. The owner shall keep an accurate  
 123.32 count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following  
 123.33 issuance of ~~such~~ the cutting permit, and on or before ~~the fifteenth day of April 15~~ of each  
 123.34 succeeding year in which any merchantable wood products were cut on auxiliary forest  
 123.35 lands prior to the termination of ~~such~~ the permit, the owner of the timber covered by the

124.1 permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in  
 124.2 duplicate, on a form prepared by the director of ~~lands and~~ forestry, one copy of which  
 124.3 ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each  
 124.4 variety of timber and kind of product cut during the preceding year ending on March 31,  
 124.5 as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or  
 124.6 loaded as the case may be. If no such scale or measurement ~~shall have been~~ was made on  
 124.7 the ground, an estimate ~~thereof shall~~ must be made and ~~such estimate~~ corrected by the first  
 124.8 scale or measurement, made in the due course of business, ~~and such~~. The correction must  
 124.9 at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to  
 124.10 the county auditor. On or before ~~the fifteenth day of~~ May 15 following the filing of the  
 124.11 sworn statement covering the quantity and value of timber cut under an authorized permit,  
 124.12 the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes  
 124.13 2014, section 88.51, subdivision 2, of the timber cut during the year ending on ~~the~~ March  
 124.14 ~~31st~~ 31 preceding the date of assessing and levying this tax. This tax is payable and must  
 124.15 be paid to the county treasurer on or before the following May 31 ~~next following~~. Copies  
 124.16 of the yield (severance) tax assessment and of the yield (severance) tax payment ~~shall~~ must  
 124.17 be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise  
 124.18 provided, all yield (severance) taxes herein provided for ~~shall~~ must be levied and collected,  
 124.19 and payment ~~thereof~~, with penalties and interest, enforced in the same manner as taxes  
 124.20 imposed under ~~the provisions of~~ section 88.51, subdivision 1, and ~~shall~~ must be credited to  
 124.21 the funds of the taxing districts affected in the proportion of their interests in the taxes on  
 124.22 the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the  
 124.23 director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within  
 124.24 an auxiliary forest and ~~also~~ may require the owner of the auxiliary forest to produce for  
 124.25 inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to  
 124.26 timber cutting operations within an auxiliary forest for the purpose of determining the  
 124.27 accuracy of scale or measurement reports, and if intentional error in scale or measurement  
 124.28 reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the  
 124.29 stumpage value of the timber cut in excess of the quantity and value reported.

124.30 (b) The following alternative method of assessing and paying annually the yield tax  
 124.31 on an auxiliary forest is to be available to an auxiliary forest owner upon application and  
 124.32 upon approval of the county board of the county within which the auxiliary forest is located.

124.33 For auxiliary forests entered under this subdivision paragraph, the county auditor  
 124.34 shall assess and levy the yield tax by multiplying the acreage of each legal description  
 124.35 included within the auxiliary forest by the acre quantity of the annual growth by species,  
 124.36 calculated in cords, or in thousands of feet board measure Minnesota standard log scale

125.1 rule, whichever is more reasonably usable, for the major species found in each type by  
 125.2 the from year-to-year appraised stumpage prices for each of these species, used by the  
 125.3 Division of ~~Lands and~~ Forestry, Department of Natural Resources, in selling trust fund  
 125.4 timber located within the district in which the auxiliary forest is located. The assessed  
 125.5 value of the annual growth of the auxiliary forest, thus determined, ~~shall be~~ is subject to  
 125.6 a ten percent of stumpage value yield tax, payable annually on or before May 31. In all  
 125.7 other respects the assessment, levying and collection of the yield tax, as provided for in  
 125.8 this subdivision ~~shall~~ must follow the procedures specified in ~~elause~~ paragraph (a).

125.9 Forest owners operating under this ~~subdivision~~ shall be paragraph are subject to all  
 125.10 other provisions of the auxiliary forest law except ~~such~~ the provisions of ~~elause~~ paragraph  
 125.11 (a) ~~as that~~ are in conflict with this ~~subdivision~~ paragraph. Penalties for intentional failure  
 125.12 by the owner to report properly the quantity and value of the annual growth upon an  
 125.13 auxiliary forest entered under this ~~subdivision~~ paragraph and for failure to pay the yield  
 125.14 tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this  
 125.15 law for like failure to abide by its provisions.

125.16 To qualify for the assessment and levying of the yield tax by this method, the  
 125.17 owner of the forest requesting this method of taxation must submit a map or maps  
 125.18 and a tabulation in acres and in quantity of growth by legal descriptions showing the  
 125.19 division of the area covered by the auxiliary forest for which this method of taxation is  
 125.20 requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine;  
 125.21 aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods;  
 125.22 lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush  
 125.23 (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant  
 125.24 swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the  
 125.25 average rate or rates of growth (in cords or thousand feet, board measure, Minnesota  
 125.26 standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of  
 125.27 them) ~~shall~~ must be made by the director of the Division of ~~Lands and~~ Forestry, Minnesota  
 125.28 Department of Natural Resources, with the advice and assistance of the land commissioner  
 125.29 of the county in which the auxiliary forest is located; the director of the United States  
 125.30 Forest Service's North Central Forest Experiment Station; and the director of the School of  
 125.31 Forestry, University of Minnesota. Before the approval of the application of the owner of  
 125.32 an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions  
 125.33 of this ~~subdivision~~ paragraph is submitted to the county board, the distribution between  
 125.34 types of the area as shown on the maps and in the tabulations submitted by the owner of the  
 125.35 auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined

126.1 by the director of the Division of ~~Lands and~~ Forestry, Department of Natural Resources,  
 126.2 with the assistance of the county board of the county in which the auxiliary forest is located.

126.3 During the life of the auxiliary forest, contract timber cutting operations within the  
 126.4 various types shown upon the type map accepted as a part of the approved auxiliary forest  
 126.5 application ~~shall~~ do not bring about a reclassification of the forest types shown upon that  
 126.6 map or those maps until after the passage of ten years following the termination of ~~said~~ the  
 126.7 timber cutting operations and then only upon proof of a change in type.

126.8 Sec. 56. Minnesota Statutes 2014, section 88.52, subdivision 4, is amended to read:

126.9 Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield  
 126.10 tax is assessed and levied as provided in this section may, within 15 days after mailing  
 126.11 of notice of the amount of the tax, file with the county auditor a demand for hearing  
 126.12 ~~thereon on the tax~~ before the county board. The county auditor shall thereupon fix a date  
 126.13 of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and  
 126.14 mail to the owner notice of the time and place of the hearing. The owner may appear at  
 126.15 the meeting and present evidence and argument as to the amount of the tax and as to any  
 126.16 related matter relating thereto. The county board shall ~~thereupon~~ determine whether the  
 126.17 tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall  
 126.18 ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or  
 126.19 reduced by the order, the county auditor shall make a supplemental assessment and levy  
 126.20 ~~thereof~~, as in this subdivision provided.

126.21 Sec. 57. Minnesota Statutes 2014, section 88.52, subdivision 5, is amended to read:

126.22 Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~such~~ auxiliary forest,  
 126.23 ~~the yield tax accruing thereon shall constitute and be~~ yield tax constitutes and is a first and  
 126.24 prior lien upon all the merchantable timber and forest products growing or grown thereon;  
 126.25 and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as  
 126.26 otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to  
 126.27 be a lien upon the timber and forest products ~~and every part and parcel thereof wherever~~  
 126.28 ~~the same may be or~~ however much changed in form or otherwise improved until the yield  
 126.29 tax is fully paid. ~~Such~~ The lien may be foreclosed and the property subject ~~thereto~~ to  
 126.30 the lien dealt with by action in the name of the state, brought by the county attorney at  
 126.31 the request of the county auditor.

126.32 Sec. 58. Minnesota Statutes 2014, section 88.52, subdivision 6, is amended to read:

127.1 Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest  
 127.2 by an owner and used by the owner for fuel, fencing, or building on land occupied by the  
 127.3 owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt  
 127.4 from the yield tax, and, as to timber so cut and used, the requirements of subdivisions  
 127.5 1 and 2 ~~shall do not be applicable and in lieu thereof apply.~~ The owner shall, prior to  
 127.6 cutting, file with the county auditor, on a form prepared by the commissioner, a statement  
 127.7 showing the quantity of each kind of forest products proposed to be cut and the purposes  
 127.8 for which the ~~same~~ the products will be used.

127.9 Sec. 59. Minnesota Statutes 2014, section 88.523, is amended to read:

127.10 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL**  
 127.11 **AGREEMENTS.**

127.12 Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter~~  
 127.13 ~~executed~~ may be made subject to any provisions of law enacted subsequent to the execution  
 127.14 of the contract and in force at the time of application, so far as not already applicable, with  
 127.15 the approval of the county board and the commissioner of natural resources. ~~As evidence~~  
 127.16 ~~thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved  
 127.17 by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state  
 127.18 and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in  
 127.19 like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and  
 127.20 ~~shall thereupon take~~ takes effect upon filing and recording.

127.21 Sec. 60. Minnesota Statutes 2014, section 88.53, subdivision 1, is amended to read:

127.22 Subdivision 1. **Time for disposal.** ~~Any corporation, association, or organization~~  
 127.23 ~~may acquire and hold any amount of land without restriction and without limit as to~~  
 127.24 ~~acreage or quantity for the purpose of including same within and holding same as an~~  
 127.25 ~~auxiliary forest under the provisions of sections 88.47 to 88.53.~~ When ~~the same shall~~  
 127.26 ~~cease~~ land ceases to be an auxiliary forest, the owners ~~shall~~ have five years within which  
 127.27 to dispose of the land, any provisions of general law to the contrary notwithstanding.

127.28 Sec. 61. Minnesota Statutes 2014, section 88.53, subdivision 2, is amended to read:

127.29 Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms  
 127.30 and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47~~  
 127.31 88.49 to 88.53; and the director and every county board, county recorder, registrar of titles,  
 127.32 assessor, tax collector, and every other person in official authority having any duties to  
 127.33 perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested

128.1 with full power and authority to enforce such rules, employ help and assistance, acquire  
 128.2 and use equipment and supplies, or do any other act or thing reasonably necessary to the  
 128.3 proper performance of duties under or arising from the administration and enforcement of  
 128.4 sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of~~ The director ~~to~~ must cause periodic  
 128.5 inspections to be made of all auxiliary forests for the purpose of determining whether  
 128.6 relative contract and statutory provisions ~~relative thereto~~ are being complied with.

128.7 Sec. 62. Minnesota Statutes 2014, section 88.6435, subdivision 4, is amended to read:

128.8 Subd. 4. **Forest bough account; disposition of fees.** (a) The forest bough account  
 128.9 is established in the state treasury within the natural resources fund.

128.10 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state  
 128.11 treasury and credited to the forest bough account and, except for the electronic licensing  
 128.12 system commission established by the commissioner under section 84.027, subdivision  
 128.13 15, are annually appropriated to the commissioner of natural resources for costs associated  
 128.14 with ~~balsam bough educational~~ special forest product information and education programs  
 128.15 for harvesters and buyers.

128.16 Sec. 63. Minnesota Statutes 2014, section 90.14, is amended to read:

128.17 **90.14 AUCTION SALE PROCEDURE.**

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

128.22 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
 128.23 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
 128.24 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
 128.25 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
 128.26 liable therefor to the state in a civil action, and the commissioner may reoffer the timber for  
 128.27 sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

128.28 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
 128.29 timber may, at the time of payment by the purchaser to the commissioner of 15 percent  
 128.30 of the appraised value, elect in writing on a form prescribed by the attorney general to  
 128.31 purchase a permit based solely on the appraiser's estimate of the volume of timber described  
 128.32 in the permit, provided that the commissioner has expressly designated the availability of  
 128.33 such option for that tract on the list of tracts available for sale as required under section  
 128.34 90.101. A purchaser who elects in writing on a form prescribed by the attorney general



129.1 to purchase a permit based solely on the appraiser's estimate of the volume of timber  
 129.2 described on the permit does not have recourse to the provisions of section 90.281.

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

129.9 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
 129.10 issued under section 90.151, the commissioner shall require the purchaser to make a bid  
 129.11 guarantee payment to the commissioner in an amount equal to 15 percent of the total  
 129.12 purchase price of the permit less the down payment amount required by paragraph (b)  
 129.13 for any bid increase in excess of ~~\$5,000~~ \$10,000 of the appraised value. If a required bid  
 129.14 guarantee payment is not submitted with the signed permit, no harvesting may occur, the  
 129.15 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee  
 129.16 payment forfeits to the state if the purchaser and successors in interest fail to execute  
 129.17 an effective permit.

129.18 **EFFECTIVE DATE.** This section is effective June 1, 2015, and applies to permits  
 129.19 sold on or after that date.

129.20 Sec. 64. Minnesota Statutes 2014, section 90.193, is amended to read:

129.21 **90.193 EXTENSION OF TIMBER PERMITS.**

129.22 The commissioner may, in the case of an exceptional circumstance beyond the  
 129.23 control of the timber permit holder which makes it unreasonable, impractical, and not  
 129.24 feasible to complete cutting and removal under the permit within the time allowed, grant  
 129.25 one regular extension for one year. A written request for the regular extension must be  
 129.26 received by the commissioner before the permit expires. The request must state the reason  
 129.27 the extension is necessary and be signed by the permit holder. An interest rate of ~~eight~~  
 129.28 five percent may be charged for the period of extension.

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

129.30 Sec. 65. **[92.83] CONDEMNATION OF SCHOOL TRUST LAND.**

129.31 Subdivision 1. Purpose. The purpose of this section is to extinguish the school trust  
 129.32 interest in school trust lands where long-term economic return is prohibited by designation  
 129.33 or policy while producing economic benefits for Minnesota's public schools. For the

130.1 purposes of satisfying the Minnesota Constitution, article XI, section 8, which limits the  
130.2 sale of school trust lands to a public sale, the commissioner of natural resources shall  
130.3 acquire school trust lands through condemnation, as provided in subdivision 2.

130.4 Subd. 2. **Commencement of condemnation proceedings.** When the commissioner  
130.5 of natural resources has determined sufficient money is available to acquire any of the  
130.6 lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner  
130.7 shall proceed to extinguish the school trust interest by condemnation action. When  
130.8 requested by the commissioner, the attorney general shall commence condemnation of  
130.9 the identified school trust lands.

130.10 Subd. 3. **Payment.** The portion of the payment of the award and judgment that  
130.11 is for the value of the land shall be deposited into the permanent school fund. The  
130.12 remainder of the award and judgment payment shall first be remitted for reimbursement  
130.13 to the accounts from which expenses were paid, with any remainder deposited into the  
130.14 permanent school fund.

130.15 Subd. 4. **Account.** The school trust lands account is created in the state treasury.  
130.16 Money credited to the account is appropriated to the commissioner of natural resources  
130.17 for the purposes of this section.

130.18 Sec. 66. Minnesota Statutes 2014, section 94.10, subdivision 2, is amended to read:

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

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

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

131.1 (d) The commissioner may retain the services of a licensed real estate broker to find  
 131.2 a buyer for parcels remaining unsold after the offering. The sale price may be negotiated  
 131.3 by the broker, but must not be less than 90 percent of the appraised value as determined by  
 131.4 the commissioner. The broker's fee must be established by prior agreement between the  
 131.5 commissioner and the broker and must not exceed ten percent of the sale price for sales of  
 131.6 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

131.7 Sec. 67. Minnesota Statutes 2014, section 94.16, subdivision 2, is amended to read:

131.8 Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal  
 131.9 in amount to the survey, appraisal, legal, advertising, real estate broker fee, and other  
 131.10 expenses incurred by the commissioner of natural resources in rendering the property  
 131.11 salable and sold shall be remitted to the account from which the expenses were paid,  
 131.12 and are appropriated and immediately available for expenditure in the same manner as  
 131.13 other money in the account.

131.14 Sec. 68. Minnesota Statutes 2014, section 94.16, subdivision 3, is amended to read:

131.15 Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in  
 131.16 ~~paragraph~~ paragraphs (b) and (c), the remainder of the proceeds from the sale of lands  
 131.17 classified as a unit of the outdoor recreation system under section 86A.05 that were under  
 131.18 the control and supervision of the commissioner of natural resources shall be credited to  
 131.19 the land acquisition account in the natural resources fund.

131.20 (b) The remainder of the proceeds from the sale of administrative sites under the  
 131.21 control and supervision of the commissioner of natural resources shall be credited to the  
 131.22 facilities management account established under section 84.0857 and used to acquire  
 131.23 facilities or renovate existing buildings for administrative use or to acquire land for,  
 131.24 design, and construct administrative buildings for the Department of Natural Resources.

131.25 (c) The remainder of the proceeds from the sale of land not within a unit of the  
 131.26 outdoor recreation system under section 86A.05 and not an administrative site, but under  
 131.27 the control and supervision of the commissioner of natural resources, shall be credited to  
 131.28 the school trust lands account established under section 92.83.

131.29 Sec. 69. Minnesota Statutes 2014, section 97A.055, subdivision 4b, is amended to read:

131.30 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint  
 131.31 committees of affected persons to review the reports prepared under subdivision 4; review  
 131.32 the proposed work plans and budgets for the coming year; propose changes in policies,  
 131.33 activities, and revenue enhancements or reductions; review other relevant information;

132.1 and make recommendations to the legislature and the commissioner for improvements in  
132.2 the management and use of money in the game and fish fund.

132.3 (b) The commissioner shall appoint the following committees, each comprised  
132.4 of at least ten affected persons:

132.5 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,  
132.6 including activities related to trout and salmon stamps and walleye stamps; and

132.7 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,  
132.8 including activities related to migratory waterfowl, pheasant, and wild turkey management  
132.9 and deer and big game management.

132.10 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
132.11 Committee, and four additional members from each committee, shall form a Budgetary  
132.12 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight  
132.13 committee reports into an annual report to the legislature; recommend changes on a broad  
132.14 level in policies, activities, and revenue enhancements or reductions; and provide a forum  
132.15 to address issues that transcend the fisheries and wildlife oversight committees.

132.16 (d) The Budgetary Oversight Committee shall develop recommendations for a  
132.17 biennial budget plan and report for expenditures on game and fish activities. By August 15  
132.18 of each even-numbered year, the committee shall submit the budget plan recommendations  
132.19 to the commissioner and to the senate and house of representatives committees with  
132.20 jurisdiction over natural resources finance.

132.21 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
132.22 Committee shall be chosen by their respective committees. The chair of the Budgetary  
132.23 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
132.24 either of the other oversight committees.

132.25 (f) The Budgetary Oversight Committee may make recommendations to the  
132.26 commissioner and to the senate and house of representatives committees with jurisdiction  
132.27 over natural resources finance for outcome goals from expenditures.

132.28 (g) The committees authorized under this subdivision are not advisory councils or  
132.29 committees governed by section 15.059 and are not subject to section 15.059. Committee  
132.30 members appointed by the commissioner may request reimbursement for mileage  
132.31 expenses in the same manner and amount as authorized by the commissioner's plan  
132.32 adopted under section 43A.18, subdivision 2. Committee members must not receive daily  
132.33 compensation for oversight activities. The Fisheries Oversight Committee, the Wildlife  
132.34 Oversight Committee, and the Budgetary Oversight Committee expire June 30, ~~2015~~ 2020.

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

133.1 Sec. 70. Minnesota Statutes 2014, section 97B.668, is amended to read:

133.2 **97B.668 ~~CANADA-GEESE~~ GAME BIRDS CAUSING DAMAGE.**

133.3 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or  
 133.4 agent of that person on lands and nonpublic waters owned or operated by the person  
 133.5 may nonlethally scare, haze, chase, or harass ~~Canada-geese~~ game birds that are causing  
 133.6 property damage ~~from March 11 to August 31~~ or to protect a disease risk at any time or  
 133.7 place that a hunting season for the game birds is not open. This section does not apply to  
 133.8 public waters as defined under section 103G.005, subdivision 15, ~~or.~~ This section does not  
 133.9 apply to migratory waterfowl on nests and other federally protected game birds on nests,  
 133.10 except ducks and geese on nests unless when a permit is obtained under section 97A.401.

133.11 Sec. 71. Minnesota Statutes 2014, section 97C.301, is amended by adding a  
 133.12 subdivision to read:

133.13 Subd. 2a. **Aquatic invasive species affirmation.** (a) A nonresident license to  
 133.14 take fish issued under section 97A.475, subdivision 7, includes aquatic invasive species  
 133.15 affirmation as provided in section 84D.106.

133.16 (b) The aquatic invasive species affirmation portion of the license must be displayed  
 133.17 with the signed nonresident license to take fish issued under section 97A.475, subdivision  
 133.18 7. The aquatic invasive species affirmation will be provided at the time of purchase of a  
 133.19 new or duplicate nonresident license.

133.20 (c) If a license is purchased online, the aquatic invasive species affirmation may be  
 133.21 completed electronically as part of the online sales process, and the electronic record of  
 133.22 the license sale is sufficient for documenting the affirmation.

133.23 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 133.24 subject to the penalty prescribed in section 84D.13, subdivision 5.

133.25 **EFFECTIVE DATE.** This section is effective March 1, 2016.

133.26 Sec. 72. Minnesota Statutes 2014, section 103B.101, is amended by adding a  
 133.27 subdivision to read:

133.28 Subd. 12a. **Authority to issue penalty orders.** (a) A county or watershed district  
 133.29 with jurisdiction or the Board of Water and Soil Resources may issue an order requiring  
 133.30 violations of the water resources riparian protection requirements under sections 103F.48,  
 133.31 103F.415, and 103F.421, to be corrected and administratively assessing monetary  
 133.32 penalties up to \$500 for noncompliance commencing on day one of the 11th month  
 133.33 after the noncompliance notice was issued. One-half of the proceeds collected from an

134.1 administrative penalty order issued under this section must be remitted to the county or  
134.2 watershed district with jurisdiction over the noncompliant site.

134.3 (b) Administrative penalties may be reissued and appealed under paragraph (a)  
134.4 according to section 103F.48, subdivision 9.

134.5 Sec. 73. Minnesota Statutes 2014, section 103B.101, is amended by adding a  
134.6 subdivision to read:

134.7 Subd. 16. **Wetland stakeholder coordination.** The board shall work with  
134.8 wetland stakeholders to foster mutual understanding and provide recommendations for  
134.9 improvements to the management of wetlands and related land and water resources,  
134.10 including recommendations for updating the Wetland Conservation Act, developing  
134.11 an in-lieu fee program as defined in section 103G.005, subdivision 10g, and related  
134.12 provisions. The board may convene informal working groups or work teams to provide  
134.13 information and education and to develop recommendations.

134.14 Sec. 74. **[103B.103] EASEMENT STEWARDSHIP ACCOUNTS.**

134.15 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation  
134.16 easement stewardship account and the mitigation easement stewardship account are  
134.17 created in the special revenue fund. The accounts consist of money credited to the  
134.18 accounts and interest and other earnings on money in the accounts. The State Board of  
134.19 Investment must manage the accounts to maximize long-term gain.

134.20 (b) Revenue from contributions and money appropriated for any purposes of the  
134.21 account as described in subdivision 2 must be deposited in the water and soil conservation  
134.22 easement stewardship account. Revenue from contributions, wetland banking fees  
134.23 designated for stewardship purposes by the board, easement stewardship payments  
134.24 authorized under subdivision 3, and money appropriated for any purposes of the account  
134.25 as described in subdivision 2 must be deposited in the mitigation easement stewardship  
134.26 account.

134.27 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on  
134.28 July 1 each year in the water and soil conservation easement stewardship account and  
134.29 five percent of the balance on July 1 each year in the mitigation easement stewardship  
134.30 account are annually appropriated to the board and may be spent only to cover the costs  
134.31 of managing easements held by the board, including costs associated with monitoring,  
134.32 landowner contacts, records storage and management, processing landowner notices,  
134.33 requests for approval or amendments, enforcement, and legal services associated with  
134.34 easement management activities.

135.1 Subd. 3. **Financial contributions.** The board shall seek a financial contribution  
 135.2 to the water and soil conservation easement stewardship account for each conservation  
 135.3 easement acquired by the board. The board shall seek a financial contribution or assess an  
 135.4 easement stewardship payment to the mitigation easement stewardship account for each  
 135.5 wetland banking easement acquired by the board. Unless otherwise provided by law,  
 135.6 the board shall determine the amount of the contribution or payment, which must be an  
 135.7 amount calculated to earn sufficient money to meet the costs of managing the easement at  
 135.8 a level that neither significantly overrecovers nor underrecovers the costs. In determining  
 135.9 the amount of the financial contribution, the board shall consider:

135.10 (1) the estimated annual staff hours needed to manage the conservation easement,  
 135.11 taking into consideration factors such as easement type, size, location, and complexity;

135.12 (2) the average hourly wages for the class or classes of state and local employees  
 135.13 expected to manage the easement;

135.14 (3) the estimated annual travel expenses to manage the easement;

135.15 (4) the estimated annual miscellaneous costs to manage the easement, including  
 135.16 supplies and equipment, information technology support, and aerial flyovers;

135.17 (5) the estimated annualized costs of legal services, including the cost to enforce the  
 135.18 easement in the event of a violation; and

135.19 (6) the expected rate of return on investments in the account.

135.20 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 135.21 following final enactment. Subdivision 3 of this section is effective for conservation  
 135.22 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 135.23 of conservation easements by gift or as a condition of approval for wetland mitigation as  
 135.24 provided in Minnesota Rules, chapter 8420, that are initiated on or after July 1, 2015.

135.25 Sec. 75. Minnesota Statutes 2014, section 103B.3355, is amended to read:

135.26 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**  
 135.27 **VALUES.**

135.28 (a) The public values of wetlands must be determined based upon the functions of  
 135.29 wetlands for:

135.30 (1) water quality, including filtering of pollutants to surface and groundwater,  
 135.31 utilization of nutrients that would otherwise pollute public waters, trapping of sediments,  
 135.32 shoreline protection, and utilization of the wetland as a recharge area for groundwater;

136.1 (2) floodwater and storm water retention, including the potential for flooding in  
 136.2 the watershed, the value of property subject to flooding, and the reduction in potential  
 136.3 flooding by the wetland;

136.4 (3) public recreation and education, including hunting and fishing areas, wildlife  
 136.5 viewing areas, and nature areas;

136.6 (4) commercial uses, including wild rice and cranberry growing and harvesting  
 136.7 and aquaculture;

136.8 (5) fish, wildlife, native plant habitats;

136.9 (6) low-flow augmentation;

136.10 (7) carbon sequestration; and

136.11 (8) other public uses.

136.12 (b) The Board of Water and Soil Resources, in consultation with the commissioners of  
 136.13 natural resources and agriculture and local government units, shall adopt rules establishing:

136.14 (1) scientific methodologies for determining the functions of wetlands; and

136.15 (2) criteria for determining the resulting public values of wetlands.

136.16 (c) The methodologies and criteria established under this section or other  
 136.17 methodologies and criteria that include the functions in paragraph (a) and are approved  
 136.18 by the board, in consultation with the commissioners of natural resources and agriculture  
 136.19 and local government units, must be used to determine the functions and resulting public  
 136.20 values of wetlands in the state. The functions listed in paragraph (a) are not listed in  
 136.21 order of priority.

136.22 (d) Public value criteria established or approved by the board under this section do  
 136.23 not apply in areas subject to local comprehensive wetland protection and management  
 136.24 plans established under section 103G.2243.

136.25 (e) The Board of Water and Soil Resources, in consultation with the commissioners  
 136.26 of natural resources and agriculture and local government units, ~~may~~ must identify ~~regions~~  
 136.27 areas of the state where preservation, enhancement, restoration, and establishment  
 136.28 of wetlands would have high public value. The board, in consultation with the  
 136.29 commissioners, ~~may~~ must identify high priority ~~wetland regions~~ areas for wetland  
 136.30 replacement using available information relating to the factors listed in paragraph  
 136.31 (a), the historic loss and abundance of wetlands, current applicable state and local  
 136.32 government water management and natural resource plans, and studies using a watershed  
 136.33 approach to identify current and future watershed needs. The board shall notify local  
 136.34 units of government with water planning authority of these high priority ~~regions~~ areas.  
 136.35 Designation of high priority areas is exempt from the rulemaking requirements of chapter



137.1 14, and section 14.386 does not apply. Designation of high priority areas is not effective  
 137.2 until 30 days after publication in the State Register.

137.3 (f) Local units of government, as part of a state-approved comprehensive local  
 137.4 water management plan as defined in section 103B.3363, subdivision 3, a state-approved  
 137.5 comprehensive watershed management plan as defined in section 103B.3363, subdivision  
 137.6 3a, or a state-approved local comprehensive wetland protection and management plan  
 137.7 under section 103G.2243, may identify priority areas for wetland replacement and provide  
 137.8 them for consideration under paragraph (e).

137.9 Sec. 76. Minnesota Statutes 2014, section 103D.335, subdivision 21, is amended to  
 137.10 read:

137.11 Subd. 21. **Contracts.** The managers may make contracts or other arrangements with  
 137.12 the federal government, persons, railroads or other corporations, political subdivisions,  
 137.13 and the state or other states, with drainage authorities, flood control, soil conservation,  
 137.14 or other improvement districts in this state or other states, for cooperation or assistance  
 137.15 in constructing, maintaining, and operating the projects of the watershed district, or for  
 137.16 the control of its waters, or for making surveys and investigations or reports on them.  
 137.17 Property acquired for flood damage reduction purposes by the watershed district may be  
 137.18 operated or leased by the district for agricultural purposes during periods the property is  
 137.19 not needed for flood control, provided it remains subject to use by the watershed district  
 137.20 as necessary for flood control purposes. Notwithstanding section 16A.695, revenue  
 137.21 received by the watershed district from the operation or lease of state bond financed  
 137.22 property acquired for flood control purposes shall be retained by the district in a separate  
 137.23 project-specific account and used solely for flood control operation, maintenance, and  
 137.24 replacement purposes within the related project area and, if the district determines that the  
 137.25 account contains adequate reserves for future operation, maintenance, and replacement,  
 137.26 any excess may be used for the construction, operation, maintenance, or replacement of  
 137.27 other flood control projects as approved by the commissioner.

137.28 Sec. 77. Minnesota Statutes 2014, section 103F.421, subdivision 4, is amended to read:

137.29 Subd. 4. **Application for cost-sharing funds.** The landowner has 90 days after a  
 137.30 ~~mediated settlement is filed~~ complaint is substantiated to apply for state cost-sharing funds  
 137.31 ~~that will provide 75 percent of the cost of the permanent conservation practices. Only 50~~  
 137.32 Fifty percent of the cost share will be provided if the application is not made within 90  
 137.33 days after the settlement is filed, unless the soil and water conservation district or the  
 137.34 board provides an extension. An extension must be granted if funds are not available. The

138.1 ~~landowner must apply for 50 percent of the cost share within 270 days after the mediated~~  
 138.2 ~~settlement is filed.~~

138.3 Sec. 78. Minnesota Statutes 2014, section 103F.421, is amended by adding a  
 138.4 subdivision to read:

138.5 Subd. 6. **Application of state and federal law.** Nothing in this section is intended  
 138.6 to preclude the application of other applicable state or federal law.

138.7 Sec. 79. **[103F.48] RIPARIAN PROTECTION AND WATER QUALITY**  
 138.8 **PRACTICES.**

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

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

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

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

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

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

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

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

138.27 (i) "Public waters" has the meaning given in section 103G.005, subdivision 15.

138.28 Subd. 2. **Purpose.** It is the policy of the state to establish riparian buffers and  
 138.29 water quality practices to:

138.30 (1) protect state water resources from erosion and runoff pollution;

138.31 (2) stabilize soils, shores, and banks; and

138.32 (3) protect or provide riparian corridors.

138.33 Subd. 3. **Water resources riparian protection requirements on public waters**  
 138.34 **and public drainage systems.** (a) Except as provided in paragraph (b), landowners

139.1 owning property adjacent to a water body identified and mapped on a buffer protection  
139.2 map must maintain a buffer to protect the state's water resources as follows:

139.3 (1) for all public waters, the more restrictive of:

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

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

139.8 (2) for public drainage systems established under chapter 103E, a 16.5-foot  
139.9 minimum width continuous buffer of perennially rooted vegetation on ditches within the  
139.10 benefited area of public drainage systems.

139.11 (b) A landowner owning property adjacent to a water body identified in a buffer  
139.12 protection map and whose property is used for cultivation farming may meet the  
139.13 requirements under paragraph (a) by adopting an alternative riparian water quality  
139.14 practice, or combination of structural, vegetative, and management practices, based on the  
139.15 Natural Resources Conservation Service Field Office Technical Guide or other practices  
139.16 approved by the board, that provide water quality protection comparable to the buffer  
139.17 protection for the water body that the property abuts.

139.18 (c) The width of a buffer must be measured from the top or crown of the bank. Where  
139.19 there is no defined bank, measurement must be from the edge of the normal water level.

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

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

139.27 (1) November 1, 2017, for public waters; and

139.28 (2) November 1, 2018, for public drainage systems.

139.29 **Subd. 4. Local water resources riparian protection. On or before July 1, 2017,**  
139.30 the soil and water conservation district shall develop, adopt, and submit to each local  
139.31 water management authority within its boundary a summary of watercourses for inclusion  
139.32 in the local water management authority's plan. A local water management authority that  
139.33 receives a summary of watercourses identified under this subdivision must revise its  
139.34 comprehensive local water management plan or comprehensive watershed management  
139.35 plan to incorporate the soil and water conservation district recommendations.

140.1 Subd. 5. Exemptions. Land adjacent to waters subject to subdivision 3 is exempt  
140.2 from the water resource protection requirements under subdivision 3, to the extent these  
140.3 exemptions are not inconsistent with the requirements of the state shoreland rules adopted  
140.4 by the commissioner pursuant to section 103F.211, if it is:

140.5 (1) enrolled in the federal Conservation Reserve Program;

140.6 (2) used as a public or private water access or recreational use area including  
140.7 stairways, landings, picnic areas, access paths, beach and watercraft access areas, and  
140.8 permitted water-oriented structures as provided in the shoreland model standards and  
140.9 criteria adopted pursuant to section 103F.211 or as provided for in an approved local  
140.10 government shoreland ordinance;

140.11 (3) covered by a road, trail, building, or other structures; or

140.12 (4) regulated by a national pollutant discharge elimination system/state disposal  
140.13 system (NPDES/SDS) permit under Minnesota Rules, chapter 7090, and provides water  
140.14 resources riparian protection, in any of the following categories:

140.15 (i) municipal separate storm sewer system (MS4);

140.16 (ii) construction storm water (CSW); or

140.17 (iii) industrial storm water (ISW);

140.18 (5) part of a water-inundation cropping system; or

140.19 (6) in a temporary nonvegetated condition due to drainage tile installation and  
140.20 maintenance, alfalfa or other perennial crop or plant seeding, or construction or  
140.21 conservation projects authorized by a federal, state, or local government unit.

140.22 Subd. 6. Local implementation and assistance. (a) Soil and water conservation  
140.23 districts must assist landowners with implementation of the water resource riparian  
140.24 protection requirements established in this section. For the purposes of this subdivision,  
140.25 assistance includes planning, technical assistance, implementation of approved alternative  
140.26 practices, and tracking progress towards compliance with the requirements.

140.27 (b) The commissioner or the board must provide sufficient funding to soil and water  
140.28 conservation districts to implement this section.

140.29 Subd. 7. Corrective actions. (a) If the soil and water conservation district  
140.30 determines a landowner is not in compliance with this section, the district must notify the  
140.31 county or watershed district with jurisdiction over the noncompliant site. The county or  
140.32 watershed district must provide the landowner with a list of corrective actions needed to  
140.33 come into compliance and a practical timeline to meet the requirements in this section.  
140.34 The county or watershed district with jurisdiction must provide a copy of the corrective  
140.35 action notice to the board.

141.1 (b) If the landowner does not comply with the list of actions and timeline provided,  
141.2 the county or watershed district may enforce this section under the authority granted in  
141.3 section 103B.101, subdivision 12a. Before exercising this authority, a county or watershed  
141.4 district must adopt a plan containing procedures for the issuance of administrative penalty  
141.5 orders and may issue orders beginning November 1, 2017. If a county or watershed  
141.6 district with jurisdiction over the noncompliant site has not adopted a plan under this  
141.7 paragraph, the board may enforce this section under the authority granted in section  
141.8 103B.101, subdivision 12a.

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

141.11 (d) An order issued under paragraph (b) may be appealed to the board as provided  
141.12 under subdivision 9.

141.13 (e) A corrective action is not required for conditions resulting from a flood or other  
141.14 act of nature.

141.15 (f) A landowner agent or operator of a landowner may not remove or willfully degrade  
141.16 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator  
141.17 has obtained a signed statement from the property owner stating that the permission for the  
141.18 work has been granted by the unit of government authorized to approve the work in this  
141.19 section or that a buffer or water quality practice is not required as validated by the soil and  
141.20 water conservation district. Removal or willful degradation of a riparian buffer or water  
141.21 quality practice, wholly or partially, by an agent or operator is a separate and independent  
141.22 offense and may be subject to the corrective actions and penalties in this subdivision.

141.23 Subd. 8. **Funding subject to withholding.** The state may withhold funding from a  
141.24 local water management authority or a soil and water conservation district that fails to  
141.25 implement this section. Funding subject to withholding includes soil and water program  
141.26 aid, a natural resources block grant, and other project or program funding. Funding may  
141.27 be restored upon the board's approval of a corrective action plan.

141.28 Subd. 9. **Appeals of validations and penalty orders.** A landowner or agent or  
141.29 operator may appeal the terms and conditions of a soil and water conservation district  
141.30 validation or an administrative penalty order to the board within 30 days of receipt of  
141.31 written or electronic notice of the validation or order. The request for appeal must be in  
141.32 writing. The appealing party must provide a copy of the validation or order that is being  
141.33 appealed, the basis for the appeal, and any supporting evidence. The request for appeal  
141.34 may be submitted personally, by first class mail, or electronically to the executive director.  
141.35 If a written or electronic request for appeal is not submitted within 30 days, the validation  
141.36 or order is final. The executive director shall review the request and supporting evidence

142.1 and issue a decision within 60 days of receipt of an appeal. The executive director's  
 142.2 decision is appealable directly to the Court of Appeals pursuant to sections 14.63 to 14.69.

142.3 Subd. 10. **Landowner financial assistance and public drainage system procedure.**

142.4 (a) A landowner or drainage authority may contact the soil and water conservation district  
 142.5 for information on how to apply for local, state, or federal cost-share grants, contracts, or  
 142.6 loans that are available to establish buffers or other water resource protection measures.

142.7 (b) The provisions of sections 103E.011, subdivision 5; 103E.021, subdivision 6;  
 142.8 and 103E.715 may be used in advance or retroactively to acquire or provide compensation  
 142.9 for all or part of the buffer strip establishment or alternative riparian water quality  
 142.10 practices as required under subdivision 3, paragraph (a), within the benefited area of a  
 142.11 public drainage system. Implementation of this subdivision is not subject to limitation of  
 142.12 project costs to the current benefits adopted for the drainage system.

142.13 Subd. 11. **State lands.** This section applies to the state and its departments and  
 142.14 agencies.

142.15 Sec. 80. Minnesota Statutes 2014, section 103F.612, subdivision 2, is amended to read:

142.16 Subd. 2. **Application.** (a) A wetland owner may apply to the county where a  
 142.17 wetland is located for designation of a wetland preservation area in a high priority wetland  
 142.18 ~~area identified in a comprehensive local water plan, as defined in section 103B.3363,~~  
 142.19 ~~subdivision 3, and located within a high priority wetland region~~ designated by the Board  
 142.20 of Water and Soil Resources, if the county chooses to accept wetland preservation area  
 142.21 applications. The application must be made on forms provided by the board. If a wetland  
 142.22 is located in more than one county, the application must be submitted to the county where  
 142.23 the majority of the wetland is located.

142.24 (b) The application shall be executed and acknowledged in the manner required  
 142.25 by law to execute and acknowledge a deed and must contain at least the following  
 142.26 information and other information the Board of Water and Soil Resources requires:

142.27 (1) legal description of the area to be approved, which must include an upland strip  
 142.28 at least 16-1/2 feet in width around the perimeter of wetlands within the area and may  
 142.29 include total upland area of up to four acres for each acre of wetland;

142.30 (2) parcel identification numbers where designated by the county auditor;

142.31 (3) name and address of the owner;

142.32 (4) a statement by the owner covenanting that the land will be preserved as a wetland  
 142.33 and will only be used in accordance with conditions prescribed by the Board of Water and  
 142.34 Soil Resources and providing that the restrictive covenant will be binding on the owner  
 142.35 and the owner's successors or assigns, and will run with the land.

143.1 (c) The upland strip required in paragraph (b), clause (1), must be planted with  
143.2 permanent vegetation other than a noxious weed.

143.3 Sec. 81. Minnesota Statutes 2014, section 103G.005, is amended by adding a  
143.4 subdivision to read:

143.5 Subd. 10g. **In-lieu fee program.** "In-lieu fee program" means a program in which  
143.6 wetland replacement requirements of section 103G.222 are satisfied through payment of  
143.7 money to the board or a board-approved sponsor to develop replacement credits according  
143.8 to section 103G.2242, subdivision 12.

143.9 Sec. 82. Minnesota Statutes 2014, section 103G.222, subdivision 1, is amended to read:

143.10 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
143.11 partially, unless replaced by ~~restoring or creating wetland areas of~~ actions that provide  
143.12 at least equal public value under a replacement plan approved as provided in section  
143.13 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland  
143.14 protection and management plan approved by the board under section 103G.2243, or, if a  
143.15 permit to mine is required under section 93.481, under a mining reclamation plan approved  
143.16 by the commissioner under the permit to mine. For project-specific wetland replacement  
143.17 completed prior to wetland impacts authorized or conducted under a permit to mine within  
143.18 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
143.19 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
143.20 plans shall apply the same principles and standards for replacing wetlands ~~by restoration~~  
143.21 ~~or creation of wetland areas~~ that are applicable to mitigation plans approved as provided  
143.22 in section 103G.2242. Public value must be determined in accordance with section  
143.23 103B.3355 or a comprehensive wetland protection and management plan established  
143.24 under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in  
143.25 permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

144.6 For a project involving the draining or filling of wetlands in an amount not exceeding  
144.7 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
144.8 paragraph (a), the local government unit may make an on-site sequencing determination  
144.9 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

144.33 (i) Except in a greater than 80 percent area, only wetlands that have been  
144.34 restored from previously drained or filled wetlands, wetlands created by excavation in  
144.35 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,  
144.36 or wetlands created by dikes or dams associated with the restoration of previously



145.1 drained or filled wetlands may be used ~~in a statewide banking program established in for~~  
145.2 wetland replacement according to rules adopted under section 103G.2242, subdivision 1.  
145.3 Modification or conversion of nondegraded naturally occurring wetlands from one type to  
145.4 another are not eligible for ~~enrollment in a statewide wetlands bank~~ wetland replacement.

145.5 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
145.6 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
145.7 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
145.8 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
145.9 to believe that the wetland characteristics may change substantially, the panel shall  
145.10 postpone its recommendation until the wetland has stabilized.

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

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

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

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

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

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

146.1 Those required to receive notice of public transportation projects may appeal  
146.2 minimization, delineation, and on-site mitigation decisions made by the public  
146.3 transportation authority to the board according to the provisions of section 103G.2242,  
146.4 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
146.5 decisions made by the public transportation authority and provide recommendations  
146.6 regarding on-site mitigation if requested to do so by the local government unit, a  
146.7 contiguous landowner, or a member of the Technical Evaluation Panel.

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

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

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

146.24 (o) A local government unit may request the board to reclassify a county or  
146.25 watershed on the basis of its percentage of presettlement wetlands remaining. After  
146.26 receipt of satisfactory documentation from the local government, the board shall change  
146.27 the classification of a county or watershed. If requested by the local government unit,  
146.28 the board must assist in developing the documentation. Within 30 days of its action to  
146.29 approve a change of wetland classifications, the board shall publish a notice of the change  
146.30 in the Environmental Quality Board Monitor.

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

147.1 Sec. 83. Minnesota Statutes 2014, section 103G.222, subdivision 3, is amended to read:

147.2 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent  
147.3 area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted  
147.4 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.

147.5 All wetland replacement must follow this priority order:

147.6 (1) on site or in the same minor watershed as the impacted wetland;

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

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

147.9 (4) in another wetland bank service area; and

147.10 ~~(5) statewide for public transportation projects, except that wetlands impacted in~~  
147.11 ~~less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands~~  
147.12 ~~impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in:~~  
147.13 ~~(i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one~~  
147.14 ~~of the major watersheds that are wholly or partially within the seven-county metropolitan~~  
147.15 ~~area, but at least one to one must be replaced within the seven-county metropolitan area.~~

147.16 ~~(b) The exception in paragraph (a), clause (5), does not apply to replacement~~  
147.17 ~~completed using wetland banking credits established by a person who submitted a~~  
147.18 ~~complete wetland banking application to a local government unit by April 1, 1996.~~

147.19 (b) Notwithstanding paragraph (a), wetland banking credits approved according to  
147.20 a complete wetland banking application submitted to a local government unit by April  
147.21 1, 1996, may be used to replace wetland impacts resulting from public transportation  
147.22 projects statewide.

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

147.26 ~~(e) (d)~~ When reasonable, practicable, and environmentally beneficial replacement  
147.27 opportunities are not available in siting priorities listed in paragraph (a), the applicant  
147.28 may seek opportunities at the next level.

147.29 ~~(d) (e)~~ For the purposes of this section, "reasonable, practicable, and environmentally  
147.30 beneficial replacement opportunities" are defined as opportunities that:

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

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

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

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

148.3 ~~(e) Applicants and local government units shall rely on board-approved~~  
148.4 ~~comprehensive inventories of replacement opportunities and watershed conditions,~~  
148.5 ~~including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January~~  
148.6 ~~2010), in determining whether reasonable, practicable, and environmentally beneficial~~  
148.7 ~~replacement opportunities are available.~~

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

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

148.14 Sec. 84. Minnesota Statutes 2014, section 103G.2242, subdivision 1, is amended to  
148.15 read:

148.16 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall  
148.17 adopt rules governing the approval of wetland value replacement plans under this section  
148.18 and public waters work permits affecting public waters wetlands under section 103G.245.  
148.19 These rules must address the criteria, procedure, timing, and location of acceptable  
148.20 replacement of wetland values; and may address the state establishment and administration  
148.21 of a wetland banking program for public and private projects, ~~which may include~~ including  
148.22 ~~provisions allowing monetary payment to the wetland banking program for alteration of~~  
148.23 ~~wetlands on agricultural land for an in-lieu fee program;~~ the administrative, monitoring, and  
148.24 enforcement procedures to be used; and a procedure for the review and appeal of decisions  
148.25 under this section. In the case of peatlands, the replacement plan rules must consider the  
148.26 impact on carbon balance ~~described in the report required by Laws 1990, chapter 587, and~~  
148.27 ~~include the planting of trees or shrubs.~~ Any in-lieu fee program established by the board  
148.28 must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

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

148.33 (c) If the local government unit fails to apply the rules, or fails to implement a  
148.34 local comprehensive wetland protection and management plan established under section  
148.35 103G.2243, the government unit is subject to penalty as determined by the board.

149.1 Sec. 85. Minnesota Statutes 2014, section 103G.2242, subdivision 2, is amended to  
149.2 read:

149.3 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,  
149.4 or type of a wetland shall be submitted to and determined by a Technical Evaluation  
149.5 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of  
149.6 a technical professional employee of the board, a technical professional employee of  
149.7 the local soil and water conservation district or districts, a technical professional with  
149.8 expertise in water resources management appointed by the local government unit, and  
149.9 a technical professional employee of the Department of Natural Resources for projects  
149.10 affecting public waters or wetlands adjacent to public waters. The panel shall use the  
149.11 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),  
149.12 including updates, supplementary guidance, and replacements, if any, "Wetlands of  
149.13 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),  
149.14 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979  
149.15 edition). The panel shall provide the wetland determination and recommendations on  
149.16 other technical matters to the local government unit that must approve a replacement plan,  
149.17 ~~wetland banking plan~~ sequencing, exemption determination, no-loss determination, or  
149.18 wetland boundary or type determination and may recommend approval or denial of the  
149.19 plan. The authority must consider and include the decision of the Technical Evaluation  
149.20 Panel in their approval or denial of a plan or determination.

149.21 (b) Persons conducting wetland or public waters boundary delineations or type  
149.22 determinations are exempt from the requirements of chapter 326. The board may develop  
149.23 a professional wetland delineator certification program.

149.24 (c) The board must establish an interagency team to assist in identifying and  
149.25 evaluating potential wetland replacement sites. The team must consist of members  
149.26 of the Technical Evaluation Panel and representatives from the Department of Natural  
149.27 Resources; the Pollution Control Agency; the United States Army Corps of Engineers, St.  
149.28 Paul district; and other organizations as determined by the board.

149.29 Sec. 86. Minnesota Statutes 2014, section 103G.2242, subdivision 3, is amended to  
149.30 read:

149.31 Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be  
149.32 completed prior to or concurrent with the actual draining or filling of a wetland, unless:

149.33 (1) an irrevocable bank letter of credit or other ~~security~~ financial assurance  
149.34 acceptable to the local government unit or the board is given to the local government unit  
149.35 or the board to guarantee the successful completion of the replacement; or

150.1 (2) the replacement is approved under an in-lieu fee program according to rules  
 150.2 adopted under subdivision 1. In the case of an in-lieu fee program established by a  
 150.3 board-approved sponsor, the board may require that a financial assurance in an amount  
 150.4 and method acceptable to the board be given to the board to ensure the approved sponsor  
 150.5 fulfills the sponsor's obligation to complete the required wetland replacement.

150.6 ~~The board may establish, sponsor, or administer a wetland banking program, which~~  
 150.7 ~~may include provisions allowing monetary payment to the wetland bank for impacts to~~  
 150.8 ~~wetlands on agricultural land, for impacts that occur in greater than 80 percent areas, and~~  
 150.9 ~~for public road projects. (b) The board may acquire land in fee title, purchase or accept~~  
 150.10 ~~easements, enter into agreements, and purchase existing wetland replacement credits to~~  
 150.11 ~~facilitate the wetland banking program. The board may establish in-lieu fee payment~~  
 150.12 ~~amounts and hold money in an account in the special revenue fund, which is appropriated~~  
 150.13 ~~to the board to be used solely for establishing replacement wetlands and administering the~~  
 150.14 ~~wetland banking program.~~

150.15 (c) The board shall coordinate the establishment and operation of a wetland bank  
 150.16 with the United States Army Corps of Engineers, the Natural Resources Conservation  
 150.17 Service of the United States Department of Agriculture, and the commissioners of natural  
 150.18 resources, agriculture, and the Pollution Control Agency.

150.19 Sec. 87. Minnesota Statutes 2014, section 103G.2242, subdivision 4, is amended to  
 150.20 read:

150.21 Subd. 4. **Decision.** Upon receiving and considering all required data, the local  
 150.22 government unit reviewing replacement plan applications, ~~banking plan sequencing~~  
 150.23 applications, and exemption or no-loss determination requests must act on all replacement  
 150.24 plan applications, ~~banking plan sequencing~~ applications, and exemption or no-loss  
 150.25 determination requests in compliance with section 15.99.

150.26 Sec. 88. Minnesota Statutes 2014, section 103G.2242, subdivision 12, is amended to  
 150.27 read:

150.28 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,  
 150.29 enhancement, or construction may be allowed for replacement unless specifically  
 150.30 designated for replacement and paid for by the individual or organization performing the  
 150.31 wetland restoration, enhancement, or construction, ~~and is completed prior to any draining~~  
 150.32 ~~or filling of the wetland.~~

150.33 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with  
 150.34 interest the individual or organization restoring, enhancing, or constructing the wetland.

151.1 (c) Notwithstanding section 103G.222, subdivision 1, paragraph (i), the following  
 151.2 actions, and others established in rule, that are consistent with criteria in rules adopted by  
 151.3 the board in conjunction with the commissioners of natural resources and agriculture, are  
 151.4 eligible for replacement credit as determined by the local government unit or the board,  
 151.5 including enrollment in a statewide wetlands bank:

151.6 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland  
 151.7 on agricultural land that was planted with annually seeded crops, was in a crop rotation  
 151.8 seeding of pasture grasses or legumes, or was in a land retirement program during the  
 151.9 past ten years;

151.10 (2) buffer areas of permanent native, noninvasive vegetative cover established or  
 151.11 preserved on upland adjacent to replacement wetlands;

151.12 (3) wetlands restored for conservation purposes under terminated easements or  
 151.13 contracts; ~~and~~

151.14 (4) water quality treatment ponds constructed to pretreat storm water runoff prior  
 151.15 to discharge to wetlands, public waters, or other water bodies, provided that the water  
 151.16 quality treatment ponds must be associated with an ongoing or proposed project that  
 151.17 will impact a wetland and replacement credit for the treatment ponds is based on the  
 151.18 replacement of wetland functions and on an approved storm water management plan for  
 151.19 the local government; and

151.20 (5) in a greater than 80 percent area, restoration and protection of streams and  
 151.21 riparian buffers that are important to the functions and sustainability of aquatic resources.

151.22 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs (f) and (g), the  
 151.23 board may establish by rule different replacement ratios for restoration projects with  
 151.24 exceptional natural resource value.

151.25 Sec. 89. Minnesota Statutes 2014, section 103G.2242, subdivision 14, is amended to  
 151.26 read:

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

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

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

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

151.34 (b) The board may establish fees at or below the amounts in paragraph (a) for  
 151.35 single-user or other dedicated wetland banking accounts.

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

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

152.8 Sec. 90. Minnesota Statutes 2014, section 103G.2251, is amended to read:

152.9 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**  
 152.10 **CREDIT.**

152.11 In greater than 80 percent areas, preservation of wetlands, riparian buffers, and  
 152.12 watershed areas essential to maintaining important functions and sustainability of aquatic  
 152.13 resources in the watershed that are protected by a permanent conservation easement  
 152.14 as defined under section 84C.01 and held by the board may be eligible for wetland  
 152.15 replacement or mitigation credits, according to rules adopted by the board. To be eligible  
 152.16 for credit under this section, a conservation easement must be established after May 24,  
 152.17 2008, and approved by the board. Wetland areas on private lands preserved under this  
 152.18 section are not eligible for replacement or mitigation credit if the area has been protected  
 152.19 using public conservation funds.

152.20 Sec. 91. Minnesota Statutes 2014, section 103G.245, subdivision 2, is amended to read:

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

152.22 (1) work in altered natural watercourses that are part of drainage systems established  
 152.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 152.24 103D or 103E; ~~or~~

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

152.27 (3) culvert restoration or replacement of the same size and elevation, if the  
 152.28 restoration or replacement does not impact a designated trout stream.

152.29 Sec. 92. Minnesota Statutes 2014, section 103G.271, subdivision 3, is amended to read:

152.30 Subd. 3. **Permit restriction during summer months.** The commissioner must not  
 152.31 modify or restrict the amount of appropriation from a groundwater source authorized in a  
 152.32 water use permit issued to irrigate agricultural land between ~~May~~ April 1 and October



153.1 1, or, for agricultural land with a crop, until November 15, unless the commissioner  
 153.2 determines the authorized amount of appropriation endangers a domestic water supply.

153.3 Sec. 93. Minnesota Statutes 2014, section 103G.271, subdivision 5, is amended to read:

153.4 Subd. 5. **Prohibition on once-through water use permits.** (a) Except as provided  
 153.5 in paragraph (c), the commissioner may not issue a water use permit to increase the  
 153.6 volume of appropriation from a groundwater source for a once-through cooling system.

153.7 (b) Except as provided in paragraph (c), once-through system water use permits  
 153.8 using in excess of 5,000,000 gallons annually must be terminated by the commissioner,  
 153.9 unless the discharge is into a public water basin within a nature preserve approved by the  
 153.10 commissioner and established prior to January 1, 2001. The commissioner may issue a  
 153.11 permit for a system in existence prior to January 1, 2015, for up to 5,000,000 gallons  
 153.12 annually. Existing once-through systems must not be expanded and are required to convert  
 153.13 to water efficient alternatives within the design life of existing equipment.

153.14 (c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of  
 153.15 the commissioners of health and the Pollution Control Agency, may issue once-through  
 153.16 system water use permits on an annual basis for groundwater thermal exchange devices  
 153.17 or aquifer storage and recovery systems that return all once-through system water to the  
 153.18 source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply  
 153.19 to all water withdrawals under this paragraph, including any reuse of water returned to  
 153.20 the source aquifer.

153.21 Sec. 94. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

153.22 Subd. 6a. **Payment of fees for past unpermitted appropriations.** An entity that  
 153.23 appropriates water without a required permit under subdivision 1 must pay the applicable  
 153.24 water use permit processing fee specified in subdivision 6 for the period during which the  
 153.25 unpermitted appropriation occurred. The fees for unpermitted appropriations are required  
 153.26 for the previous seven calendar years after being notified of the need for a permit. This  
 153.27 fee is in addition to any other fee or penalty assessed. The commissioner may waive  
 153.28 payment of fees for past unpermitted appropriations for a residential system permitted  
 153.29 under subdivision 5, paragraph (b).

153.30 Sec. 95. Minnesota Statutes 2014, section 103G.287, subdivision 1, is amended to read:

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

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

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

154.7 (3) information on groundwater quality in terms of the measures of quality  
154.8 commonly specified for the proposed water use and details on water treatment necessary  
154.9 for the proposed use;

154.10 ~~(4) an inventory of existing wells within 1-1/2 miles of the proposed production well~~  
154.11 ~~or within the area of influence, as determined by the commissioner. The inventory must~~  
154.12 ~~include information on well locations, depths, geologic formations, depth of the pump or~~  
154.13 ~~intake, pumping and nonpumping water levels, and details of well construction;~~

154.14 ~~(5)~~ (4) the results of an aquifer test completed according to specifications approved  
154.15 by the commissioner. The test must be conducted at the maximum pumping rate requested  
154.16 in the application and for a length of time adequate to assess or predict impacts to other  
154.17 wells and surface water and groundwater resources. The permit applicant is responsible  
154.18 for all costs related to the aquifer test, including the construction of groundwater and  
154.19 surface water monitoring installations, and water level readings before, during, and after  
154.20 the aquifer test; and

154.21 ~~(6)~~ (5) the results of any assessments conducted by the commissioner under  
154.22 paragraph (c).

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

154.27 (c) The commissioner shall provide an assessment of a proposed well needing a  
154.28 groundwater appropriation permit. The commissioner shall evaluate the information  
154.29 submitted as required under section 103I.205, subdivision 1, paragraph (f), and determine  
154.30 whether the anticipated appropriation request is likely to meet the applicable requirements  
154.31 of this chapter. If the appropriation request is likely to meet applicable requirements, the  
154.32 commissioner shall provide the person submitting the information with a letter providing  
154.33 preliminary approval to construct the well.

154.34 Sec. 96. **[103G.289] WELL INTERFERENCE; WELL SEALING.**

155.1 The commissioner shall not validate a well interference claim if the affected well has  
155.2 been sealed prior to the completion of the commissioner's investigation of the complaint.  
155.3 If the well is sealed prior to completion of the investigation, the commissioner must  
155.4 dismiss the complaint.

155.5 Sec. 97. Minnesota Statutes 2014, section 103G.291, subdivision 3, is amended to read:

155.6 Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier  
155.7 serving more than 1,000 people must submit a water supply plan to the commissioner  
155.8 for approval by January 1, 1996. In accordance with guidelines developed by the  
155.9 commissioner, the plan must address projected demands, adequacy of the water supply  
155.10 system and planned improvements, existing and future water sources, natural resource  
155.11 impacts or limitations, emergency preparedness, water conservation, supply and demand  
155.12 reduction measures, and allocation priorities that are consistent with section 103G.261.  
155.13 Public water suppliers must update their plan and, upon notification, submit it to the  
155.14 commissioner for approval every ten years.

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

155.21 (c) Public water suppliers serving more than 1,000 people must encourage  
155.22 water conservation by employing water use demand reduction measures, as defined in  
155.23 subdivision 4, paragraph (a), before requesting approval from the commissioner of health  
155.24 under section 144.383, paragraph (a), to construct a public water supply well or requesting  
155.25 an increase in the authorized volume of appropriation. The commissioner of natural  
155.26 resources and the water supplier shall use a collaborative process to achieve demand  
155.27 reduction measures as a part of a water supply plan review process.

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

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

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

156.1 Sec. 98. Minnesota Statutes 2014, section 103G.301, subdivision 5a, is amended to read:

156.2 Subd. 5a. **Town fees ~~limited~~ exemption.** Notwithstanding this section or any  
 156.3 other law, no permit application, general permit notification, or field inspection fee shall  
 156.4 be charged to a town in connection with the construction or alteration of a town road,  
 156.5 bridge, or culvert ~~shall exceed \$100~~.

156.6 Sec. 99. **[114C.40] VOLUNTARY SELF-REPORTING OF MINOR**  
 156.7 **VIOLATIONS.**

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

156.10 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

156.11 (c) "Environmental requirement" means a requirement in a law administered by the  
 156.12 agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement  
 156.13 entered into with the agency, or a court order issued pursuant to any of the foregoing.

156.14 (d) "Regulated entity" means a public or private organization or individual that  
 156.15 is subject to environmental requirements.

156.16 Subd. 2. **Enforcement delay.** Except for violations determined by the commissioner  
 156.17 under subdivision 4, the commissioner must defer for 60 calendar days enforcement of an  
 156.18 environmental requirement against a regulated entity if:

156.19 (1) violation of the environmental requirement was first identified by the regulated  
 156.20 entity or an employee of or person contracted by the regulated entity;

156.21 (2) the regulated entity notified the commissioner, through electronic submission or  
 156.22 in writing, that a violation has occurred within two business days of the violation coming to  
 156.23 the regulated entity's attention. The commissioner must contact the regulated entity within  
 156.24 seven business days of receipt of the notification to schedule a consultation to discuss the  
 156.25 nature of the violation. During the consultation, the regulated entity and the commissioner  
 156.26 must develop a plan and mutually agreed upon timeframe for the regulated entity to  
 156.27 return to compliance. The regulated entity must submit, through electronic submission  
 156.28 or in writing, the agreed upon plan within seven business days of the consultation. The  
 156.29 regulated entity must return to compliance within 60 calendar days following the date of  
 156.30 the consultation unless a different timeframe was agreed upon during the consultation; and

156.31 (3) the regulated entity has not been cited for noncompliance under subdivision 4 by  
 156.32 the agency within the past two years from the date of the notification under clause (2).

156.33 Subd. 3. **Penalties waived.** The commissioner must not impose or bring an action  
 156.34 for any administrative, civil, or criminal penalties against a regulated entity if the regulated  
 156.35 entity complies with subdivision 2.

157.1 Subd. 4. **Exceptions.** Notwithstanding subdivisions 2 and 3, the commissioner  
 157.2 may, at any time, bring:

157.3 (1) a criminal enforcement action against any person who commits a violation  
 157.4 under section 609.671;

157.5 (2) a civil or administrative enforcement action, which may include a penalty, under  
 157.6 section 115.071 or 116.072, against the regulated entity if:

157.7 (i) a violation caused or had potential to cause serious harm to human health or the  
 157.8 environment;

157.9 (ii) a violation is of the specific terms of an administrative order, a judicial order or  
 157.10 consent decree, a stipulation agreement, or a schedule of compliance;

157.11 (iii) a violation has resulted in economic benefit which gives the regulated entity a  
 157.12 clear advantage over its business competitors; or

157.13 (iv) a violation is identified through a monitoring or sampling requirement prescribed  
 157.14 by statute, regulation, permit, judicial or administrative order, consent decree, stipulation  
 157.15 agreement, or schedule of compliance; or

157.16 (3) an enforcement action against a regulated entity to enjoin an imminent and  
 157.17 substantial danger under section 116.11.

157.18 Subd. 5. **Reporting required by law.** Nothing in this section alters the obligation of  
 157.19 any regulated entity to report releases, violations, or other matters that are required to be  
 157.20 reported by state or federal law, rule, permit, or enforcement action.

157.21 Sec. 100. **[115.035] EXTERNAL PEER REVIEW OF WATER QUALITY**  
 157.22 **STANDARDS.**

157.23 (a) When the commissioner convenes an external peer review panel during the  
 157.24 promulgation or amendment of water quality standards, the commissioner must provide  
 157.25 notice and take public comment on the charge questions for the external peer review  
 157.26 panel and must allow written and oral public comment as part of the external peer review  
 157.27 panel process. Documentation of the external peer review panel, including the name or  
 157.28 names of the peer reviewer or reviewers must be included in the statement of need and  
 157.29 reasonableness for the water quality standard. If the commissioner does not convene  
 157.30 an external peer review panel during the promulgation or amendment of water quality  
 157.31 standards, the commissioner must state the reason an external peer review panel will not  
 157.32 be convened in the statement of need and reasonableness.

157.33 (b) By December 15 each year, the commissioner shall post on the agency's Web  
 157.34 site a report identifying the water quality standards development work in progress or

158.1 completed in the past year, the lead agency scientist for each development effort, and  
158.2 opportunities for public input.

158.3 Sec. 101. Minnesota Statutes 2014, section 115.44, is amended by adding a subdivision  
158.4 to read:

158.5 Subd. 9. **Annual report.** (a) By January 15 each year, the commissioner shall  
158.6 post on the Pollution Control Agency's Web site a report on the agency's activities  
158.7 the previous calendar year to implement standards and classification requirements into  
158.8 national pollutant discharge elimination system and state disposal system permits held by  
158.9 municipalities. The report must include:

158.10 (1) a summary of permits issued or reissued over the previous calendar year,  
158.11 including any changes to permitted effluent limits due to water quality standards adopted  
158.12 or revised during the previous permit term;

158.13 (2) highlights of innovative approaches employed by the agency and municipalities  
158.14 to develop and achieve permit requirements in a cost-effective manner;

158.15 (3) a summary of standards development and water quality rulemaking activities  
158.16 over the previous calendar year, including economic analyses;

158.17 (4) a summary of standards development and water quality rulemaking activities  
158.18 anticipated for the next three years, including economic analyses;

158.19 (5) a process and timeframe for municipalities to provide input to the agency  
158.20 regarding their needs based on the information provided in the report; and

158.21 (6) a list of anticipated permitting initiatives in the next calendar year that may  
158.22 impact municipalities and the agency's plan for involving the municipalities throughout  
158.23 the planning and decision making process. The plan must include opportunities for input  
158.24 and public comment from municipalities on rulemaking initiatives prior to preparation of  
158.25 a statement of need and reasonableness required under section 14.131. The commissioner  
158.26 must ensure the agency's plan under this clause is implemented.

158.27 (b) For the purposes of this section, "economic analyses" must include assessments  
158.28 of the potential costs to regulated municipalities associated with water quality standards  
158.29 or rules proposed by the agency.

158.30 Sec. 102. Minnesota Statutes 2014, section 115.55, subdivision 1, is amended to read:

158.31 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections  
158.32 115.55 to 115.56.

158.33 (b) "Advisory committee" means the Advisory Committee on Subsurface Sewage  
158.34 Treatment Systems established under the subsurface sewage treatment system rules. The

159.1 advisory committee must be appointed to ensure geographic representation of the state  
159.2 and include elected public officials.

159.3 (c) "Applicable requirements" means:

159.4 (1) local ordinances that comply with the subsurface sewage treatment system rules,  
159.5 as required in subdivision 2; or

159.6 (2) in areas without compliant ordinances described in clause (1), the subsurface  
159.7 sewage treatment system rules.

159.8 (d) "Building sewer connected to a subsurface sewage treatment system" means the  
159.9 pipe that connects a structure to a subsurface sewage treatment system. Building sewers  
159.10 connected to subsurface sewage treatment systems are codefined as both plumbing and  
159.11 subsurface sewage treatment system components.

159.12 ~~(d)~~ (e) "City" means a statutory or home rule charter city.

159.13 ~~(e)~~ (f) "Commissioner" means the commissioner of the Pollution Control Agency.

159.14 ~~(f)~~ (g) "Dwelling" means a building or place used or intended to be used by human  
159.15 occupants as a single-family or two-family unit.

159.16 ~~(g)~~ (h) "Subsurface sewage treatment system" or "system" means a sewage treatment  
159.17 system, or part thereof, that uses subsurface soil treatment and disposal, or a holding tank,  
159.18 serving a dwelling, other establishment, or a group thereof, and that does not require a  
159.19 state permit. Subsurface sewage treatment system includes a building sewer connected  
159.20 to a subsurface sewage treatment system.

159.21 ~~(h)~~ (i) "Subsurface sewage treatment system professional" means an inspector,  
159.22 installer, designer, service provider, or maintainer.

159.23 ~~(i)~~ (j) "Subsurface sewage treatment system rules" means rules adopted by the  
159.24 agency that establish minimum standards and criteria for the design, location, installation,  
159.25 use, maintenance, and closure of subsurface sewage treatment systems.

159.26 ~~(j)~~ (k) "Inspector" means a person who inspects subsurface sewage treatment  
159.27 systems for compliance with the applicable requirements.

159.28 ~~(k)~~ (l) "Installer" means a person who constructs or repairs subsurface sewage  
159.29 treatment systems.

159.30 ~~(l)~~ (m) "Local unit of government" means a township, city, or county.

159.31 ~~(m)~~ (n) "Performance-based system" means a system that is designed specifically  
159.32 for environmental conditions on a site and is designed to adequately protect the public  
159.33 health and the environment and provide consistent, reliable, long-term performance. At a  
159.34 minimum, a performance based system must ensure that applicable water quality standards  
159.35 are met in both ground and surface water that ultimately receive the treated sewage.

160.1 ~~(n)~~ (o) "Maintainer " means a person who removes solids and liquids from and  
 160.2 maintains and repairs components of subsurface sewage treatment systems including, but  
 160.3 not limited to, sewage, aerobic, and holding tanks.

160.4 ~~(o)~~ (p) "Seasonal dwelling" means a dwelling that is occupied or used for less than  
 160.5 180 days per year and less than 120 consecutive days.

160.6 ~~(p)~~ (q) "Septic system tank" means any covered receptacle designed, constructed,  
 160.7 and installed as part of a subsurface sewage treatment system.

160.8 ~~(q)~~ (r) "Designer" means a person who:

160.9 (1) investigates soils and site characteristics to determine suitability, limitations, and  
 160.10 sizing requirements; and

160.11 (2) designs subsurface sewage treatment systems.

160.12 ~~(r)~~ (s) "Straight-pipe system" means a sewage disposal system that transports raw or  
 160.13 partially treated sewage directly to a lake, a stream, a drainage system, or ground surface.

160.14 Sec. 103. Minnesota Statutes 2014, section 115.56, subdivision 2, is amended to read:

160.15 Subd. 2. **License required.** (a) Except as provided in paragraph (b), a person may  
 160.16 not design, install, maintain, pump, inspect, or provide service to a subsurface sewage  
 160.17 treatment system without a license issued by the commissioner. Licenses issued under this  
 160.18 section allow work on subsurface sewage treatment systems that do not require a state  
 160.19 permit using prescriptive designs and design guidances provided by the agency. Licensees  
 160.20 who design systems using these prescriptive designs and design guidances are not subject  
 160.21 to the additional licensing requirements of section 326.03.

160.22 (b) A license is not required for a person who complies with the applicable  
 160.23 requirements if the person is:

160.24 (1) a qualified employee of state or local government who is a certified professional;

160.25 (2) an individual who constructs a subsurface sewage treatment system on land that  
 160.26 is owned or leased by the individual and functions solely as the individual's dwelling or  
 160.27 seasonal dwelling, unless specifically disallowed in local ordinance. A person constructing  
 160.28 a subsurface sewage treatment system under this clause must comply with all local  
 160.29 administrative and technical requirements. In addition, the system must be inspected  
 160.30 before being covered and a compliance report must be provided to the local unit of  
 160.31 government after the inspection;

160.32 (3) a farmer who pumps and disposes of sewage waste from subsurface sewage  
 160.33 treatment systems, holding tanks, and privies on land that is owned or leased by the  
 160.34 farmer; or



161.1 (4) an individual who performs labor or services for a licensed business under this  
161.2 section in connection with the design, installation, operation, pumping, or inspection of a  
161.3 subsurface sewage treatment system at the direction and under the personal supervision of  
161.4 a person certified under this section.

161.5 (c) The commissioner, in conjunction with the University of Minnesota Extension  
161.6 Service or another higher education institution, shall ensure adequate training and design  
161.7 guidance exists for subsurface sewage treatment system certified professionals.

161.8 (d) The commissioner shall conduct examinations to test the knowledge of applicants  
161.9 for certification and shall issue documentation of certification.

161.10 (e) Licenses may be issued only upon submission of general liability insurance, a  
161.11 corporate surety bond in the amount of at least ~~\$10,000~~ \$25,000, and the name of the  
161.12 individual who will be the designated certified individual for that business. The bond may  
161.13 be for both plumbing work and subsurface sewage treatment work if the bond complies  
161.14 with the requirements of this section and satisfies the requirements and references  
161.15 identified in section 326B.46, subdivision 2.

161.16 (f) Local units of government may not require additional local licenses for  
161.17 subsurface sewage treatment system businesses.

161.18 (g) No other professional license under section 326.03 is required to design, install,  
161.19 maintain, inspect, or provide service for a subsurface sewage treatment system that does  
161.20 not require a state permit using prescriptive designs and design guidances provided by  
161.21 the agency if the system designer, installer, maintainer, inspector, or service provider  
161.22 is licensed under this subdivision and the local unit of government has not adopted  
161.23 additional requirements.

161.24 Sec. 104. Minnesota Statutes 2014, section 115A.03, subdivision 25a, is amended to  
161.25 read:

161.26 Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are  
161.27 separated from mixed municipal solid waste for the purpose of recycling or composting,  
161.28 including paper, glass, plastics, metals, automobile oil, batteries, ~~and~~ source-separated  
161.29 compostable materials, and sole source food waste streams that are managed through  
161.30 biodegradative processes. Refuse-derived fuel or other material that is destroyed by  
161.31 incineration is not a recyclable material.

161.32 Sec. 105. Minnesota Statutes 2014, section 115A.03, subdivision 32a, is amended to  
161.33 read:

162.1 Subd. 32a. **Source-separated compostable materials.** "Source-separated  
162.2 compostable materials" means materials that:

162.3 (1) are separated at the source by waste generators for the purpose of preparing  
162.4 them for use as compost;

162.5 (2) are collected separately from mixed municipal solid waste, and are governed by  
162.6 the licensing provisions of section 115A.93;

162.7 (3) are comprised of food wastes, fish and animal waste, plant materials, diapers,  
162.8 sanitary products, and paper that is not recyclable because the commissioner has  
162.9 determined that no other person is willing to accept the paper for recycling;

162.10 (4) are delivered to a facility to undergo controlled microbial degradation to yield  
162.11 a humus-like product meeting the agency's class I or class II, or equivalent, compost  
162.12 standards and where process ~~residues~~ rejects do not exceed 15 percent by weight of the  
162.13 total material delivered to the facility; and

162.14 (5) may be delivered to a transfer station, mixed municipal solid waste processing  
162.15 facility, or recycling facility only for the purposes of composting or transfer to a  
162.16 composting facility, unless the commissioner determines that no other person is willing  
162.17 to accept the materials.

162.18 Sec. 106. Minnesota Statutes 2014, section 115A.1314, subdivision 1, is amended to  
162.19 read:

162.20 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section  
162.21 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner  
162.22 of revenue an annual registration fee. The commissioner of revenue must deposit the fee  
162.23 in the state treasury and credit the fee to the environmental fund.

162.24 (b) The registration fee is equal to a base fee of \$2,500, plus a variable recycling  
162.25 fee calculated according to the formula:

162.26  $((A \times B) - (C + D)) \times E$ , where:

162.27 (1) A = the number of pounds of a manufacturer's video display devices sold to  
162.28 households during the previous program year, as reported to the department under section  
162.29 115A.1316, subdivision 1;

162.30 (2) B = the proportion of sales of video display devices required to be recycled, set at  
162.31 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

162.32 (3) C = the number of pounds of covered electronic devices recycled by a  
162.33 manufacturer from households during the previous program year, as reported to the  
162.34 department under section 115A.1316, subdivision 1;

163.1 (4) D = the number of recycling credits a manufacturer elects to use to calculate the  
163.2 variable recycling fee, as reported to the department under section 115A.1316, subdivision  
163.3 1; and

163.4 (5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for  
163.5 manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound  
163.6 for manufacturers who recycle at least 50 percent but less than 90 percent of the product  
163.7 (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less  
163.8 than 100 percent of the product (A x B).

163.9 (c) If, as specified in paragraph (b), the term  $C - (A \times B)$  equals a positive number of  
163.10 pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer  
163.11 may retain recycling credits to be added, in whole or in part, to the actual value of C, as  
163.12 reported under section 115A.1316, subdivision 2, during any succeeding program year,  
163.13 provided that no more than 25 percent of a manufacturer's obligation (A x B) for any  
163.14 program year may be met with recycling credits generated in a prior program year. A  
163.15 manufacturer may sell any portion or all of its recycling credits to another manufacturer, at  
163.16 a price negotiated by the parties, who may use the credits in the same manner.

163.17 (d) For the purpose of calculating a manufacturer's variable recycling fee under  
163.18 paragraph (b), the weight of covered electronic devices collected from households located  
163.19 outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is  
163.20 calculated at 1.5 times their actual weight.

163.21 (e) The registration fee for the initial program year and the base registration fee  
163.22 thereafter for a manufacturer who produces fewer than 100 video display devices for sale  
163.23 annually to households is \$1,250.

163.24 (f) For the ninth program year, the agency shall publish a statewide recycling goal of  
163.25 16,000,000 pounds.

163.26 (g) For the ninth program year, the agency shall determine each registered  
163.27 manufacturer's market share of video display devices to be collected and recycled based  
163.28 on the manufacturer's percentage share of the total weight of video display devices sold  
163.29 as reported to the department for the eighth program year as reported to the agency by  
163.30 July 15, 2015. By July 30, 2015, the agency shall provide each manufacturer with a  
163.31 determination of its share of video display devices to be collected and recycled, which  
163.32 is the quotient of the total weight of the manufacturer's video display devices sold to  
163.33 households in the eighth program year, divided by the total weight of all manufacturers'  
163.34 video display devices sold to households in this state based on reporting to the agency for  
163.35 the eighth program year, then applied proportionally to the statewide recycling goal of  
163.36 16,000,000 pounds as specified in paragraph (f).

164.1 (h) If a manufacturer's obligation for the recycling of video display devices as  
164.2 determined in paragraph (b), clauses (1) and (2), by weight is higher than the obligation  
164.3 determined by the agency in paragraph (g), then the higher number is the obligation for  
164.4 program year nine.

164.5 (i) For the ninth program year, a manufacturer that did not report sales data to the  
164.6 department for the eighth or ninth program years shall be subject to a recycling obligation  
164.7 that is equal to 80 percent by weight of the manufacturer's video display devices sold  
164.8 to households.

164.9 Sec. 107. Minnesota Statutes 2014, section 115A.1415, subdivision 16, is amended to  
164.10 read:

164.11 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual  
164.12 producer submitting a stewardship plan shall pay an annual administrative fee to the  
164.13 commissioner. The agency may establish a variable fee based on relevant factors,  
164.14 including, but not limited to, the portion of architectural paint sold in the state by members  
164.15 of the organization compared to the total amount of architectural paint sold in the state by  
164.16 all organizations submitting a stewardship plan.

164.17 (b) Prior to July 1, 2014, and before July 1 annually thereafter, the agency shall  
164.18 identify the costs it incurs under this section. The agency shall set the fee at an amount  
164.19 that, when paid by every stewardship organization or individual producer that submits a  
164.20 stewardship plan, is adequate to reimburse the agency's full costs of administering this  
164.21 section. The total amount of annual fees collected under this subdivision must not exceed  
164.22 the amount necessary to reimburse costs incurred by the agency to administer this section.

164.23 (c) A stewardship organization or individual producer subject to this subdivision  
164.24 must pay the agency's administrative fee under paragraph (a) on or before July 1, 2014,  
164.25 and annually thereafter. Each year after the initial payment, the annual administrative fee  
164.26 may not exceed five percent of the aggregate stewardship assessment added to the cost of  
164.27 all architectural paint sold by producers in the state for the preceding calendar year.

164.28 (d) All fees received under this section shall be deposited in the state treasury and  
164.29 credited to a product stewardship account in the special revenue fund. For fiscal years  
164.30 2014 ~~and~~ 2015, 2016, and 2017, the amount collected under this section is annually  
164.31 appropriated to the agency to implement and enforce this section.

164.32 Sec. 108. Minnesota Statutes 2014, section 115A.551, subdivision 2a, is amended to  
164.33 read:

165.1 Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will  
165.2 have as a goal to recycle the following amounts:

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

165.5 (2) for a metropolitan county, 75 percent by weight of total solid waste generation.

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

165.10 (c) Any quantified recyclable materials that meet the definition in subdivision 1,  
165.11 paragraph (a), or section 115A.03, subdivision 25a, are eligible to be counted toward a  
165.12 county's recycling goal under this subdivision.

165.13 Sec. 109. Minnesota Statutes 2014, section 115A.557, subdivision 2, is amended to read:

165.14 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money  
165.15 distributed by the commissioner under this section may use the money only for the  
165.16 development and implementation of programs to:

165.17 (1) reduce the amount of solid waste generated;

165.18 (2) recycle the maximum amount of solid waste technically feasible;

165.19 (3) create and support markets for recycled products;

165.20 (4) remove problem materials from the solid waste stream and develop proper  
165.21 disposal options for them;

165.22 (5) inform and educate all sectors of the public about proper solid waste management  
165.23 procedures;

165.24 (6) provide technical assistance to public and private entities to ensure proper solid  
165.25 waste management;

165.26 (7) provide educational, technical, and financial assistance for litter prevention;

165.27 (8) process mixed municipal solid waste generated in the county at a resource  
165.28 recovery facility located in Minnesota; ~~and~~

165.29 (9) compost source-separated compostable materials, including the provision of  
165.30 receptacles for residential composting;

165.31 (10) prevent food waste or collect and transport food donated to humans or to be  
165.32 fed to animals; and

165.33 (11) process source-separated compostable materials that are to be used to produce  
165.34 Class I or Class II compost, as defined in Minnesota Rules, part 7035.2836, after being  
165.35 processed in an anaerobic digester, but not to construct buildings or acquire equipment.

166.1 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
 166.2 by the commissioner under this section to a metropolitan county, as defined in section  
 166.3 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
 166.4 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in  
 166.5 paragraph (a), ~~elause~~ clauses (9) to (11); and (2) the remainder must be expended on  
 166.6 activities in paragraph (a), clauses (1) to (7) and (9) to (11) that advance the county toward  
 166.7 achieving its recycling goal under section 115A.551.

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

166.9 Sec. 110. **[115A.565] RECYCLING COMPETITIVE GRANT PROGRAM.**

166.10 **Subdivision 1. Grant program established.** The commissioner shall make  
 166.11 competitive grants to political subdivisions to establish curbside recycling or composting,  
 166.12 increase recycling or composting, reduce the amount of recyclable materials entering  
 166.13 disposal facilities, or reduce the costs associated with hauling waste by locating collection  
 166.14 sites as close as possible to the site where the waste is generated. To be eligible for grants  
 166.15 under this section, a political subdivision must be located outside the seven-county  
 166.16 metropolitan area and a city must have a population of less than 45,000.

166.17 **Subd. 2. Application.** (a) The commissioner must develop forms and procedures  
 166.18 for soliciting and reviewing applications for grants under this section.

166.19 (b) The determination of whether to make a grant under this section is within the  
 166.20 discretion of the commissioner, subject to subdivision 4. The commissioner's decisions  
 166.21 are not subject to judicial review, except for abuse of discretion.

166.22 **Subd. 3. Priorities; eligible projects.** (a) If applications for grants exceed the  
 166.23 available appropriations, grants must be made for projects that, in the commissioner's  
 166.24 judgment, provide the highest return in public benefits.

166.25 (b) To be eligible to receive a grant, a project must:

166.26 (1) be locally administered;

166.27 (2) have an educational component and measurable outcomes;

166.28 (3) request \$250,000 or less;

166.29 (4) demonstrate local direct and indirect matching support of at least a quarter  
 166.30 amount of the grant request; and

166.31 (5) include at least one of the following elements:

166.32 (i) transition to residential recycling through curbside or centrally located collection  
 166.33 sites;

166.34 (ii) development of local recycling systems to support curbside recycling; or

167.1 (iii) development or expansion of local recycling systems to support recycling bulk  
167.2 materials, including, but not limited to, electronic waste.

167.3 Subd. 4. **Cancellation of grant.** If a grant is awarded under this section and  
167.4 funds are not encumbered for the grant within four years after the award date, the grant  
167.5 must be canceled.

167.6 Sec. 111. Minnesota Statutes 2014, section 115A.93, subdivision 1, is amended to read:

167.7 Subdivision 1. **License and registration required; reporting.** (a) A person may  
167.8 not collect mixed municipal solid waste for hire without a license from the jurisdiction  
167.9 where the mixed municipal solid waste is collected. The local licensing entity shall submit  
167.10 a list of licensed collectors to the agency.

167.11 (b) A person may not collect recyclable materials for hire unless registered with the  
167.12 agency. If a person is licensed under paragraph (a), the person need not register with  
167.13 the agency under this paragraph.

167.14 (c) The agency, in consultation with the Solid Waste Management Coordinating  
167.15 Board, the Association of Minnesota Counties, the Minnesota Solid Waste Administrators  
167.16 Association, and representatives from the waste industry shall, by July 1, 2016, develop  
167.17 uniform short and long reporting forms that will reduce duplicative reporting to  
167.18 governmental units by collectors of solid waste and recyclable materials.

167.19 (d) A collector of mixed municipal solid waste or recyclable materials shall separately  
167.20 report to the agency on an annual basis information including, but not limited to, the  
167.21 quantity of mixed municipal solid waste and the quantity of recyclable materials collected:

167.22 (1) from commercial customers;

167.23 (2) from residential customers;

167.24 (3) by county of origin; and

167.25 (4) by destination of the material.

167.26 Sec. 112. Minnesota Statutes 2014, section 115B.34, subdivision 2, is amended to read:

167.27 Subd. 2. **Property damage losses.** (a) Losses compensable by the fund for property  
167.28 damage are limited to the following losses caused by damage to the principal residence of  
167.29 the claimant:

167.30 (1) the reasonable cost of replacing or decontaminating the primary source of  
167.31 drinking water for the property not to exceed the amount actually expended by the  
167.32 claimant or assessed by a local taxing authority, if the Department of Health has confirmed  
167.33 that the remedy provides safe drinking water and advised that the water not be used for

168.1 drinking or determined that the replacement or decontamination of the source of drinking  
168.2 water was necessary, up to a maximum of \$25,000;

168.3 (2) the reasonable cost to install a mitigation system for the claimant's principal  
168.4 residence, not to exceed the amount actually expended by the claimant, if the agency has  
168.5 recommended such installation to protect human health due to soil vapor intrusion into  
168.6 the residence from releases of harmful substances. Reimbursement of eligible claims  
168.7 shall not exceed \$25,000;

168.8 ~~(2)~~ (3) losses incurred as a result of a bona fide sale of the property at less than  
168.9 the appraised market value under circumstances that constitute a hardship to the owner,  
168.10 limited to 75 percent of the difference between the appraised market value and the selling  
168.11 price, but not to exceed \$25,000; and

168.12 ~~(3)~~ (4) losses incurred as a result of the inability of an owner in hardship circumstances  
168.13 to sell the property due to the presence of harmful substances, limited to the increase in  
168.14 costs associated with the need to maintain two residences, but not to exceed \$25,000.

168.15 (b) In computation of the loss under paragraph (a), clause ~~(3)~~ (4), the agency shall  
168.16 offset the loss by the amount of any income received by the claimant from the rental  
168.17 of the property.

168.18 (c) For purposes of paragraph (a), the following definitions apply:

168.19 (1) "appraised market value" means an appraisal of the market value of the property  
168.20 disregarding any decrease in value caused by the presence of a harmful substance in  
168.21 or on the property; and

168.22 (2) "hardship" means an urgent need to sell the property based on a special  
168.23 circumstance of the owner including catastrophic medical expenses, inability of the owner  
168.24 to physically maintain the property due to a physical or mental condition, and change of  
168.25 employment of the owner or other member of the owner's household requiring the owner  
168.26 to move to a different location.

168.27 (d) Appraisals are subject to agency approval. The agency may adopt rules  
168.28 governing approval of appraisals, criteria for establishing a hardship, and other matters  
168.29 necessary to administer this subdivision.

168.30 Sec. 113. Minnesota Statutes 2014, section 115B.48, is amended by adding a  
168.31 subdivision to read:

168.32 Subd. 9. **Owner or operator.** "Owner or operator" means a person who:

168.33 (1) owns or has owned a dry cleaning facility; or

168.34 (2) owns or owned real property on which a dry cleaning facility operates or operated.



169.1 **EFFECTIVE DATE.** This section is effective only upon enactment of a transfer  
169.2 of \$743,000 in fiscal year 2017 from the general fund to the dry cleaner environmental  
169.3 response and reimbursement account for reimbursement of remediation costs by persons  
169.4 other than responsible parties, as specified in article 3, section 2, subdivision 4.

169.5 Sec. 114. Minnesota Statutes 2014, section 116.02, subdivision 1, is amended to read:

169.6 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
169.7 Pollution Control Agency, is hereby created. ~~The agency shall consist of the commissioner~~  
169.8 ~~and eight members appointed by the governor, by and with the advice and consent of the~~  
169.9 ~~senate. One of such members shall be a person knowledgeable in the field of agriculture~~  
169.10 ~~and one shall be representative of organized labor.~~

169.11 Sec. 115. Minnesota Statutes 2014, section 116.02, subdivision 5, is amended to read:

169.12 Subd. 5. **Agency is successor to commission.** The Pollution Control Agency is  
169.13 the successor of the Water Pollution Control Commission, and all powers and duties  
169.14 now vested in or imposed upon said commission by chapter 115, or any act amendatory  
169.15 thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested in  
169.16 the Minnesota commissioner of the Pollution Control Agency, ~~except as to those matters~~  
169.17 ~~pending before the commission in which hearings have been held and evidence has been~~  
169.18 ~~adduced. The Water Pollution Commission shall complete its action in such pending~~  
169.19 ~~matters not later than six months from May 26, 1967. The Water Pollution Control~~  
169.20 ~~Commission, as heretofore constituted, is hereby abolished, (a) effective upon completion~~  
169.21 ~~of its action in the pending cases, as hereinbefore provided for; or (b) six months from~~  
169.22 ~~May 26, 1967, whichever is the earlier.~~

169.23 Sec. 116. Minnesota Statutes 2014, section 116.03, subdivision 1, is amended to read:

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

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

169.29 (c) The commissioner shall make all decisions on behalf of the agency ~~that are not~~  
169.30 ~~required to be made by the agency under section 116.02.~~

169.31 Sec. 117. Minnesota Statutes 2014, section 116.03, subdivision 2a, is amended to read:

170.1 Subd. 2a. **Mission; efficiency.** It is part of the agency's mission that within the  
 170.2 agency's resources the commissioner ~~and the members of the agency~~ shall endeavor to:

170.3 (1) prevent the waste or unnecessary spending of public money;

170.4 (2) use innovative fiscal and human resource practices to manage the state's  
 170.5 resources and operate the agency as efficiently as possible;

170.6 (3) coordinate the agency's activities wherever appropriate with the activities of  
 170.7 other governmental agencies;

170.8 (4) use technology where appropriate to increase agency productivity, improve  
 170.9 customer service, increase public access to information about government, and increase  
 170.10 public participation in the business of government;

170.11 (5) utilize constructive and cooperative labor-management practices to the extent  
 170.12 otherwise required by chapters 43A and 179A;

170.13 (6) report to the legislature on the performance of agency operations and the  
 170.14 accomplishment of agency goals in the agency's biennial budget according to section  
 170.15 16A.10, subdivision 1; and

170.16 (7) recommend to the legislature appropriate changes in law necessary to carry out  
 170.17 the mission and improve the performance of the agency.

170.18 Sec. 118. Minnesota Statutes 2014, section 116.07, subdivision 4d, is amended to read:

170.19 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
 170.20 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
 170.21 upon applications for agency permits and implementing and enforcing the conditions of  
 170.22 the permits pursuant to agency rules. Permit fees shall not include the costs of litigation.  
 170.23 The fee schedule must reflect reasonable and routine direct and indirect costs associated  
 170.24 with permitting, implementation, and enforcement. The agency may impose an additional  
 170.25 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
 170.26 of implementing and enforcing the conditions of a permit under the rules of the agency.  
 170.27 Any money collected under this paragraph shall be deposited in the environmental fund.

170.28 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from  
 170.29 the owner or operator of all stationary sources, emission facilities, emissions units, air  
 170.30 contaminant treatment facilities, treatment facilities, potential air contaminant storage  
 170.31 facilities, or storage facilities subject to ~~the requirement to obtain a permit~~ a notification,  
 170.32 permit, or license requirement under ~~subchapter~~ this chapter, subchapters I and V of  
 170.33 the federal Clean Air Act, United States Code, title 42, section 7401 et seq., ~~or section~~  
 170.34 ~~116.081~~ or rules adopted thereunder. The annual fee shall be used to pay for all direct  
 170.35 and indirect reasonable costs, including ~~attorney general~~ legal costs, required to develop

171.1 and administer the notification, permit, or license program requirements of ~~subchapter~~  
 171.2 this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title  
 171.3 42, section 7401 et seq., ~~and sections of this chapter and the~~ or rules adopted under  
 171.4 ~~this chapter related to air contamination and noise~~ thereunder. Those costs include the  
 171.5 reasonable costs of reviewing and acting upon an application for a permit; implementing  
 171.6 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,  
 171.7 and deposition monitoring; preparing generally applicable regulations; responding to  
 171.8 federal guidance; modeling, analyses, and demonstrations; preparing inventories and  
 171.9 tracking emissions; and providing information to the public about these activities.

171.10 (c) The agency shall set fees that:

171.11 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
 171.12 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
 171.13 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112  
 171.14 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a  
 171.15 national primary ambient air quality standard has been promulgated;

171.16 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
 171.17 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
 171.18 regulated under this chapter or air quality rules adopted under this chapter; and

171.19 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the  
 171.20 amount needed to match grant funds received by the state under United States Code, title  
 171.21 42, section 7405 (section 105 of the federal Clean Air Act).

171.22 The agency must not include in the calculation of the aggregate amount to be collected  
 171.23 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
 171.24 from a source. The increase in air permit fees to match federal grant funds shall be a  
 171.25 surcharge on existing fees. The commissioner may not collect the surcharge after the grant  
 171.26 funds become unavailable. In addition, the commissioner shall use nonfee funds to the  
 171.27 extent practical to match the grant funds so that the fee surcharge is minimized.

171.28 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
 171.29 in the rules promulgated under paragraph (c) for an increase in the fee collected in each year  
 171.30 by the percentage, if any, by which the Consumer Price Index for the most recent calendar  
 171.31 year ending before the beginning of the year the fee is collected exceeds the Consumer Price  
 171.32 Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index  
 171.33 for any calendar year is the average of the Consumer Price Index for all-urban consumers  
 171.34 published by the United States Department of Labor, as of the close of the 12-month period  
 171.35 ending on August 31 of each calendar year. The revision of the Consumer Price Index that  
 171.36 is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

172.1 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
172.2 environmental fund and must be used solely for the activities listed in paragraph (b).

172.3 (f) Permit applicants who wish to construct, reconstruct, or modify a facility may  
172.4 offer to reimburse the agency for the costs of staff time or consultant services needed to  
172.5 expedite the permit development process, including the analysis of environmental review  
172.6 documents. The reimbursement shall be in addition to permit application fees imposed by  
172.7 law. When the agency determines that it needs additional resources to develop the permit  
172.8 application in an expedited manner, and that expediting the development is consistent with  
172.9 permitting program priorities, the agency may accept the reimbursement. Reimbursements  
172.10 accepted by the agency are appropriated to the agency for the purpose of developing  
172.11 the permit or analyzing environmental review documents. Reimbursement by a permit  
172.12 applicant shall precede and not be contingent upon issuance of a permit; shall not affect  
172.13 the agency's decision on whether to issue or deny a permit, what conditions are included  
172.14 in a permit, or the application of state and federal statutes and rules governing permit  
172.15 determinations; and shall not affect final decisions regarding environmental review.

172.16 (g) The fees under this subdivision are exempt from section 16A.1285.

172.17 Sec. 119. Minnesota Statutes 2014, section 116.07, subdivision 4j, is amended to read:

172.18 Subd. 4j. **Permits; solid waste facilities.** (a) The agency may not issue a permit  
172.19 for new or additional capacity for a mixed municipal solid waste resource recovery or  
172.20 disposal facility as defined in section 115A.03 unless each county using or projected in  
172.21 the permit to use the facility has in place a solid waste management plan approved under  
172.22 section 115A.46 or 473.803 and amended as required by section 115A.96, subdivision 6.  
172.23 The agency shall issue the permit only if the capacity of the facility is consistent with the  
172.24 needs for resource recovery or disposal capacity identified in the approved plan or plans.  
172.25 Consistency must be determined by the Pollution Control Agency. Plans approved before  
172.26 January 1, 1990, need not be revised if the capacity sought in the permit is consistent  
172.27 with the approved plan or plans.

172.28 (b) The agency shall require as part of the permit application for a waste incineration  
172.29 facility identification of preliminary plans for ash management and ash leachate treatment  
172.30 or ash utilization. The permit issued by the agency must include requirements for ash  
172.31 management and ash leachate treatment.

172.32 (c) Within 180 days of receipt of a completed application, the agency shall approve,  
172.33 disapprove, or delay decision on the application, with reasons for the delay, in writing.

172.34 (d) The agency may not issue a permit for a new disposal facility, as defined in  
172.35 section 115A.03, subdivision 10, or a permit to expand an existing disposal facility unless:

173.1 (1) all local units of government in which the facility is to be sited and exercising  
 173.2 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
 173.3 granted approval for and provided any required public notices of the new or expanded  
 173.4 facility prior to the issuance of the permit;

173.5 (2) all local units of government in which the facility is to be sited and exercising  
 173.6 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
 173.7 authorized the permit to be issued prior to or concurrent with the required approval by  
 173.8 the local unit of government; or

173.9 (3) the new or expanded facility is part of and will be sited on land already identified  
 173.10 in an approved solid waste management plan as described in paragraph (a).

173.11 (e) The commissioners of the Pollution Control Agency and natural resources shall  
 173.12 apply Minnesota Rules, parts 7001.3050, subpart 3, item G, and 7035.2525, subpart 2,  
 173.13 item G, to solid waste facilities permitted under and in compliance with those rules and in  
 173.14 compliance with Minnesota Rules, chapter 6132.

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

173.16 Sec. 120. Minnesota Statutes 2014, section 116.07, subdivision 7, is amended to read:

173.17 **Subd. 7. Counties; processing of applications for animal lot permits.** Any  
 173.18 Minnesota county board may, by resolution, with approval of the Pollution Control  
 173.19 Agency, assume responsibility for processing applications for permits required by the  
 173.20 Pollution Control Agency under this section for livestock feedlots, poultry lots or other  
 173.21 animal lots. The responsibility for permit application processing, if assumed by a county,  
 173.22 may be delegated by the county board to any appropriate county officer or employee.

173.23 (a) For the purposes of this subdivision, the term "processing" includes:

173.24 (1) the distribution to applicants of forms provided by the Pollution Control Agency;

173.25 (2) the receipt and examination of completed application forms, and the certification,  
 173.26 in writing, to the Pollution Control Agency either that the animal lot facility for which a  
 173.27 permit is sought by an applicant will comply with applicable rules and standards, or, if  
 173.28 the facility will not comply, the respects in which a variance would be required for the  
 173.29 issuance of a permit; and

173.30 (3) rendering to applicants, upon request, assistance necessary for the proper  
 173.31 completion of an application.

173.32 (b) For the purposes of this subdivision, the term "processing" may include, at the  
 173.33 option of the county board, issuing, denying, modifying, imposing conditions upon, or  
 173.34 revoking permits pursuant to the provisions of this section or rules promulgated pursuant  
 173.35 to it, subject to review, suspension, and reversal by the Pollution Control Agency. The

174.1 Pollution Control Agency shall, after written notification, have 15 days to review, suspend,  
174.2 modify, or reverse the issuance of the permit. After this period, the action of the county  
174.3 board is final, subject to appeal as provided in chapter 14. For permit applications filed  
174.4 after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a  
174.5 county pursuant to this subdivision.

174.6 (c) For the purpose of administration of rules adopted under this subdivision, the  
174.7 commissioner and the agency may provide exceptions for cases where the owner of a  
174.8 feedlot has specific written plans to close the feedlot within five years. These exceptions  
174.9 include waiving requirements for major capital improvements.

174.10 (d) For purposes of this subdivision, a discharge caused by an extraordinary natural  
174.11 event such as a precipitation event of greater magnitude than the 25-year, 24-hour event,  
174.12 tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

174.13 (e) In adopting and enforcing rules under this subdivision, the commissioner shall  
174.14 cooperate closely with other governmental agencies.

174.15 (f) The Pollution Control Agency shall work with the Minnesota Extension Service,  
174.16 the Department of Agriculture, the Board of Water and Soil Resources, producer groups,  
174.17 local units of government, as well as with appropriate federal agencies such as the Natural  
174.18 Resources Conservation Service and the Farm Service Agency, to notify and educate  
174.19 producers of rules under this subdivision at the time the rules are being developed and  
174.20 adopted and at least every two years thereafter.

174.21 (g) The Pollution Control Agency shall adopt rules governing the issuance and  
174.22 denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this  
174.23 section. Pastures are exempt from the rules authorized under this paragraph. A feedlot  
174.24 permit is not required for livestock feedlots with more than ten but less than 50 animal  
174.25 units; provided they are not in shoreland areas. A livestock feedlot permit does not  
174.26 become required solely because of a change in the ownership of the buildings, grounds,  
174.27 or feedlot. These rules apply both to permits issued by counties and to permits issued  
174.28 by the Pollution Control Agency directly.

174.29 (h) The Pollution Control Agency shall exercise supervising authority with respect  
174.30 to the processing of animal lot permit applications by a county.

174.31 (i) Any new rules or amendments to existing rules proposed under the authority  
174.32 granted in this subdivision, or to implement new fees on animal feedlots, must be  
174.33 submitted to the members of legislative policy and finance committees with jurisdiction  
174.34 over agriculture and the environment prior to final adoption. The rules must not become  
174.35 effective until 90 days after the proposed rules are submitted to the members.

175.1 (j) Until new rules are adopted that provide for plans for manure storage structures,  
175.2 any plans for a liquid manure storage structure must be prepared or approved by a  
175.3 registered professional engineer or a United States Department of Agriculture, Natural  
175.4 Resources Conservation Service employee.

175.5 (k) A county may adopt by ordinance standards for animal feedlots that are more  
175.6 stringent than standards in Pollution Control Agency rules.

175.7 (l) After January 1, 2001, a county that has not accepted delegation of the feedlot  
175.8 permit program must hold a public meeting prior to the agency issuing a feedlot permit  
175.9 for a feedlot facility with 300 or more animal units, unless another public meeting has  
175.10 been held with regard to the feedlot facility to be permitted.

175.11 (m) After the proposed rules published in the State Register, volume 24, number 25,  
175.12 are finally adopted, the agency may not impose additional conditions as a part of a feedlot  
175.13 permit, unless specifically required by law or agreed to by the feedlot operator.

175.14 (n) For the purposes of feedlot permitting, a discharge from land-applied manure  
175.15 or a manure stockpile that is managed according to agency rule must not be subject to  
175.16 a fine for a discharge violation.

175.17 (o) For the purposes of feedlot permitting, manure that is land applied, or a manure  
175.18 stockpile that is managed according to agency rule, must not be considered a discharge  
175.19 into waters of the state, unless the discharge is to waters of the state, as defined by  
175.20 section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section  
175.21 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots  
175.22 under agency rule.

175.23 (p) Unless the upgrade is needed to correct an immediate public health threat under  
175.24 section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal  
175.25 feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on  
175.26 April 15, 2003, the agency may not require a feedlot operator:

175.27 (1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300  
175.28 animal units unless cost-share money is available to the feedlot operator for 75 percent of  
175.29 the cost of the upgrade; or

175.30 (2) to spend more than \$10,000 to upgrade an existing feedlot with between 300  
175.31 and 500 animal units, unless cost-share money is available to the feedlot operator for 75  
175.32 percent of the cost of the upgrade or \$50,000, whichever is less.

175.33 (q) For the purposes of this section, "pastures" means areas, including winter feeding  
175.34 areas as part of a grazing area, where grass or other growing plants are used for grazing  
175.35 and where the concentration of animals allows a vegetative cover to be maintained during  
175.36 the growing season except that vegetative cover is not required:

- 176.1 (1) in the immediate vicinity of supplemental feeding or watering devices;
- 176.2 (2) in associated corrals and chutes where livestock are gathered for the purpose of
- 176.3 sorting, veterinary services, loading and unloading trucks and trailers, and other necessary
- 176.4 activities related to good animal husbandry practices; and
- 176.5 (3) in associated livestock access lanes used to convey livestock to and from areas
- 176.6 of the pasture.
- 176.7 (r) A feedlot operator who stores and applies up to 100,000 gallons per calendar year
- 176.8 of private truck wash wastewater resulting from trucks that transport animals or supplies
- 176.9 to and from the feedlot does not require a permit to land-apply industrial by-products
- 176.10 if the feedlot operator stores and applies the wastewater in accordance with Pollution
- 176.11 Control Agency requirements for land applications of industrial by-product that do not
- 176.12 require a permit.
- 176.13 (s) A feedlot operator who holds a permit from the Pollution Control Agency to
- 176.14 land-apply industrial by-products from a private truck wash is not required to have a
- 176.15 certified land applicator apply the private truck wash wastewater if the wastewater is
- 176.16 applied by the feedlot operator to cropland owned or leased by the feedlot operator or
- 176.17 by a commercial animal waste technician licensed by the commissioner of agriculture
- 176.18 under chapter 18C.
- 176.19 For purposes of this paragraph and paragraph (r), "private truck wash" means a truck
- 176.20 washing facility owned or leased, operated, and used only by a feedlot operator to wash
- 176.21 trucks owned or leased by the feedlot operator and used to transport animals or supplies
- 176.22 to and from the feedlot.

176.23 Sec. 121. Minnesota Statutes 2014, section 116C.991, is amended to read:

176.24 **116C.991 ENVIRONMENTAL REVIEW; SILICA SAND PROJECTS.**

176.25 (a) Until July 1, 2015 a final rule is adopted pursuant to Laws 2013, chapter 114,

176.26 article 4, section 105, paragraph (d), an environmental assessment worksheet must be

176.27 prepared for any silica sand project that meets or exceeds the following thresholds,

176.28 unless the project meets or exceeds the thresholds for an environmental impact statement

176.29 under rules of the Environmental Quality Board and an environmental impact statement

176.30 must be prepared:

- 176.31 (1) excavates 20 or more acres of land to a mean depth of ten feet or more during its
- 176.32 existence. The local government is the responsible governmental unit; or
- 176.33 (2) is designed to store or is capable of storing more than 7,500 tons of silica sand or
- 176.34 has an annual throughput of more than 200,000 tons of silica sand and is not required to



177.1 receive a permit from the Pollution Control Agency. The Pollution Control Agency is the  
177.2 responsible governmental unit.

177.3 (b) In addition to the contents required under statute and rule, an environmental  
177.4 assessment worksheet completed according to this section must include:

177.5 (1) a hydrogeologic investigation assessing potential groundwater and surface water  
177.6 effects and geologic conditions that could create an increased risk of potentially significant  
177.7 effects on groundwater and surface water;

177.8 (2) for a project with the potential to require a groundwater appropriation permit  
177.9 from the commissioner of natural resources, an assessment of the water resources  
177.10 available for appropriation;

177.11 (3) an air quality impact assessment that includes an assessment of the potential  
177.12 effects from airborne particulates and dust;

177.13 (4) a traffic impact analysis, including documentation of existing transportation  
177.14 systems, analysis of the potential effects of the project on transportation, and mitigation  
177.15 measures to eliminate or minimize adverse impacts;

177.16 (5) an assessment of compatibility of the project with other existing uses; and

177.17 (6) mitigation measures that could eliminate or minimize any adverse environmental  
177.18 effects for the project.

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

177.20 Sec. 122. Minnesota Statutes 2014, section 116D.04, is amended by adding a  
177.21 subdivision to read:

177.22 **Subd. 17. Discretionary review notification.** The commissioners of natural  
177.23 resources and the Pollution Control Agency, when ordering the preparation of a  
177.24 discretionary environmental impact statement or discretionary environmental assessment  
177.25 worksheet for a proposed action, must notify the proposer of the action by certified mail at  
177.26 least 14 calendar days prior to making the order.

177.27 Sec. 123. Minnesota Statutes 2014, section 127A.353, subdivision 1, is amended to  
177.28 read:

177.29 Subdivision 1. **Appointment.** The school trust lands director shall be appointed  
177.30 by the governor. ~~The commissioner of administration shall provide office space for~~  
177.31 ~~the director.~~ The commissioner shall provide human resources, payroll, accounting,  
177.32 procurement, and other similar administrative services to the school trust lands director.  
177.33 The director's appointment is subject to the advice and consent of the senate.

178.1 Sec. 124. Minnesota Statutes 2014, section 144.12, is amended by adding a subdivision  
178.2 to read:

178.3 Subd. 4. **Camper cabins and bunk houses.** Camper cabins and bunk houses are  
178.4 exempt from floor space, air space, or bed spacing requirements applicable to lodging  
178.5 establishments adopted by the commissioner. For the purposes of this section:

178.6 (1) "bunk house" means a building, structure, or enclosure intended to sleep more  
178.7 than one person for up to three nights that does not include a kitchen or bathroom; and

178.8 (2) "camper cabin" means a permanent rustic enclosure with walls and a floor  
178.9 that does not include a kitchen or bath; is located in a state park administered by the  
178.10 commissioner of natural resources, at a resort as defined under section 157.15, subdivision  
178.11 11, or at a recreational camping area as defined under section 327.14, subdivision 8; and is  
178.12 intended to be a place where sleeping accommodations are furnished to the public.

178.13 Sec. 125. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision  
178.14 to read:

178.15 Subd. 18. **All-terrain vehicle safety certificate.** (a) The department shall maintain  
178.16 in its records information transmitted electronically from the commissioner of natural  
178.17 resources identifying each person to whom the commissioner has issued an all-terrain  
178.18 vehicle safety certificate. The records transmitted from the Department of Natural  
178.19 Resources must contain the full name and date of birth as required for the driver's license  
178.20 or identification card. Records that are not matched to a driver's license or identification  
178.21 card record may be deleted after seven years.

178.22 (b) After receiving information under paragraph (a) that a person has received an  
178.23 all-terrain vehicle safety certificate, the department shall include, on all drivers' licenses  
178.24 or Minnesota identification cards subsequently issued to the person, a graphic or written  
178.25 indication that the person has received the certificate.

178.26 (c) If a person who has received an all-terrain vehicle safety certificate applies  
178.27 for a driver's license or Minnesota identification card before that information has been  
178.28 transmitted to the department, the department may accept a copy of the certificate as proof  
178.29 of its issuance and shall then follow the procedures in paragraph (b).

178.30 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new  
178.31 driver and vehicle services information technology system is implemented, whichever  
178.32 comes later.

178.33 Sec. 126. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

179.1 Subd. 3. **Title examination.** The commissioner of revenue shall, if requested by the  
 179.2 purchaser or the county attorney of the county where all or a portion of the land is situated,  
 179.3 deliver the deed to the county attorney for use under Minnesota Statutes 2014, section  
 179.4 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser.  
 179.5 The county attorney shall be instructed when taking the transferral of the deed that said  
 179.6 deed shall not be delivered to the purchaser unless the land involved is accepted as and  
 179.7 placed into an auxiliary forest.

179.8 Sec. 127. Minnesota Statutes 2014, section 446A.073, subdivision 1, is amended to  
 179.9 read:

179.10 Subdivision 1. **Program established.** When money is appropriated for grants  
 179.11 under this program, the authority shall award grants up to a maximum of \$3,000,000 to  
 179.12 governmental units to cover up to one-half the cost of ~~wastewater treatment or storm water~~  
 179.13 infrastructure projects made necessary by:

179.14 (1) a wasteload reduction prescribed under a total maximum daily load plan required  
 179.15 by section 303(d) of the federal Clean Water Act, United States Code, title 33, section  
 179.16 1313(d);

179.17 (2) a phosphorus concentration or mass limit which requires discharging one  
 179.18 milligram per liter or less at permitted design flow which is incorporated into a permit  
 179.19 issued by the Pollution Control Agency;

179.20 (3) any other water quality-based effluent limit established under section 115.03,  
 179.21 subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the  
 179.22 Pollution Control Agency that exceeds secondary treatment limits; or

179.23 (4) a total nitrogen limit of ten milligrams per liter or less for a land-based treatment  
 179.24 system.

179.25 Sec. 128. Minnesota Statutes 2014, section 446A.073, subdivision 3, is amended to  
 179.26 read:

179.27 Subd. 3. **Project priorities.** When money is appropriated for grants under this  
 179.28 program, the authority shall accept applications during the month of July and reserve  
 179.29 money for projects expected to proceed with construction by the end of the fiscal year in  
 179.30 the order listed on the Pollution Control Agency's project priority list and in an amount  
 179.31 based on the cost estimate submitted to the authority in the grant application or the as-bid  
 179.32 costs, whichever is less. Notwithstanding Minnesota Rules, chapter 7077, the Pollution  
 179.33 Control Agency may rank a drinking water infrastructure project on the agency's project  
 179.34 priority list if the project is necessary to meet an applicable requirement in subdivision 1.

180.1 Sec. 129. Minnesota Statutes 2014, section 446A.073, subdivision 4, is amended to  
180.2 read:

180.3 Subd. 4. **Grant approval.** The authority must make a grant for an eligible project  
180.4 only after:

180.5 (1) the applicant has submitted the as-bid cost for the ~~wastewater treatment or storm~~  
180.6 water infrastructure project;

180.7 (2) the Pollution Control Agency has approved the as-bid costs and certified the  
180.8 grant eligible portion of the project; and

180.9 (3) the authority has determined that the additional financing necessary to complete  
180.10 the project has been committed from other sources.

180.11 Sec. 130. Minnesota Statutes 2014, section 473.1565, is amended to read:

180.12 **473.1565 METROPOLITAN AREA WATER SUPPLY PLANNING**  
180.13 **ACTIVITIES; ADVISORY ~~COMMITTEE~~ COMMITTEES.**

180.14 Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out  
180.15 planning activities addressing the water supply needs of the metropolitan area as defined  
180.16 in section 473.121, subdivision 2. The planning activities must include, at a minimum:

180.17 (1) development and maintenance of a base of technical information needed for  
180.18 sound water supply decisions including surface and groundwater availability analyses,  
180.19 water demand projections, water withdrawal and use impact analyses, modeling, and  
180.20 similar studies;

180.21 (2) development and periodic update of a metropolitan area master water supply  
180.22 plan, prepared in cooperation with and subject to the approval of the ~~commissioner of~~  
180.23 natural resources policy advisory committee established in this section, that:

180.24 (i) provides guidance for local water supply systems and future regional investments;

180.25 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term  
180.26 sustainability; and

180.27 (iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area  
180.28 water supply system and its local and subregional components;

180.29 (3) recommendations for clarifying the appropriate roles and responsibilities of  
180.30 local, regional, and state government in metropolitan area water supply;

180.31 (4) recommendations for streamlining and consolidating metropolitan area water  
180.32 supply decision-making and approval processes; and

180.33 (5) recommendations for the ongoing and long-term funding of metropolitan area  
180.34 water supply planning activities and capital investments.

181.1 (b) The council must carry out the planning activities in this subdivision in  
 181.2 consultation with the Metropolitan Area Water Supply Policy and Technical Advisory  
 181.3 Committee Committees established in ~~subdivision 2~~ this section.

181.4 Subd. 2. **Policy advisory committee.** (a) A Metropolitan Area Water Supply  
 181.5 Policy Advisory Committee is established to assist the council in its planning activities in  
 181.6 subdivision 1. The policy advisory committee has the following membership:

181.7 (1) the commissioner of agriculture or the commissioner's designee;

181.8 (2) the commissioner of health or the commissioner's designee;

181.9 (3) the commissioner of natural resources or the commissioner's designee;

181.10 (4) the commissioner of the Pollution Control Agency or the commissioner's  
 181.11 designee;

181.12 (5) two officials of counties that are located in the metropolitan area, appointed by  
 181.13 the governor, in consultation with the Association of Minnesota Counties;

181.14 (6) five officials of noncounty local governmental units that are located in the  
 181.15 metropolitan area, appointed by the governor, in consultation with the Association of  
 181.16 Metropolitan Municipalities;

181.17 (7) the chair of the Metropolitan Council or the chair's designee, who is chair of the  
 181.18 advisory committee; ~~and~~

181.19 (8) one official each from the counties of Chisago, Isanti, Sherburne, and Wright,  
 181.20 appointed by the governor, in consultation with the Association of Minnesota Counties  
 181.21 and the League of Minnesota Cities; and

181.22 (9) a representative of the Saint Paul Regional Water Services, appointed by and  
 181.23 serving at the pleasure of the Saint Paul Regional Water Services, and a representative  
 181.24 of the Minneapolis Water Department, appointed by and serving at the pleasure of the  
 181.25 mayor of the city of Minneapolis.

181.26 A local government unit in each of the seven counties in the metropolitan area  
 181.27 and Chisago, Isanti, Sherburne, and Wright Counties must be represented in the 11  
 181.28 appointments made under clauses (5), (6), and (8).

181.29 (b) Members of the advisory committee appointed by the governor serve at the  
 181.30 pleasure of the governor. Members of the advisory committee serve without compensation  
 181.31 but may be reimbursed for their reasonable expenses as determined by the Metropolitan  
 181.32 Council. ~~The advisory committee expires December 31, 2016.~~

181.33 (c) The council must consider the work and recommendations of the policy advisory  
 181.34 committee when the council is preparing its regional development framework.

181.35 Subd. 2a. **Technical advisory committee.** A Metropolitan Area Water Supply  
 181.36 Technical Advisory Committee is established to inform the policy advisory committee's

182.1 work by providing scientific and engineering expertise necessary to provide the region  
182.2 an adequate and sustainable water supply. The technical advisory committee consists of  
182.3 15 members appointed by the policy advisory committee, with the majority of members  
182.4 representing single-city and multicity public water supply systems in the metropolitan  
182.5 area and including experts in:

182.6 (1) water resources analysis and modeling;

182.7 (2) hydrology; and

182.8 (3) the engineering, planning, design, and construction of water systems or water  
182.9 systems finance.

182.10 Members of the technical advisory committee serve at the pleasure of the policy advisory  
182.11 committee, without compensation, but may be reimbursed for their reasonable expenses as  
182.12 determined by the council.

182.13 **Subd. 3. Reports to legislature.** (a) The council must submit reports to the  
182.14 legislature regarding its findings, recommendations, and continuing planning activities  
182.15 under subdivision 1. These reports shall be included in the "Minnesota Water Plan"  
182.16 required in section 103B.151, and five-year interim reports may be provided as necessary.

182.17 (b) By February 15, 2017, and at least every five years thereafter, the policy advisory  
182.18 committee shall report to the council, the Legislative Water Commission, and the chairs  
182.19 and ranking minority members of the house of representatives and senate committees and  
182.20 divisions with jurisdiction over environment and natural resources with the information  
182.21 required under this section. The policy advisory committee's report and recommendations  
182.22 must include information provided by the technical advisory committee.

182.23 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
182.24 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,  
182.25 Scott, and Washington.

182.26 **Sec. 131. SURPLUS STATE LAND SALES.**

182.27 The school trust lands director shall identify, in consultation with the commissioner  
182.28 of natural resources, at least \$5,000,000 in state-owned lands suitable for sale. The lands  
182.29 identified shall not be within a unit of the outdoor recreation system under Minnesota  
182.30 Statutes, section 86A.05, an administrative site, or trust land. The commissioner shall  
182.31 sell at least \$3,000,000 worth of lands identified under this section by June 30, 2017.  
182.32 Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or any other law to the  
182.33 contrary, the amount of the proceeds from the sale of lands that exceeds the actual expenses  
182.34 of selling the lands must be deposited in the school trust lands account and used to

183.1 extinguish the school trust interest as provided under Minnesota Statutes, section 92.83, on  
183.2 school trust lands that have public water access sites or old growth forests located on them.

183.3       Sec. 132. **REQUIRED RULEMAKING; SUBSURFACE SEWAGE TREATMENT**  
183.4 **SYSTEMS.**

183.5       The commissioner of the Pollution Control Agency shall adopt rules, using the  
183.6 expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth  
183.7 procedures to conform with the changes to Minnesota Statutes, chapter 115, under this act  
183.8 and to streamline the subsurface sewage treatment system (SSTS) license application and  
183.9 renewal process in a manner that:

183.10       (1) surety bond and insurance requirements of licensed SSTS businesses meet the  
183.11 requirements of Minnesota Statutes, chapter 115 and section 326B.46, subdivision 2; and

183.12       (2) properly trained SSTS installers may complete work on a building sewer with  
183.13 respect to the Plumbing Code and plumbing program and SSTS designers and inspectors  
183.14 may complete work on a building sewer connected to an SSTS with respect to the  
183.15 Plumbing Code and plumbing program.

183.16       Sec. 133. **WETLAND CONSERVATION ACT REPORT.**

183.17       By March 15, 2016, the Board of Water and Soil Resources, in cooperation with the  
183.18 Department of Natural Resources, shall report to the committees with jurisdiction over  
183.19 environment and natural resources on the proposals to implement high priority areas for  
183.20 wetland replacement and in-lieu fees for replacement and modify wetland replacement  
183.21 siting and actions eligible for credit. In developing the report, the board and department  
183.22 shall consult with stakeholders and agencies.

183.23       Sec. 134. **ALL-TERRAIN VEHICLE REGISTRATION TRANSITION.**

183.24       (a) A person must have an unexpired class 1 or class 2 all-terrain vehicle or off-road  
183.25 vehicle registration and may continue to display the unexpired class 1 or class 2 all-terrain  
183.26 vehicle or off-road vehicle registration until the electronic licensing system has been  
183.27 upgraded to conform with the amendments to Minnesota Statutes, section 84.92, under  
183.28 this act.

183.29       (b) When the electronic licensing system has been upgraded, a person who possesses  
183.30 an unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle registration may  
183.31 continue to display that unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle  
183.32 registration until the class 1 or class 2 all-terrain vehicle or off-road vehicle registration is  
183.33 renewed, transferred, or replacement registration is applied for.

184.1 Sec. 135. **COST ANALYSIS OF WATER QUALITY STANDARDS.**

184.2 (a) The commissioner of management and budget, after consultation with the  
184.3 commissioner of the Pollution Control Agency, shall issue a request for proposal not to  
184.4 exceed \$500,000 to contract with a nonstate entity for an engineering cost analysis of  
184.5 current and recently adopted, proposed, or anticipated changes to water quality standards  
184.6 and rules, including:

184.7 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,  
184.8 nitrate, and sulfate standards;

184.9 (2) proposed nondegradation rulemaking provisions; and

184.10 (3) proposed changes to water quality standards to incorporate a tiered aquatic  
184.11 life use framework.

184.12 (b) The contractor may employ engineering subcontractors serving local  
184.13 governments to complete the analysis. The analysis must include a cost analysis for a  
184.14 representative sample of at least 15 communities and provide an estimate of the cost impact  
184.15 to average residential and commercial connections in those communities. The sample  
184.16 must include a diverse set of communities based on geography, watersheds, community  
184.17 size, wastewater facility types and operators, storm water system types, and other factors  
184.18 to ensure the analysis is representative of the state as a whole. The analysis must include:

184.19 (1) an estimate of the overall capital and operating costs to maintain and upgrade  
184.20 wastewater and storm water systems for existing water quality standards;

184.21 (2) an estimate of the overall capital and operating costs likely to be incurred  
184.22 to upgrade wastewater and storm water systems for recently adopted, proposed, or  
184.23 anticipated changes to water quality standards; and

184.24 (3) an estimate of the incremental effect to overall water quality in the receiving  
184.25 waters as a direct result of the recently adopted, proposed, or anticipated changes to  
184.26 water quality standards.

184.27 (c) The commissioner shall submit the analysis to the chairs and ranking minority  
184.28 members of the committees and divisions of the house of representatives and senate with  
184.29 jurisdiction over water quality standards no later than January 1, 2017.

184.30 (d) Any appropriation for the contract under paragraph (a) does not cancel and is  
184.31 available until expended. Any money in excess of the \$500,000 needed must be paid  
184.32 from the agency's base budget.

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

184.34 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**



185.1 (a) Until the commissioner of the Pollution Control Agency amends rules refining  
185.2 the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to  
185.3 consider all independent research and publicly funded research and to include criteria for  
185.4 identifying waters and a list of waters subject to the standard, implementation of the wild  
185.5 rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited  
185.6 to the following, unless the permittee requests additional conditions:

185.7 (1) when issuing, modifying, or renewing national pollutant discharge elimination  
185.8 system (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to  
185.9 protect wild rice, and in doing so shall be limited by the following conditions:

185.10 (i) the agency shall not require permittees to expend money for design or  
185.11 implementation of sulfate treatment technologies or other forms of sulfate mitigation; and

185.12 (ii) the agency may require sulfate minimization plans in permits; and

185.13 (2) the agency shall not list waters containing natural beds of wild rice as impaired  
185.14 for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title  
185.15 33, section 1313, until the rulemaking described in this paragraph takes effect.

185.16 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen  
185.17 permits issued or reissued after the effective date of this section as needed to include  
185.18 numeric permit limits based on the wild rice water quality standard.

185.19 (c) The commissioner shall complete the rulemaking described in paragraph (a) by  
185.20 January 15, 2018.

185.21 **Sec. 137. FEDERAL CLEAN WATER ACT SECTION 404 PERMIT PROGRAM**  
185.22 **FEASIBILITY STUDY.**

185.23 (a) The Board of Water and Soil Resources and the commissioner of natural  
185.24 resources shall study the feasibility of the state assuming administration of the section  
185.25 404 permit program of the federal Clean Water Act. The United States Army Corps of  
185.26 Engineers, St. Paul District; and the United States Environmental Protection Agency shall  
185.27 be consulted with during the development of the study. The study shall identify:

185.28 (1) the federal requirements for state assumption of the 404 program;

185.29 (2) the potential extent of assumption, including those waters that would remain under  
185.30 the jurisdiction of the United States Army Corps of Engineers due to the prohibition of 404  
185.31 assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

185.32 (3) differences in waters regulated under Minnesota laws compared to waters of the  
185.33 United States, including complications and potential solutions to address the current  
185.34 uncertainties relating to determining waters of the United States;

186.1 (4) measures to ensure the protection of aquatic resources consistent with the Clean  
186.2 Water Act, Wetland Conservation Act, and the public waters program administered by the  
186.3 Department of Natural Resources;

186.4 (5) changes to existing state law, including changes to current implementation  
186.5 structure and processes, that would need to occur to allow for state assumption of the  
186.6 404 program;

186.7 (6) new agency responsibilities for implementing federal requirements and  
186.8 procedures that would become the obligation of the state under assumption, including the  
186.9 staff and resources needed for implementation;

186.10 (7) the estimated costs and savings that would accrue to affected units of government;

186.11 (8) the effect on application review and approval processes and time frames;

186.12 (9) alternatives to assumption that would also achieve the goals of regulatory  
186.13 simplification, efficiency, and reduced permitting times;

186.14 (10) options for financing any additional costs of implementation; and

186.15 (11) other information as determined by the board and commissioner.

186.16 (b) The board and commissioner shall involve stakeholders in the development of  
186.17 the plan of study consistent with Minnesota Statutes, section 103B.101, subdivision 16.

186.18 (c) By January 15, 2017, the board and commissioner must report the study to the  
186.19 legislative policy and finance committees and divisions with jurisdiction over environment  
186.20 and natural resources.

186.21 **Sec. 138. METROPOLITAN PARKS; INTEREST EARNINGS.**

186.22 Notwithstanding Laws 1985, First Special Session chapter 15, section 5, subdivision  
186.23 2, paragraph (b), and Laws 1987, chapter 384, article 3, section 45, the Metropolitan  
186.24 Council shall use the interest earnings in Laws 1985, First Special Session chapter 15,  
186.25 section 5, subdivision 2, for the use and betterment of all regional recreational open space  
186.26 lands under the jurisdiction of the Metropolitan Council.

186.27 **EFFECTIVE DATE.** This section is effective January 1, 2018.

186.28 **Sec. 139. REFUNDS; YOUTH BEAR LICENSES.**

186.29 The commissioner of natural resources may issue refunds for youth bear licenses  
186.30 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were  
186.31 10, 11, or 12 years old at the time of purchase until June 30, 2016.

186.32 **Sec. 140. WATER RETENTION PROJECTS.**

187.1 By August 1, 2015, the commissioner of natural resources, in cooperation with  
187.2 the commissioners of agriculture and the Pollution Control Agency, the Board of Water  
187.3 and Soil Resources, and other interested parties, shall develop proposals for significant  
187.4 large-scale projects that provide flood water retention, water quality improvements,  
187.5 nutrient and sediment reduction, and wildlife habitat for submission to the Lessard-Sams  
187.6 Outdoor Heritage Council, Clean Water Council, and the Legislative-Citizen Commission  
187.7 on Minnesota Resources for funding in fiscal year 2017. Any deadlines established by the  
187.8 Lessard-Sams Outdoor Heritage Council, Clean Water Council, or the Legislative-Citizen  
187.9 Commission on Minnesota Resources are waived for purposes of the submissions.

187.10 Sec. 141. **WILD TURKEY CRITICAL HABITAT PLATE.**

187.11 The commissioner of natural resources and the commissioner of public safety must  
187.12 select a design depicting wild turkey when selecting designs for the next selection of critical  
187.13 habitat plates as provided under Minnesota Statutes, section 168.1296, subdivision 2.

187.14 Sec. 142. **BASE BUDGET REPORT.**

187.15 The commissioners of agriculture, natural resources, and the Pollution Control  
187.16 Agency shall each submit a report that contains the details of their base budgets,  
187.17 including prior appropriation riders, to the chairs and ranking minority members of the  
187.18 house of representatives and senate committees and divisions with jurisdiction over the  
187.19 environment and natural resources by October 15, 2016.

187.20 Sec. 143. **NEGATIVE SURFACE WATER IMPACTS; RECOMMENDATIONS.**

187.21 By December 15, 2015, the commissioner of natural resources shall consult with  
187.22 interested stakeholders and submit a report to the Legislative Water Commission and  
187.23 the chairs and ranking minority members of the house of representatives and senate  
187.24 committees and divisions with jurisdiction over the environment and natural resources  
187.25 policy and finance on recommendations for statutory or rule definitions and thresholds for  
187.26 negative impacts to surface waters as described in Minnesota Statutes, sections 103G.285  
187.27 and 103G.287, subdivision 2. Stakeholders must include but are not limited to agricultural  
187.28 interests; environmental interests; businesses; community water suppliers; state, federal,  
187.29 and local agencies; universities; and other interested stakeholders.

187.30 Sec. 144. **RULEMAKING; SSTS; EXISTING CAMPGROUNDS AND**  
187.31 **RESORTS.**

188.1 (a) The commissioner of the Pollution Control Agency shall adopt rules, using the  
188.2 expedited rulemaking process in Minnesota Statutes, section 14.389, to eliminate the need  
188.3 for existing campgrounds and resorts that are open for 180 days or less per year to estimate  
188.4 wastewater flow rates to subsurface sewage treatment systems as required by Minnesota  
188.5 Rules, part 7081.0040, subpart 1, item B. The rules shall establish flow monitoring and  
188.6 recording for subsurface sewage treatment systems at existing campgrounds and resorts  
188.7 that are open for 180 days or less per year as provided in paragraphs (b) to (f).

188.8 (b) The rules shall provide that existing campgrounds and resorts are allowed to use  
188.9 the following flow measurement methods:

188.10 (1) sewage lift station pump with runtime meter and counter;

188.11 (2) sewage flow meter;

188.12 (3) flow meters on wells; and

188.13 (4) water softener system with flow measurement when the measurement includes  
188.14 all flow to the subsurface soil treatment system, including backwash.

188.15 (c) The measured flow rate must include the total of all treatment systems that are  
188.16 located on the resort or campground. If fewer than 25 percent of the systems are not  
188.17 measured, an average of the metered systems can be used to determine the flow from  
188.18 the unmeasured systems.

188.19 (d) A daily flow rate and daily campground occupancy rate must be recorded for a  
188.20 minimum of two weeks, centered on and including July 4. Weekly monitoring must also  
188.21 be done for an additional continuous two weeks prior and two weeks following July 4.

188.22 (e) If no flow data exists, the existing campground or resort owner or operator shall  
188.23 implement an acceptable flow measurement plan and start measuring and recording flow  
188.24 data within 120 days of notification.

188.25 (f) Flow measurement devices must be calibrated before start-up of monitoring and  
188.26 another calibration during the test to verify results.

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

188.28 Sec. 145. **RULEMAKING; SEPTIC SYSTEM PROFESSIONALS;**  
188.29 **ELIGIBILITY.**

188.30 The commissioner of the Pollution Control Agency shall adopt rules, using the  
188.31 expedited rulemaking process in Minnesota Statutes, section 14.389, to create a procedure  
188.32 for previously or currently certification-eligible septic system professionals to apply to  
188.33 re-establish or maintain certification eligibility. The conditional eligibility shall begin upon  
188.34 acceptance of an application by the Pollution Control Agency and end upon completion of

189.1 recertification procedures, including completion of necessary continuing education and  
189.2 examinations. The length of the conditional eligibility shall be limited to one year.

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

189.4 Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

189.5 A soil and water conservation district must grant a conditional compliance waiver  
189.6 under Minnesota Statutes, section 103F.48, to landowners who have applied for and  
189.7 maintained eligibility for financial assistance within one year of the dates listed in  
189.8 Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according to Minnesota  
189.9 Statutes, section 103F.48. A conditional compliance waiver also must be granted to  
189.10 landowners who are subject to a drainage proceeding commenced under Minnesota  
189.11 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The  
189.12 conditional compliance waiver is valid until financial assistance is available for buffer  
189.13 installation, but not later than November 1, 2018.

189.14 Sec. 147. **TRANSFERS.**

189.15 (a) By June 30, 2015, the commissioner of management and budget shall transfer  
189.16 to the natural resources conservation easement stewardship account, established in  
189.17 Minnesota Statutes, section 84.69, the remaining balance in the forests for the future  
189.18 conservation easement account under Minnesota Statutes, section 84.68.

189.19 (b) By June 30, 2015, the commissioner of management and budget shall transfer  
189.20 to the natural resources conservation easement stewardship account, established in  
189.21 Minnesota Statutes, section 84.69, the following amounts:

189.22 (1) \$114,840 from Laws 2011, First Special Session chapter 6, article 1, section  
189.23 2, subdivision 3, paragraph (a);

189.24 (2) \$25,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 5,  
189.25 paragraph (a); and

189.26 (3) \$14,000 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
189.27 paragraph (c).

189.28 (c) The commissioner of management and budget shall transfer additional  
189.29 amounts from Laws 2013, chapter 137, article 1, section 2, subdivision 2, paragraph  
189.30 (c), to the natural resources conservation easement stewardship account, established in  
189.31 Minnesota Statutes, section 84.69, upon closing on conservation easements funded by the  
189.32 appropriation, provided that total transfers to the account shall not exceed \$42,000.

189.33 (d) The commissioner of management and budget shall transfer amounts from  
189.34 Laws 2014, chapter 256, article 1, section 2, subdivision 2, paragraph (e), to the natural

190.1 resources conservation easement stewardship account, established in Minnesota Statutes,  
190.2 section 84.69, upon closing on conservation easements funded by the appropriation,  
190.3 provided that total transfers to the account shall not exceed \$112,000.

190.4 (e) By June 30, 2015, the commissioner of management and budget shall transfer to  
190.5 the water and soil conservation easement stewardship account, established in Minnesota  
190.6 Statutes, section 103B.103, the following amounts:

190.7 (1) \$191,667 from Laws 2011, First Special Session chapter 6, article 1, section  
190.8 2, subdivision 2, paragraph (c);

190.9 (2) \$57,750 from Laws 2011, First Special Session chapter 6, article 1, section  
190.10 2, subdivision 4, paragraph (a);

190.11 (3) \$15,750 from Laws 2011, First Special Session chapter 6, article 1, section  
190.12 2, subdivision 4, paragraph (c);

190.13 (4) \$48,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 2,  
190.14 paragraph (a);

190.15 (5) \$1,821 from Laws 2012, chapter 264, article 1, section 2, subdivision 3,  
190.16 paragraph (a);

190.17 (6) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 3,  
190.18 paragraph (b);

190.19 (7) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
190.20 paragraph (e);

190.21 (8) \$4,800 from Laws 2013, chapter 137, article 1, section 2, subdivision 4,  
190.22 paragraph (d); and

190.23 (9) \$4,500 from Laws 2014, chapter 256, article 1, section 2, subdivision 2,  
190.24 paragraph (f).

190.25 (f) The commissioner of management and budget shall continue to transfer money,  
190.26 appropriated to the Board of Water and Soil Resources on or before June 30, 2015,  
190.27 for conservation easement monitoring and enforcement funds to the water and soil  
190.28 conservation easement stewardship account, established in Minnesota Statutes, section  
190.29 103B.103, upon closing on conservation easements, provided that total transfers to the  
190.30 account shall not exceed the "up to" amount specified in each appropriation.

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

190.32 Sec. 148. **REVISOR'S INSTRUCTIONS.**

190.33 (a) The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever  
190.34 it appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

191.1 (b) The revisor of statutes shall renumber the subdivisions of Minnesota Statutes,  
 191.2 section 103G.005, to retain alphabetical order and shall correct cross-references to the  
 191.3 renumbered subdivisions.

191.4 Sec. 149. **REVISOR'S INSTRUCTION.**

191.5 The revisor of statutes shall prepare draft legislation to amend statutes to conform  
 191.6 with structural changes to the Minnesota Pollution Control Agency under sections 114  
 191.7 to 117 and 150. The revisor shall submit the proposed legislation to the chairs of the  
 191.8 house of representatives and senate committees with jurisdiction over environment policy  
 191.9 by January 1, 2016.

191.10 Sec. 150. **REPEALER.**

191.11 (a) Minnesota Statutes 2014, sections 84.68; 88.47; 88.48; 88.49, subdivisions 1, 2,  
 191.12 and 10; 88.491, subdivision 1; 88.51, subdivision 2; and 282.013, are repealed.

191.13 (b) Minnesota Statutes 2014, section 86B.13, subdivisions 2 and 4, are repealed.

191.14 (c) Minnesota Statutes 2014, section 116.02, subdivisions 2, 3, 4, 6, 7, 8, 9, and  
 191.15 10, are repealed.

191.16 (d) Minnesota Statutes 2014, sections 103F.421, subdivision 5; 103F.451; and  
 191.17 114D.50, subdivision 4a, are repealed.

191.18 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following  
 191.19 final enactment.

## 191.20 **ARTICLE 5**

### 191.21 **GAME AND FISH**

191.22 Section 1. Minnesota Statutes 2014, section 84.027, subdivision 13a, is amended to read:

191.23 Subd. 13a. **Game and fish expedited permanent rules.** (a) In addition to the  
 191.24 authority granted in subdivision 13, the commissioner of natural resources may adopt rules  
 191.25 under section 14.389 that are authorized under:

191.26 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to  
 191.27 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,  
 191.28 to provide for registration of game or fish, to prevent or control wildlife disease, or to  
 191.29 correct errors or omissions in rules that do not have a substantive effect on the intent or  
 191.30 application of the original rule; or

191.31 (2) section 84D.12 to list prohibited invasive species, regulated invasive species, and  
 191.32 unregulated nonnative species.

192.1 (b) The commissioner of natural resources may adopt rules under section 14.389  
 192.2 that are authorized under chapters 97A, 97B, and 97C, for purposes in addition to those  
 192.3 listed in paragraph (a), clause (1), subject to the notice and public hearing provisions  
 192.4 of section 14.389, subdivision 5.

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

192.6 Sec. 2. Minnesota Statutes 2014, section 84.0274, subdivision 3, is amended to read:

192.7 Subd. 3. **Condemnation limits.** No lands shall be acquired by the commissioner  
 192.8 of natural resources by means of condemnation unless the owner requests that the  
 192.9 owner's lands be condemned or the condemnation is specifically authorized by law.

192.10 Notwithstanding subdivision 5, paragraph (g), and sections 117.52 and 117.521, the owner  
 192.11 shall not be paid relocation costs when the owner requests that their lands be condemned.

192.12 Sec. 3. Minnesota Statutes 2014, section 84.0274, subdivision 5, is amended to read:

192.13 Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser  
 192.14 interest in land which will be administered by the commissioner of natural resources, the  
 192.15 landowner shall have the following rights:

192.16 (a) the right to be informed of the specific intended use of the property and of any  
 192.17 change in the intended use of the property which occurs during the acquisition process.

192.18 The owner shall also be informed that the documents regarding the purchase will be public  
 192.19 records if the land is purchased by the state;

192.20 (b) the right to be paid a fair price for the property. The price shall include the  
 192.21 fair market value of the land plus:

192.22 (1) all necessary incidental costs such as abstracting and recording fees related  
 192.23 to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not  
 192.24 reimbursable; and

192.25 (2) any penalties incurred by the owner where the property is security for a loan or  
 192.26 advance of credit that contains a provision requiring or permitting the imposition of a  
 192.27 penalty if the loan or advance of credit is prepaid;

192.28 (c) the right to payment, at the owner's election, in a lump sum or in up to four  
 192.29 annual installments;

192.30 (d) the right to have the property fairly appraised by the state. The state's appraiser  
 192.31 shall physically inspect the property and the owner shall be allowed to accompany the  
 192.32 appraiser when the appraisal is made. The state's appraiser shall certify in the appraisal  
 192.33 report to having physically inspected the property and having given the landowner an  
 192.34 opportunity to accompany the appraiser on inspections. Notwithstanding section 13.44,



193.1 subdivision 3, before an offer is made, the landowner shall be informed of the value  
193.2 determined pursuant to section 84.0272;

193.3 (e) the right to retain a qualified independent appraiser to conduct an appraisal at any  
193.4 time prior to certification of the state's appraisal of the property ~~and to be reimbursed for~~  
193.5 ~~appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state~~  
193.6 and to have that appraisal considered along with the state's in certifying the selling price  
193.7 and the right to be reimbursed for appraisal fees up to \$1,500 if the land is sold to the state;

193.8 (f) the right to have the state acquire the property by means of condemnation upon  
193.9 the owner's request with the agreement of the commissioner;

193.10 (g) when the property is being acquired by condemnation or the condemnation is  
193.11 specifically authorized by law, the right to receive or waive relocation assistance, services,  
193.12 payments and benefits as provided in sections 117.52 and 117.521 and to contest the state's  
193.13 offer for relocation and moving expenses;

193.14 (h) the right to accept the state's offer for the property ~~and contest the state's offer for~~  
193.15 ~~relocation and moving expenses;~~

193.16 (i) the right to continue occupancy of the property until full payment is received,  
193.17 provided that when the owner elects to receive payment in annual installments pursuant to  
193.18 clause (c), the owner may retain occupancy until the first payment is made; and

193.19 (j) the right to seek the advice of counsel regarding any aspect of the land transaction.

193.20 Sec. 4. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

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

193.24 (b) In waters that are listed as infested waters, except those listed ~~because they~~  
193.25 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as  
193.26 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

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

193.30 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
193.31 water milfoil, when the infested waters are listed solely because they contain Eurasian  
193.32 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not  
193.33 exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

193.34 ~~(3)~~ (c) In streams or rivers that are listed as infested waters, except those listed as  
193.35 infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,

194.1 the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers  
 194.2 for bait from streams or rivers listed as infested waters, by hook and line for noncommercial  
 194.3 personal use. Other provisions that apply to this clause are is allowed as follows:

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

194.8 (ii) (2) fish taken under this clause paragraph may not be transported live from or  
 194.9 off the water body;

194.10 (iii) (3) fish harvested under this clause paragraph may only be used in accordance  
 194.11 with this section;

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

194.13 (v) (5) fish taken under this clause paragraph must meet all other size restrictions  
 194.14 and requirements as established in rules; and

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

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

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

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

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

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

194.30 This paragraph expires December 1, 2017.

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

194.34 Sec. 5. Minnesota Statutes 2014, section 86B.201, is amended by adding a subdivision  
 194.35 to read:

195.1            Subd. 4. **Construction area restrictions.** The commissioner, after consulting with  
 195.2 the governmental units and contractors involved in a construction project, may adopt,  
 195.3 by written order, temporary water surface use controls for recreational uses at public  
 195.4 construction and maintenance sites that cross or are adjacent to waters of the state for a  
 195.5 period of time not to exceed the duration of the construction or maintenance project.  
 195.6 Temporary controls adopted under this subdivision are exempt from the rulemaking  
 195.7 requirements of chapter 14 and section 14.386 does not apply.

195.8            Sec. 6. Minnesota Statutes 2014, section 86B.313, subdivision 1, is amended to read:

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

195.12            (1) without each person on board the personal watercraft wearing a United States  
 195.13 Coast Guard (USCG) approved ~~Type I, H, III, or V~~ wearable personal flotation device  
 195.14 with a USCG label indicating it either is approved for or does not prohibit use with  
 195.15 personal watercraft or water skiing;

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

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

195.18            (i) a shoreline;

195.19            (ii) a dock;

195.20            (iii) a swimmer;

195.21            (iv) a raft used for swimming or diving; or

195.22            (v) a moored, anchored, or nonmotorized watercraft;

195.23            (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any  
 195.24 other device unless:

195.25            (i) an observer is on board; or

195.26            (ii) the personal watercraft is equipped with factory-installed or factory-specified  
 195.27 accessory mirrors that give the operator a wide field of vision to the rear;

195.28            (5) without the lanyard-type engine cutoff switch being attached to the person,  
 195.29 clothing, or personal flotation device of the operator, if the personal watercraft is equipped  
 195.30 by the manufacturer with such a device;

195.31            (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or  
 195.32 tampered with so as to interfere with the return-to-idle system;

195.33            (7) to chase or harass wildlife;

195.34            (8) through emergent or floating vegetation at other than a slow-no wake speed;

196.1 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,  
 196.2 including weaving through congested watercraft traffic, jumping the wake of another  
 196.3 watercraft within 150 feet of the other watercraft, or operating the watercraft while  
 196.4 facing backwards;

196.5 (10) in any other manner that is not reasonable and prudent; or

196.6 (11) without a personal watercraft rules decal, issued by the commissioner, attached  
 196.7 to the personal watercraft so as to be in full view of the operator.

196.8 (b) Paragraph (a), clause (3), does not apply to a person operating a personal  
 196.9 watercraft to launch or land a person on water skis, a kneeboard, or similar device by the  
 196.10 most direct route to open water.

196.11 Sec. 7. Minnesota Statutes 2014, section 86B.313, subdivision 4, is amended to read:

196.12 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall  
 196.13 distribute a summary of the laws and rules governing the operation of personal watercraft  
 196.14 and, upon request, shall provide instruction to a purchaser regarding:

196.15 (1) the laws and rules governing personal watercraft; and

196.16 (2) the safe operation of personal watercraft.

196.17 (b) A person who offers personal watercraft for rent:

196.18 (1) shall provide a summary of the laws and rules governing the operation of  
 196.19 personal watercraft and provide instruction regarding the laws and rules and the safe  
 196.20 operation of personal watercraft to each person renting a personal watercraft;

196.21 (2) shall provide a United States Coast Guard (USCG) approved ~~Type I, II, III, or V~~  
 196.22 wearable personal flotation device with a USCG label indicating it either is approved for  
 196.23 or does not prohibit use with personal watercraft or water skiing and any other required  
 196.24 safety equipment to all persons who rent a personal watercraft at no additional cost; and

196.25 (3) shall require that a watercraft operator's permit from this state or from the  
 196.26 operator's state of residence be shown each time a personal watercraft is rented to any  
 196.27 person younger than age 18 and shall record the permit on the form provided by the  
 196.28 commissioner.

196.29 (c) Each dealer of personal watercraft or person offering personal watercraft for rent  
 196.30 shall have the person who purchases or rents a personal watercraft sign a form provided  
 196.31 by the commissioner acknowledging that the purchaser or renter has been provided a copy  
 196.32 of the laws and rules regarding personal watercraft operation and has read them. The form  
 196.33 must be retained by the dealer or person offering personal watercraft for rent for a period  
 196.34 of six months following the date of signature and must be made available for inspection  
 196.35 by sheriff's deputies or conservation officers during normal business hours.

197.1 Sec. 8. Minnesota Statutes 2014, section 86B.315, is amended to read:

197.2 **86B.315 TOWING PERSON ON WATER SKIS OR OTHER DEVICE.**

197.3 Subdivision 1. **Observer or mirror required.** A person may not operate a  
197.4 watercraft on waters of this state and create a wake for a wake surfer or tow a person on  
197.5 water skis, an aquaplane, a surfboard, a saucer, or a similar device unless:

197.6 (1) there is another person in the watercraft in addition to the operator who is in a  
197.7 position to continually observe the person being towed; or

197.8 (2) the boat is equipped with a mirror providing the operator a wide field of vision  
197.9 to the rear.

197.10 Subd. 2. ~~Prohibited night skiing or towing prohibited activities.~~ On waters of this  
197.11 state, from one-half hour after sunset to sunrise of the following day, a person may not:

197.12 (1) wake surf;

197.13 (2) operate a watercraft creating a wake for a wake surfer;

197.14 (3) be towed by a watercraft; or

197.15 (4) operate a watercraft towing a person on water skis, an aquaplane, a surfboard, a  
197.16 saucer, or another device on waters of this state from one hour after sunset to sunrise of  
197.17 the following day.

197.18 Sec. 9. Minnesota Statutes 2014, section 97A.015, subdivision 49, is amended to read:

197.19 Subd. 49. **Undressed bird.** "Undressed bird" means:

197.20 (1) a bird, ~~excluding~~ including ducks, with a fully feathered wing intact; or

197.21 (2) ~~a duck with a fully feathered wing and head attached; or~~

197.22 (3) ~~a pheasant, Hungarian partridge, or wild turkey with one leg and foot intact.~~

197.23 Sec. 10. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

197.24 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner  
197.25 determines that action is necessary to prevent or control a wildlife disease, the  
197.26 commissioner may prevent or control wildlife disease in a species of wild animal in  
197.27 addition to the protection provided by the game and fish laws by further limiting, closing,  
197.28 expanding, or opening seasons or areas of the state; by reducing or increasing limits in  
197.29 areas of the state; by establishing disease management zones; by authorizing free licenses;  
197.30 by allowing shooting from motor vehicles by persons designated by the commissioner;  
197.31 by issuing replacement licenses for sick animals; by requiring sample collection from  
197.32 hunter-harvested animals; by limiting wild animal possession, transportation, and  
197.33 disposition; and by restricting wildlife feeding.

198.1 (b) The commissioner shall restrict wildlife feeding within the modified accredited  
 198.2 bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any  
 198.3 other penalties provided by law, a person who violates wildlife feeding restrictions  
 198.4 required under this paragraph may not obtain a hunting license to take a wild animal  
 198.5 for two years after the date of conviction.

198.6 (c) The commissioner may prevent or control wildlife disease in a species of wild  
 198.7 animal in the state by posting restrictions on public access to active disease areas or by  
 198.8 emergency rule adopted under section 84.027, subdivision 13.

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

198.10 Sec. 11. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

198.11 Subdivision 1. **Compliance with federal law.** The commissioner shall take any  
 198.12 action necessary to comply with the Federal Aid in Wildlife Restoration Act, United  
 198.13 States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act,  
 198.14 United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or  
 198.15 any other law to the contrary, an appropriation for an information or telecommunications  
 198.16 technology project from the game and fish fund, as established in section 97A.055, must  
 198.17 be made to the commissioner. Any assets acquired with or expenditures made from the  
 198.18 game and fish fund must remain under control of the commissioner.

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

198.20 Sec. 12. Minnesota Statutes 2014, section 97A.211, subdivision 1, is amended to read:

198.21 Subdivision 1. **Notice to appear in court.** (a) A person must be given notice to  
 198.22 appear in court for a misdemeanor violation of the game and fish laws; chapter 84, 84D,  
 198.23 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 if:

198.24 (1) the person is arrested and is released from custody prior to appearing before a  
 198.25 court; or

198.26 (2) the person is subject to a lawful arrest and is not arrested because it reasonably  
 198.27 appears to the enforcement officer that arrest is unnecessary to prevent further criminal  
 198.28 conduct and that there is a substantial likelihood that the person will respond to a notice.

198.29 (b) The enforcement officer shall prepare, ~~in quadruplicate,~~ a written or electronic  
 198.30 notice to appear in court as provided by Rules of Criminal Procedure and section 169.99.

198.31 The notice must be in the form and has the effect of a summons and complaint. The notice  
 198.32 must contain the name and address of the person charged; and the offense; and. The notice  
 198.33 must contain the time and the place to appear in court. ~~The court must have jurisdiction~~

199.1 ~~within the county where the offense is alleged to have been committed~~ or must direct the  
199.2 defendant to contact the court or violations bureau to schedule an appearance.

199.3 Sec. 13. Minnesota Statutes 2014, section 97A.211, subdivision 2, is amended to read:

199.4 Subd. 2. **Release after arrest.** A person arrested for a misdemeanor violation of  
199.5 the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221;  
199.6 or section 103F.601 or 609.68 may obtain release by ~~signing the written notice prepared~~  
199.7 ~~by the arresting officer~~ promising to appear in court. The officer shall deliver a ~~copy~~  
199.8 ~~marked "SUMMONS" notice~~ notice to the person arrested. The officer must then release the  
199.9 person from custody.

199.10 Sec. 14. Minnesota Statutes 2014, section 97A.255, subdivision 4, is amended to read:

199.11 Subd. 4. **Each violation a separate offense; prosecution of aggregated offenses.**

199.12 (a) Except as allowed in paragraph (b), each wild animal unlawfully taken, bought,  
199.13 sold, transported, or possessed is a separate offense. If acquitted, a person may not be  
199.14 prosecuted for a similar offense involving another animal in the same incident.

199.15 (b) In any prosecution that involves two or more offenses committed by the same  
199.16 person within six months in two or more counties, the accused may be prosecuted in any  
199.17 county in which one of the offenses was committed for all of the offenses in aggregate.

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

199.19 Sec. 15. Minnesota Statutes 2014, section 97A.411, subdivision 3, is amended to read:

199.20 Subd. 3. **Deer license.** (a) Except as provided in paragraphs (b) and (c), a license  
199.21 to take deer by archery, firearms, or muzzleloader issued after the opening of the related  
199.22 archery, firearms, or muzzleloader deer season, respectively, is not valid ~~until the second~~  
199.23 ~~day after~~ unless it is was issued prior to legal shooting hours on the day of its first use.

199.24 (b) The commissioner may issue a license to take additional deer under section  
199.25 97B.301, subdivision 4, that is not valid immediately upon issuance unless it was issued  
199.26 prior to legal shooting hours on the day the license is first used.

199.27 (c) Paragraph (a) does not apply to deer licenses for discharged military personnel  
199.28 under section 97A.465, subdivision 4.

199.29 Sec. 16. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

199.30 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may  
199.31 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any  
199.32 area. Only persons who are owners or tenants of and who live on at least 40 acres of land

200.1 in the permit area, and their family members who live on the qualifying land, are eligible  
200.2 applicants for turkey licenses for the separate selection. The qualifying land may be  
200.3 noncontiguous. Persons who are unsuccessful in a separate selection must be included in  
200.4 the selection for the remaining licenses. Persons who obtain a license in a separate selection  
200.5 must allow public turkey hunting on their land during that turkey season. A license issued  
200.6 under this subdivision is restricted to the permit area where the qualifying land is located.

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

200.9 Sec. 17. Minnesota Statutes 2014, section 97A.465, is amended by adding a  
200.10 subdivision to read:

200.11 Subd. 7. Residents of veterans homes. (a) A resident from a Minnesota veterans  
200.12 home may obtain a firearm or muzzleloader deer license during the season and take  
200.13 antlerless deer without a permit in all areas of the state open during the respective regular  
200.14 firearms or muzzleloader deer seasons in any permit area. This subdivision does not  
200.15 authorize the taking of an antlerless deer by another member of a party under section  
200.16 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of  
200.17 antlerless deer that may be taken is limited by a quota on the number of permits.

200.18 (b) A person may assist a Minnesota veterans home resident during the firearms or  
200.19 muzzleloader deer season without having a deer hunting license, but the person may  
200.20 not shoot a deer.

200.21 Sec. 18. [97A.56] FERAL SWINE.

200.22 Subdivision 1. Definition. For purposes of this section, "feral swine" means a  
200.23 member of the genus and species *Sus scrofa* that lives in the wild.

200.24 Subd. 2. Prohibited actions; penalty. (a) A person may not possess or release  
200.25 feral swine or swine that were feral during any part of the swines' lifetime or allow feral  
200.26 swine to run at large.

200.27 (b) A person may not hunt or trap feral swine, except as authorized by the  
200.28 commissioner for feral swine control or eradication. It is not a violation of this section if a  
200.29 person shoots a feral swine and reports the taking to the commissioner within 24 hours.  
200.30 All swine taken in this manner must be surrendered to the commissioner.

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

200.32 Subd. 3. Authorized removal of feral swine. A person authorized under game and  
200.33 fish laws to take feral swine is not liable to the owner for the value of the animals.

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



201.1 Sec. 19. Minnesota Statutes 2014, section 97B.031, subdivision 5, is amended to read:

201.2 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law  
201.3 to the contrary, the commissioner may issue a special permit, without a fee, to use a  
201.4 muzzleloader with a scope to take deer during the muzzleloader season to a person who is  
201.5 under age 60, who obtains the required licenses, and who has a visual impairment. The  
201.6 scope may not have magnification capabilities.

201.7 (b) The visual impairment must be to the extent that the applicant is unable  
201.8 to identify targets and the rifle sights at the same time without a scope. The visual  
201.9 impairment and specific conditions must be established by medical evidence verified in  
201.10 writing by (1) a licensed physician or a certified nurse practitioner or certified physician  
201.11 assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist;  
201.12 or (3) a licensed optometrist. The commissioner may request additional information from  
201.13 the physician if needed to verify the applicant's eligibility for the permit.

201.14 (c) A permit issued under this subdivision may be valid for up to five years, based  
201.15 on the permanence of the visual impairment as determined by the licensed physician,  
201.16 ophthalmologist, or optometrist.

201.17 (d) The permit must be in the immediate possession of the permittee when hunting  
201.18 under the special permit.

201.19 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under  
201.20 this subdivision for cause, including a violation of the game and fish laws or rules.

201.21 (f) A person who knowingly makes a false application or assists another in making  
201.22 a false application for a permit under this subdivision is guilty of a misdemeanor. A  
201.23 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or  
201.24 optometrist who fraudulently certifies to the commissioner that a person is visually  
201.25 impaired as described in this subdivision is guilty of a misdemeanor.

201.26 (g) A permit is not required under this subdivision to use an electronic range finder  
201.27 according to section 97B.081, subdivision 3, paragraph (c).

201.28 Sec. 20. Minnesota Statutes 2014, section 97B.031, is amended by adding a  
201.29 subdivision to read:

201.30 Subd. 6. **Scopes; age 60 or over.** A person age 60 or over may use a muzzleloader  
201.31 with a scope to take deer during the muzzleloader season. The scope may have  
201.32 magnification capabilities.

202.1 Sec. 21. Minnesota Statutes 2014, section 97B.041, is amended to read:

202.2 **97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED**  
 202.3 **IN DEER ZONES.**

202.4 (a) A person may not possess a firearm or ammunition outdoors during the period  
 202.5 beginning the fifth day before the open firearms season and ending the second day after  
 202.6 the close of the season within an area where deer may be taken by a firearm, except:

202.7 (1) during the open season and in an area where big game may be taken, a firearm  
 202.8 and ammunition authorized for taking big game in that area may be used to take big game  
 202.9 in that area if the person has a valid big game license in possession;

202.10 (2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

202.11 (3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot  
 202.12 or steel shot;

202.13 (4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber,  
 202.14 including .22 magnum caliber cartridges;

202.15 (5) handguns possessed by a person authorized to carry a handgun under sections  
 202.16 624.714 and 624.715 for the purpose authorized; and

202.17 (6) on a target range operated under a permit from the commissioner.

202.18 (b) This section does not apply during an open firearms season in an area where deer  
 202.19 may be taken only by muzzleloader, except that muzzle-loading firearms lawful for the  
 202.20 taking of deer may be possessed only by persons with a valid license to take deer by  
 202.21 muzzleloader during the muzzleloader season. While muzzleloader hunting, a person with  
 202.22 a valid license to take deer by muzzleloader may not possess a firearm other than:

202.23 (1) a muzzleloader that is legal for taking deer under section 97B.031, subdivision  
 202.24 1; and

202.25 (2) a firearm as described in paragraph (a), clauses (2) to (5).

202.26 (c) A first violation of paragraph (a) is punishable by a warning.

202.27 Sec. 22. Minnesota Statutes 2014, section 97B.063, is amended to read:

202.28 **97B.063 HUNTER SATISFACTION SURVEY.**

202.29 The commissioner shall annually administer the collection of hunter information  
 202.30 related to participation and satisfaction. This may include information on preferences,  
 202.31 values, interests, participation rates and patterns, barriers to participation, or other factors.  
 202.32 The data shall be collected using established social science methods. The commissioner  
 202.33 shall annually submit a summary of the information gathered under this section to  
 202.34 the chairs and ranking minority members of the house of representatives and senate  
 202.35 committees and divisions with jurisdiction over environment and natural resources no

203.1 later than January 1 for the preceding fiscal year. The commissioner shall also make the  
203.2 summary information available on the department's Web site.

203.3 Sec. 23. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

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

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

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

203.9 (i) on foot;

203.10 (ii) using a shotgun;

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

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

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

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

203.16 (i) on foot; and

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

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

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

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

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

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

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

203.31 (2) is on foot; and

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

203.33 Sec. 24. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

204.1 Subd. 2. **Taking unprotected wild animals; permit required.** A person may not  
204.2 use radio equipment to take unprotected wild animals without a permit. The commissioner  
204.3 may issue a permit to take unprotected animals with radio equipment. The commissioner  
204.4 shall cancel the permit upon receiving a valid complaint of misconduct regarding the  
204.5 permittee's hunting activities.

204.6 Sec. 25. Minnesota Statutes 2014, section 97B.301, is amended by adding a  
204.7 subdivision to read:

204.8 Subd. 9. Residents age 84 or over may take deer of either sex. A resident age 84  
204.9 or over may take a deer of either sex. This subdivision does not authorize the taking of an  
204.10 antlerless deer by another member of a party under subdivision 3.

204.11 Sec. 26. **[97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

204.12 (a) While afield hunting turkeys, licensees may not have in possession or control  
204.13 any firearm or bow and arrow except those defined as legal for taking turkeys in rules  
204.14 adopted by the commissioner.

204.15 (b) Paragraph (a) does not apply to a person carrying a handgun in compliance  
204.16 with section 624.714.

204.17 Sec. 27. **[97B.9251] BEAVER SEASON.**

204.18 The commissioner may establish open seasons and restrictions for taking beaver from  
204.19 9:00 a.m. on the Saturday nearest October 26 in the North Zone and from 9:00 a.m. on the  
204.20 Saturday nearest October 30 in the South Zone. The seasons shall be open until May 15.

204.21 Sec. 28. Minnesota Statutes 2014, section 97C.345, is amended by adding a  
204.22 subdivision to read:

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

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

204.26 (2) from the Mississippi River downstream of St. Anthony Falls and the St.  
204.27 Croix River downstream of the dam at Taylors Falls, including portions described as  
204.28 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart  
204.29 1, items A and B, that are listed as infested waters as allowed under section 84D.03,  
204.30 subdivision 3.

205.1 (b) Cast nets used under this subdivision must be monofilament and may not exceed  
205.2 seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar  
205.3 measure.

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

205.9 Sec. 29. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

205.10 Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a  
205.11 minnow dealer license except as provided in subdivision 3.

205.12 (b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor  
205.13 vehicle used to transport minnows. The serial number, motor vehicle license number,  
205.14 make, and model must be on the license. The license must be conspicuously displayed  
205.15 in the vehicle.

205.16 (c) A minnow dealer may not transport minnows out of the state without an  
205.17 exporting minnow dealer license. A minnow dealer must obtain an exporting minnow  
205.18 dealer's vehicle license for each motor vehicle used to transport minnows out of the state.  
205.19 The serial number, motor vehicle license number, make, and model must be on the license.  
205.20 The license must be conspicuously displayed in the vehicle.

205.21 (d) A person with a minnow dealer's license may sell minnows at one retail outlet.  
205.22 A minnow dealer must obtain a minnow retailer license for each additional retail outlet  
205.23 operated. A minnow dealer operating a retail outlet under a minnow dealer's license must  
205.24 list the following information for the retail outlet: name of the business; city; state; zip  
205.25 code; and legal description or fire number. The retail outlet name and location may be  
205.26 changed by making application to the commissioner.

205.27 (e) A minnow dealer may designate employees as helpers who are authorized to  
205.28 take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees  
205.29 designated as helpers must be listed on the minnow dealer's license, and a copy of the  
205.30 license designating the employee as a helper must be in the helper's possession when  
205.31 acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers  
205.32 listed on the dealer's license within a license year by notifying the commissioner in writing  
205.33 of the change to the license. Employees who are acting under the direction and control of  
205.34 the minnow dealer but who are not designated as helpers may not buy or sell minnows on

206.1 behalf of the minnow dealer. This paragraph does not apply to employees selling minnows  
 206.2 at the retail outlet location under paragraph (d).

206.3 **EFFECTIVE DATE.** This section is effective March 1, 2016.

206.4 Sec. 30. **RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE**  
 206.5 **REGULATIONS.**

206.6 (a) The commissioner of natural resources shall amend Minnesota Rules, parts  
 206.7 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language  
 206.8 prohibiting spearing.

206.9 (b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of  
 206.10 natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the  
 206.11 language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

206.12 (c) The commissioner may use the good cause exemption under Minnesota Statutes,  
 206.13 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 206.14 Statutes, section 14.386, does not apply.

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

206.16 Sec. 31. **RULEMAKING; WATER SURFACE USE RESTRICTIONS.**

206.17 (a) The commissioner of natural resources shall amend Minnesota Rules, part  
 206.18 6110.3700, subpart 9, to allow a longer period of temporary special controls in situations  
 206.19 of local emergency by deleting "five" and inserting "30" and deleting "five-day" and  
 206.20 inserting "30-day."

206.21 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 206.22 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 206.23 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
 206.24 section 14.388.

206.25 Sec. 32. **RULEMAKING; PERSONAL FLOTATION DEVICES.**

206.26 (a) To conform with changes in federal regulation, the commissioner of natural  
 206.27 resources shall amend Minnesota Rules, part 6110.1200, subpart 3, as follows:

206.28 (1) delete the term "Type I, II, or III" and insert "wearable";

206.29 (2) delete the term "Type IV" and insert "throwable";

206.30 (3) delete items B and D and reletter the remaining items; and

206.31 (4) insert a new item that reads:

206.32 "C. All personal flotation devices required by this subpart must be:

- 207.1 (1) approved by the U.S. Coast Guard;  
 207.2 (2) legibly marked with any requirements and the approval number issued by the  
 207.3 U.S. Coast Guard;  
 207.4 (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with  
 207.5 all straps and fasteners present and in good condition;  
 207.6 (4) of the appropriate size for the intended wearer, if the device is designed to be worn,  
 207.7 and in compliance with any requirements listed on the U.S. Coast Guard approval label;  
 207.8 (5) for wearable devices, either readily accessible or worn, except when:  
 207.9 (a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or  
 207.10 (b) wearing a U.S. Coast Guard-approved wearable personal flotation device is  
 207.11 mandatory; and  
 207.12 (6) for throwable devices, immediately available.

207.13 "Readily accessible" means easily retrievable within a reasonable amount of time  
 207.14 in an emergency. "Immediately available" means easily reached in time of emergency.  
 207.15 Personal flotation devices located in locked containers, under heavy objects, or left in  
 207.16 shipping bags are not considered readily accessible or immediately available."

- 207.17 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 207.18 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 207.19 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
 207.20 section 14.388.

207.21 **Sec. 33. RULEMAKING; MOTORIZED TRAIL ENVIRONMENTAL REVIEW.**

- 207.22 (a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to  
 207.23 allow the following without preparing a mandatory environmental assessment worksheet:

- 207.24 (1) constructing a recreational trail less than 25 miles long on forested or other  
 207.25 naturally vegetated land for a recreational use;  
 207.26 (2) adding a new motorized recreational use or a seasonal motorized recreational  
 207.27 use to an existing motorized recreational trail if the treadway width is not expanded as a  
 207.28 result of the added use; and  
 207.29 (3) designating an existing, legally constructed route, such as a logging road, for  
 207.30 motorized recreational trail use.

- 207.31 (b) The board may use the good cause exemption rulemaking procedure under  
 207.32 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this  
 207.33 section, and Minnesota Statutes, section 14.386, does not apply except as provided under  
 207.34 Minnesota Statutes, section 14.388.

208.1 Sec. 34. **REPEALER.**

208.2 (a) Minnesota Statutes 2014, section 97A.475, subdivision 25, is repealed.

208.3 (b) Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

208.4 **EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015.



APPENDIX  
Article locations in 15-4504

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