

# House Research Act Summary

**CHAPTER:** 107

**SESSION:** 2011 Regular Session

**TOPIC:** Omnibus Environment and Natural Resources Policy

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## Overview

This act includes various policy provisions related to the environment and natural resources.

- 1**      **Review and ranking of applications.** Amends § 17.117, subd. 6a. Technical.
- 2**      **Administration by commissioner.** Amends § 18B.03, subd. 1. Modifies pesticide control law to prohibit an agency other than the Department of Agriculture (e.g., MPCA) from regulating terrestrial applications.
- 3**      **Definitions.** Amends § 41A.105. Establishes a definition for "biobutanol facility" and "biobutanol."
- 4**      **Acquisition; designation.** Amends § 84.033, subd. 1. Allows the DNR to acquire lands for scientific and natural areas (SNAs) through exchange (in addition to acquisitions through gifts, leases, or purchases which are already permitted).
- 5**      **Management plans.** Amends § 84.035, subd. 6. Technical.
- 6**      **Off-highway vehicle seasonal restrictions.** Amends § 84.777, subd. 2. Removes language requiring the commissioner of natural resources to prescribe seasons for off-highway vehicle use on state forest lands.
- 7**      **Dual registration.** Adds § 84.788, subd. 12. Permits an off-highway motorcycle to also be registered as a motorcycle for use on public roads and highways. Requires an off-highway motorcycle that is dually registered to meet safety equipment and other requirements (headlights, taillights, horns, etc.) currently required for motorcycles operating on public roads and highways. Exempts these motorcycles from title requirements.
- 8**      **Nonresident off-road vehicle state trail pass.** Adds § 84.8035.

**Subd. 1. Pass required; fee.** Requires nonresidents to purchase and display, in a manner

viewable by law enforcement and others, a nonresident off-road vehicle (ORV) state trail pass sticker when operating on state or grant-in-aid ORV trails. The fee for an annual pass is \$20 and the fee for a three-year pass is \$30. Requires revenue from the fees to be deposited in the off-road vehicle account and used for grants-in-aid to counties and municipalities for ORV organizations to construct and maintain ORV trails and use areas. Exempts the following ORVs from the pass requirements:

- ORVs owned by federal, state, and local governments;
- ORVs being operated on a portion of a trail that is on land owned by the person or the person's immediate family member (spouse, child, or parent); or
- ORVs that are registered in the state.

**Subd. 2. License agents.** Allows the commissioner to appoint agents to sell and issue the passes and allows the commissioner to revoke the appointments any time. Allows the commissioner to adopt rules and requires the agents to observe all rules. Requires agents to promptly remit all money received from the sale of the passes to the commissioner minus the agent's issuing fee established in subdivision 4.

**Subd. 3. Issuance of passes.** Requires the commissioner and agents to sell and issue the passes and make the passes available through the department's electronic licensing system.

**Subd. 4. Agent's fee.** Establishes an issuing fee of \$1 to be retained by the seller. Requires issuing fees collected by the commissioner to be deposited in the off-road-vehicle account and retained for operation of the electronic licensing system.

**Subd. 5. Duplicate passes.** Allows the issuance of duplicate passes to those who have lost or destroyed their pass in accordance with existing provisions for duplicate licenses, which require a person to take an oath covering the facts of loss or destruction. Establishes a fee of \$4 for the duplicate pass with a \$.50 issuing fee.

- 9 **All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of an ATV by removing increasing the engine displacement of less than 960 cubic centimeters requirement to less than 1,000 cubic centimeters.
- 10 **Program established.** Amends § 84.925, subd. 1. Modifies provisions related to the all-terrain vehicle (ATV) safety education and training program to allow for online courses. Allows the commissioner to establish fees for ATV safety education and training courses that recover the costs of providing the training (rather than the \$15 fee currently in statute) and exempts the establishment of the fees from rulemaking. Provides a statutory appropriation of the fees, minus issuing fees and electronic licensing system (ELS) commissions, to the Enforcement Division within the DNR for the administration of the program.
- 11 **Passengers.** Amends § 84.9257. Allows youth age 12 to 17 operating a class 1 ATV to carry a passenger if the passenger is the person's parent or legal guardian.
- 12 **Decontaminate.** Amends § 84D.01. Establishes a definition of "decontaminate" that includes to "wash, dry, or thermally or otherwise treat" according to standards prepared for the Western Regional Panel on Aquatic Nuisance Species and others developed by the commissioner.
- 13 **Introduce.** Amends § 84D.01, subd. 8a. Modifies the definition of "introduce" to exclude the immediate return of a nonnative species to the same waters the species was removed from, and the seasonal return of nonnative species attached to water-related equipment stored on riparian land being returned directly to the same waters.

- 14 **Inspect.** Adds § 84D.01, subd. 8b. Establishes a definition of "inspect" that includes removal, drainage, decontamination, or treatment to prevent transportation or spread of aquatic invasive species.
- 15 **Inspector.** Adds § 84D.01, subd. 8c. Establishes a definition of "inspector" that includes individuals authorized by the DNR, a conservation officer, or a licensed peace officer.
- 16 **Service provider.** Adds § 84D.01, subd. 15a. Establishes a definition of "service provider" that includes an individual who installs or removes watercraft, equipment, docks, boat lifts or other water-related equipment from waters of the state for compensation.
- 17 **Transport.** Amends § 84D.01, subd. 16. Modifies the definition of "transport" to exclude the movement of a nonnative species attached to water-related equipment from state waters to the shore of that water or the return of water-related equipment to the same waters.
- 18 **Water-related equipment.** Adds § 84D.01, subd. 18a. Establishes a definition of "water-related equipment" that includes motor vehicles, boats, trailers, boat lifts, bait containers, live wells, and various other equipment.
- 19 **Wild animal.** Amends § 84D.01, subd. 21. Modifies the definition of "wild animal" to include wild animals that are dead or alive.
- 20 **Annual report.** Amends § 84D.02, subd. 6. Requires the annual legislative report prepared by the DNR on invasive species to include additional measures to protect the state's waters from human transport and introduction of invasive species.
- 21 **Bait harvest from infested waters.** Amends § 84D.03, subd. 3. Clarifies that equipment used under permit in infested waters may not be transported to or used in waters other than those specified in the permit (this is already current practice).
- 22 **Aquatic macrophytes.** Amends § 84D.09. Prohibits the transportation of aquatic macrophytes (aquatic plants) on all roads unless specifically exempted, and adds an exemption that applies when water-related equipment is removed from waters of the state for purposes of removing the aquatic plants before leaving a water access site.
- 23 **Launching prohibited.** Amends § 84D.10, subd. 1. Technical.
- 24 **Removal and confinement.** Amends § 84D.10, subd. 3. Allows a conservation officer or other licensed peace officer to prohibit the placement of water-related equipment into waters of the state if the equipment has aquatic plants or prohibited invasive species attached to it, or when water has not been drained/the drain plug has not been removed.
- 25 **Persons transporting water-related equipment.** Amends § 84D.10, subd. 4. Provides an exemption to allow an emergency response vehicle and equipment to be transported on public roads with the drain plug in (after water has been drained). Removes a reporting requirement that is proposed to be included in the annual report under section 20.
- 26 **Inspection of watercraft and water-related equipment.** Adds § 84D.105. Allows an inspector to prohibit someone who refuses to allow an inspection of the person's water-related equipment or who refuses to remove and dispose of aquatic invasive species, aquatic plants, or water from the equipment from placing or operating the equipment on waters of the state. Requires the commissioner to train inspectors and permits an inspector to inspect both visually and tactilely. Requires an inspector who is not a licensed peace officer to refer certain violations to a licensed peace officer. Allows a licensed peace officer to inspect any water craft or water-related equipment stopped at a water access site and allows a peace officer to inspect watercraft or water-related equipment stopped at any other public place or private location where it is in plain view. Allows the use of check

stations.

- 27**      **Service provider permit.** Adds § 84D.108. Requires service providers (individuals who install or remove watercraft, equipment, docks, boat lifts or other water-related equipment from waters of the state for compensation) to obtain a permit (valid for three years) from the DNR. Requires a service provider to complete invasive species training and pass an exam. Establishes an application and testing fee of \$50 for the permits.
- 28**      **Harvest of bait from infested waters.** Amends § 84D.11, subd. 2a. Requires a person working for a permitted bait harvester to complete aquatic invasive species related training annually (this is currently required only of those who hold the permit).
- 29**      **Criminal penalties.** Amends § 84D.13, subd. 3. Establishes a misdemeanor penalty for violating: the ban on taking bait from infested waters; requirements on the use of commercial fishing equipment in infested waters; the ban on transporting aquatic plants; and prohibited invasive species permit requirements.
- 30**      **Warnings, civil citations.** Amends § 84D.13, subd. 4. Allows the issuance of a civil citation to a person who fails to remove drain plug or drain water from water-related equipment when transporting the equipment.
- 31**      **Civil penalties.** Amends § 84D.13, 5. Modifies provisions related to civil penalties to conform with the changes made to aquatic invasive species management provisions contained in this act.
- 32**      **Watercraft license suspension.** Amends § 84D.13, subd. 6. Allows a watercraft license to be suspended for up to one year if the owner of a watercraft refuses to submit to inspection or comply with removal orders.
- 33**      **Satisfaction of civil penalties.** Amends § 84D.13, subd. 7. Allows funds received from a civil penalty issued by a peace officer of a local unit of government to be retained by the local government.
- 34**      **Receipts.** Amends § 84D.15, subd. 2. States that the \$50 permit application and testing fee paid by service providers shall be deposited in the invasive species account.
- 35**      **Motorized vehicle trails restricted.** Amends § 85.018, subd. 5. Prohibits the use of a motorized vehicle, other than an ATV, off-road vehicle (OHV) or an off-highway motorcycle, on motorized vehicle trails (currently this is restricted from December 1 to April 1). Expands the exception to the prohibition for use that is authorized under a lease or easement (currently an exception exists only for use authorized by permit).
- 36**      **Regional trails.** Amends § 85.019, subd. 4b. Reduces the nonstate cash match requirement for regional trail grants from 50 percent to 25 percent.
- 37**      **Trail connections.** Amends § 85.019, subd. 4c. Reduces the nonstate cash match requirement for trail connection grants (grants for trails that connect communities, trails and parks) from 50 percent to 25 percent.
- 38**      **Areas marked.** Amends § 85.32, subd. 1. Adds the Cedar River to the state water trail system.
- 39**      **Aquatic invasive species rules decal.** Adds § 86B.508. Requires the owner or operator of a watercraft to obtain and display an aquatic invasive species rules decal issued by the DNR on the watercraft before operating on waters of the state.
- 40**      **Petty misdemeanor.** Adds § 86B.811, subd. 1a. Establishes a petty misdemeanor penalty for a violation of the aquatic invasive species decal requirement established in the previous section (the

penalty will not be enforced until August 1, 2014, as provided in section 105.

- 41**      **Voluntary titling.** Amends § 86B.825, subd. 3. Technical.
- 42**      **Issuance.** Amends § 86B.830, subd. 2. Requires the certificate of title for a watercraft to be mailed to the owner, rather than the first secured party if there is one, and requires any secured parties to be mailed a notification that their security interest has been filed.
- 43**      **Form and issuance.** Amends § 86B.850, subd. 1. Requires a duplicate certificate of title for a watercraft to be mailed to the owner rather than the first secured party.
- 44**      **Owner-created security interest.** Amends § 86B.885. Removes the ability of a subordinate secured party to request a copy of a certificate of title from the first secured party when a owner of a watercraft creates a new security interest. (Secured parties will no longer receive a title under the changes in section 10.) States that a second or subordinate secured party do not affect the rights of a first secured party and requires and requires a notification to be sent to all secured parties that the security interest has been recorded.
- 45**      **Leases and permits.** Amends § 89.17. Requires the net proceeds from leases of school trust land and university land for roads on forest lands to be deposited into the respective permanent funds.
- 46**      **Establishment; membership.** Amends § 93.0015, subd. 1. Modifies the membership of the Mineral Coordinating Committee to include the commissioner of the Pollution Control Agency (rather than the deputy commissioner) and a member representing labor (rather than the director of the United Steelworkers of America).
- 47**      **Expiration.** Amends § 93.0015, subd. 3. Extends the expiration date for the Mineral Coordinating Committee by five years (to 2016).
- 48**      **Citizen oversight committees.** Amends § 97A.055, subd. 4b. Modifies the game and fish fund citizen oversight committees the commissioner must establish by: reducing the number of committees to three (a Fisheries Oversight Committee, a Wildlife Oversight Committee, and a Budgetary Oversight Committee which is made up of the chairs and four additional members from each of the other two committees), and increasing the minimum number of members on each committee from three to ten. Gives the Budget Oversight Committee the option, rather than requiring them, to make recommendations on goals for expenditures. Establishes an expiration date for the committees of June 30, 2015.
- 49**      **Adopt-a WMA program.** Adds § 97A.134. Establishes an adopt-a-WMA (wildlife management area) program and requires the commissioner of natural resources to coordinate the program through the Department of Natural Resources' (DNR) regional offices. The program's purpose is to encourage various groups (sporting, outdoor, business, etc.) to volunteer to help maintain and improve WMAs. Requires the commissioner to enter into informal agreements with the groups or with individuals to provide volunteer services in accordance with plans developed by the commissioner in consultation with the groups or individuals. Allows the commissioner to put up signs to show appreciation for the services provided by the volunteers and provide assistance to the volunteers to enhance their comfort and safety.
- 50**      **Restrictions.** Amends § 97C.081, subd. 4. Allows the DNR to require mandatory decontamination of boats participating in fishing contests on infested waters.
- 51**      **Powers.** Amends § 103B.661, subd. 2. Clarifies that the White Bear Lake Conservation District may set service fees (currently already being done)..
- 52**      **Purpose.** Amends § 103F.705. Modifies the purpose of the Clean Water Partnership Law.

- 53 Project.** Amends § 103F.711, subd. 8. Modifies the definition of "project" for purposes of the Clean Water Partnership Law, including expanding the definition to include projects identifying any source of water pollution (rather than restricting it to nonpoint sources as is the case under current law).
- 54 Clean water partnership program established.** Amends § 103F.715. Makes technical changes and expands the program to all pollution by removing a reference to "nonpoint" sources.
- 55 Grants.** Amends § 103F.725, subd. 1. Technical.
- 56 Loans.** Amends § 103F.725, subd. 1a. Increases, from \$36,000,000 to \$50,000,000, the amount of the balance in the clean water revolving fund that may be used for the clean water partnership loan program.
- 57 Eligibility.** Amends § 103F.731, subd. 2. States that local units of government are eligible for assistance under the program. Requires all project proposals to be included in at least one water management plan.
- 58 Agency review of proposals.** Amends § 103F.735. Requires priority to be given to proposals that demonstrate participation, coordination, and cooperation with "local stakeholders" (rather than specifically requiring participation, coordination, and cooperation with the local soil and water conservation district or watershed district as is currently required). Removes the requirement to give priority to projects with goals and objectives that are consistent with state water quality management plans and other state and local management plans.
- 59 Implementation according to law and contract.** Amends § 103F.741, subd. 1. Technical.
- 60 Rules.** Amends § 103F.745. Modifies the rulemaking authority of the Pollution Control Agency for purposes of the Clean Water Partnership Law by eliminating specific rulemaking requirements to provide procedures for developing, evaluating, and implementing best management practices, adding a requirement for the agency to adopt rules requiring measurable results, and allowing the PCA to adopt rules necessary for the implementation of federal programs to protect and improve water quality (rather than only federal programs to control nonpoint source water pollution).
- 61 Nonpoint source pollution management plan and program evaluation.** Amends § 103F.751. Eliminates a requirement that the PCA work through the Environmental Quality Board to coordinate nonpoint source pollution control activities and programs and eliminates a requirement of the agency to evaluate the effectiveness of programs in achieving water quality goals and provide recommendations to the legislature.
- 62 Local government unit.** Amends § 103G.005, subd. 10e. Establishes the Department of Natural Resources (DNR) as the responsible party for implementation of the Wetland Conservation Act for wetland banking projects established solely for replacing wetland impacts under a permit to mine metallic minerals.
- 63 Electronic transmission.** Amends § 103G.005, subd. 10f. Defines "electronic transmission" for purposes of the Wetland Conservation Act.
- 64 Contractor's responsibility when work drains or fills wetlands.** Amends § 103G.2212. Provides contractors the option to email required wetland replacement plan statements to local governments.
- 65 Requirements.** Amends § 103G.222, subd. 1. Allows the Great Lakes (Lake Superior (North) and Lake Superior (South)) and Rainy River watersheds to be considered a single watershed for purposes of determining wetland replacement ratios for project specific wetland replacements done under a permit to mine within those watersheds.

Wetland Conservation Act rules (Minnesota Rules, part 8420.0522, subpart 4) allow lower

replacement ratios if replacement is done within the same watershed. Under current rules for project specific replacement in areas with 80 percent or more of the presettlement wetland acres (as is the case for the Great Lakes and Rainy River watersheds), the minimum wetland replacement ratio is 1:1 when replacement is done within the same watershed and is replaced with a wetland of similar type/function ("in-kind"), and the minimum replacement ratio is 1.5:1 for replacement done outside of the watershed or that is not of a similar type/function ("out-of-kind").

- 66 Wetland replacement siting.** Amends § 103G.222, subd. 3. Allows an impacted wetland in an area with 50 percent to less than 80 percent of the presettlement wetland acreage intact to be replaced in a 50 to 80 percent area or in an area with less than 50 percent. Currently, they are required to be replaced in the same type of area. Establishes a single standard for wetland replacement rather than having separate standards for project-specific replacements and wetland banking replacements. Removes wetland replacement siting priority order specific for the seven-county metro area. States that applicants and local government units shall rely on board approved comprehensive inventories of replacement opportunities and watershed conditions when making determinations on replacement opportunities.
- 67 Wetland boundary or type determination.** Amends § 103G.2242, subd. 2a. Provides a local government the option to email its decision on a wetland boundary or type determination. Removes language regarding appeals of decisions which are modified and recodified later on in the act. States that local government decisions are valid for five years (increased from three).
- 68 Notice of application.** Amends § 103G.2242, subd. 6. Removes specific standards for notifications of the receipt of an application for a wetland replacement plan approval and references the general 60 day rule. Allows copies of completed applications to be sent by email.
- 69 Notice of decision.** Amends § 103G.2242, subd. 7. Allows required notices of the approval or denial of a replacement plan to be sent by email.
- 70 Appeals to the board.** Amends § 103G.2242, subd. 9. Adds an appeal of sequencing decisions made by local units of government to the list of items that may be appealed to BWSR and removes restoration orders which are recodified and modified later in the act. Allows an appeal to be made and noticed by email.
- 71 Appeals of restoration or replacement orders.** Adds § 103G.2242, subd. 9a. Establishes a separate appeals process for restoration and replacement orders. Requires the appeal to be made within 30 days or the order is final. Allows the timeframe for the appeal to be extended by mutual agreement. Requires the executive director of BWSR to make a decision on the appeal within 60 days.
- 72 Fees established.** Amends § 103G.2242, subd. 14. Allows BWSR to establish fees that are at or below the standard fees for wetland banking accounts and transactions for single-user or other dedicated accounts. Establishes a maximum limit of \$1,000 for fees for single-user and other dedicated accounts for wetland banking projects included in permits to mine.
- 73 State conservation easements; wetland bank credit.** Amends § 103G.2251. Allows all wetlands protected with a permanent conservation easement and held by BWSR to be eligible for wetland replacement or mitigation credits in areas with greater than 80 percent of the presettlement wetland acreage intact, except for private lands that have received funds from a public conservation program. Currently, only conservation easements on public land (land owned by the state or a local government) are eligible.
- 74 Electronic transmission.** Adds § 103G.2373. States that notices and other documents may be sent by electronic transmission unless the recipient has provided a mailing address and specified that a mailed copy is preferred.

- 75 Demand for hearing.** Amends § 103G.311, subd. 5. Allows the council or board of a municipality (rather than the mayor as is allowed under current law) to file a demand for a hearing on water use permits.
- 76 Issuance; validity.** Amends 103G.615, subd. 1. States that aquatic plant management permits are valid for one year and expire on December 31, unless otherwise specified in the permit.
- 77 Invasive aquatic plant management permit.** Adds § 103G.615, subd 3a. Allows the commissioner to waive the requirement to get signatures of approval from affected landowners prior to issuing a permit for invasive aquatic plant management if obtaining the signatures creates an undue burden and the commissioner determines that the activity is necessary to protect natural resources. The commissioner must require an alternate form of landowner notification when waiving the requirement. Allows signatures of approval to be valid for three years if property ownership remains unchanged.
- 78 Aquatic application of pesticides.** Adds § 115.03, subd. 11. Modifies water pollution control law by authorizing MPCA to issue NPDES permits for pesticide applications only if an NPDES is required by federal law for the following designated use patterns: mosquitoes and other flying insect pests; forest canopy pests; aquatic nuisance animals; and vegetative pests and algae Prohibits MPCA from regulating terrestrial (i.e. land) applications.
- 79 Local ordinances.** Amends § 115.55, subd. 2. Exempts a county from having to adopt an ordinance in compliance with revisions the Pollution Control Agency (PCA) makes to subsurface sewage treatment system (SSTS) rules if all the towns and cities in the county have already adopted an ordinance that is in compliance.
- 80 Recyclable materials.** Amends § 115A.03, subd. 25a. Modifies the definition of "recyclable materials" to include source-separated compostable materials.
- 81 Recyclable materials.** Amends § 115A.95. Requires recyclable materials to be delivered to a facility permitted to recycle or compost them.
- 82 Transfer of title; disposal of property.** Amends § 115B.412, subd. 8. Allows an owner of a mixed municipal solid waste landfill that is in the state's Landfill Cleanup Program to transfer to the commissioner of the PCA any portion of the property. If the commissioner determines that no further cleanup is necessary and it is in the state's best interest, the commissioner may transfer the acquired property.
- 83 Boundary modification.** Adds § 115B.412, subd. 8a. Creates a new subdivision allowing the commissioner of pollution control to exclude property from the Closed Landfill Program if the commissioner determines that no further cleanup is necessary and the property will not be affected by disposal activities on adjacent parts of the landfill.
- 84 Delisting.** Adds § 115B.412, subd. 8b. Creates a new subdivision allowing the commissioner of pollution control to delist a facility from the Landfill Cleanup Program priority list if the commissioner determines that no further cleanup is necessary and all waste has been located outside the facility's boundaries. The agency has no responsibilities under the program for a delisted facility.
- 85 Environmental permit timeline.** Adds § 116C.10. Requires the responsible government unit, if it is a state agency, for environmental review under chapter 116D to develop a plan and timeline for all state environmental permits required for a project by the time the environmental assessment worksheet (EAW) or draft environmental impact statement (EIS) is published.
- 86 When prepared.** Amends § 116D.04, subd. 2a. Prohibits a mandatory EAW for an expansion of an ethanol or biobutanol plant or conversion of an ethanol plant to a biobutanol facility from being required based on the production capacity of the facility, but still requires an EAW for an expansion



or conversion of a facility that meets or exceeds other mandatory EAW category thresholds. States that the responsible government unit for an ethanol plant EAW is the state agency with the greatest responsibility for supervising or approving the project. Increases the signature requirement for petitions for an EAW from 25 to 100 and requires all signatures to be from individuals who reside in the state.

- 87**     **Motor vehicle.** Amends § 168.002, subd. 18. Modifies the definition of "motor vehicle" to include an off-highway motorcycle modified to meet the requirements necessary for the new dual registration option established in this act.
- 88**     **Designation of roadway, permit.** Amends § 169.045, subd. 1. Removes a specific definition for "all-terrain vehicle" (which defined an ATV as one with four wheels meeting certain weight and tire requirements) used for purposes of local road ATV operation ordinances and references the general definition of ATV in chapter 84 that is modified earlier in this act. Allows local ordinances to also allow the operation of "utility task vehicles" on local roads, and defines these vehicles as side-by-side four-wheel drive off-road vehicles that have four wheels, a combustion engine meeting certain requirements, and weigh 1,800 but less than 2,600 pounds.
- 89**     **Ordinance.** Amends § 169.045, subd. 2. Allows permits issued by a county, city or town under an ordinance for the operation of a golf cart, ATV, or mini truck on designated roads to be valid for three years instead of one year.
- 90**     **Times of operation.** Amends § 169.045, subd. 3. Allows golf carts, ATVs, and utility task vehicles operating under local ordinance on designated roads to operate after sunset and before sunrise if they are equipped with their original headlights, taillights, and rear-facing break lights (currently all golf carts and ATVs are prohibited from operating between sunset and sunrise) and allows them to be operated during inclement weather during emergency conditions as provided under the ordinance.
- 91**     **Crossing intersecting highways.** Amends § 169.045, subd. 5. Technical to conform with the changes made in section 89.
- 92**     **Application of traffic laws.** Amends § 169.045, subd. 6. Technical to conform with the changes made in section 89.
- 93**     **Nonapplication of certain laws.** Amends § 169.045, subd. 7. Technical to conform with the changes made in section 89.
- 94**     **Insurance.** Amends § 169.045, subd. 8. Technical to conform with the changes made in section 89.
- 95**     **Exemption for recreational vehicle manufacturer.** Adds § 239.791, subd. 16. Allows recreational vehicle manufacturers to sell fuel that does not meet ethanol requirements if the fuel is intended to be used exclusively for research and development by a manufacturer of snowmobiles, ATVs, motorcycles, or other recreational vehicles.
- 96**     **Fees.** Amends § 398.33, subd. 2. Allows county park user fees to exceed state park fees.
- 97**     **Subsurface sewage treatment systems ordinance adoption delay.** Amends Laws 2010, ch. 361, art. 4, § 83. Provides an additional two years (until February 4, 2014) for counties to adopt SSTS ordinances to comply with PCA rules adopted February 4, 2008. Counties were originally required to adopt an ordinance by February 4, 2010, but were given a two year extension last session. This act would result in a total of a four year extension.
- 98**     **Repealer.** Amends Laws 2011, ch. 14, § 16. Reinstates the definitions of "ethanol," "ethanol plant," and other related terms that were repealed earlier in the 2011 session.
- 99**     **Shallow lakes management report.** Requires the commissioner of natural resources to prepare a

report on shallow lakes by January 1, 2012.

- 100**      **Consumptive use of water.** Provides the legislative authorization required for issuing water use permits exceeding 2,000,000 gallons per day for a permit for Lutsen Mountains ski resort to use water from the Poplar River for snowmaking and potable water. The permit is for five years, is capped at 150,000,000 gallons of water annually and requires water use to stop if the river's flow is less than 15 cubic feet per second for more than five consecutive days.
- 101**      **Rulemaking; environmental review and solid waste land disposal facility permits.** Requires the PCA to amend Minnesota Rules to extend permit terms for solid waste land disposal facilities from five to ten years and to consider the site's capacity.
- 102**      **Terry McGaughey Memorial Bridge.** Designates a bridge on the Paul Bunyan Trail as the Terry McGaughey Memorial Bridge.
- 103**      **Camp Five township easement lease.** Requires the DNR to grant a road easement to the township or a former lease that crosses certain state land in St. Louis County. Requires the market value fee for the school trust lands to be deposited in the permanent school fund.
- 104**      **Temporary warning requirements; aquatic invasive species.** States that violation of the requirement to display an aquatic invasive species decal on a watercraft is punishable only with a warning until August 1, 2014.
- 105**      **Aquatic invasive species management implementation costs; report.** Requires the commissioner of the DNR to submit a report to the legislature on the long-term funding needed to implement and enforce chapter 84D (aquatic invasive species regulation), including recommendations on the appropriate amount of the watercraft surcharge by January 15, 2012.
- 106**      **Revisor's instruction.** Instructs the revisor of statutes to make a technical correction to references related to the Clean Water Partnership Law.
- 107**      **Repealer.** Repeals § 84.02, subdivisions 1 to 4 and 6 to 8 (various definitions related to native prairies); § 85.013, subd. 2b, (establishment of the Blakely State Wayside); § 86B.850 (duplicate watercraft certificates); and four provisions related to the Clean Water Partnership Law (§ 103F.711, subd. 7 (definition of "official controls")); § 103F.721, (statewide water assessments), § 103F.731, subd. 1, (eligibility requirements); and § 103F.761 (project coordination team)). Repeals § 84D.02, subd. 4 (minimum aquatic invasive species inspection requirements) effective the day following final enactment.