

House Research Act Summary

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Overview

This act appropriates money for the 2014-2015 biennium to state agencies and other entities under the jurisdiction of the House Environment, Natural Resources, and Agriculture Finance Committee. Many policy provisions are also included.

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Article 1: Agriculture Appropriations

Overview

This article funds the Minnesota Department of Agriculture (MDA), the Board of Animal Health (BAH), and the Agricultural Utilization Research Institute (AURI) for the 2014-2015 biennium.

- 1 Summary of appropriations.** Summarizes total appropriations to MDA, BAH, and AURI, by year, by state treasury fund.
- 2 Agriculture appropriations.** Provides boilerplate omnibus appropriation language.
- 3 Department of Agriculture.** Appropriates funds for MDA's activities, in total and as divided into four categories.

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Subd. 1. Total appropriation. Summarizes total MDA appropriations and the breakdown of that total by fund.

Subd. 2. Protection services. Appropriates general fund, agricultural fund, and remediation fund dollars for MDA's regulatory activities. This category includes the following MDA divisions: Pesticide and Fertilizer Management, Dairy and Food Inspection, Plant Protection, and Laboratory Services. The amounts specifically appropriated for certain activities are provided, along with varying levels of instruction and agency discretion.

Subd. 3. Agricultural marketing and development. Appropriates general fund dollars for MDA's Agricultural Marketing and Development Division. The amounts specifically appropriated for certain activities are provided, along with varying levels of instruction and agency discretion.

Subd. 4. Bioenergy and value-added agriculture. Appropriates general fund dollars for the agricultural growth, research, and innovation (AGRI) program and grants to county agricultural societies/county fairs to enhance arts access and education and preserve and promote the state's history and cultural heritage. Requires annual reporting regarding specified AGRI accomplishment areas. Specifies requirements for any bioenergy, biobased content, or biobased formulated product grants awarded by MDA under this appropriation.

Subd. 5. Administration and financial assistance. Appropriates general fund dollars for MDA's administration and financial assistance activities. Requires MDA to award pass-through grants to several named entities.

4 Board of Animal Health. Appropriates general fund dollars to BAH.

5 Agricultural Utilization Research Institute. Appropriates general fund dollars to AURI.

Article 2: Agriculture Policy**Overview**

Many of the provisions in this article were part of MDA's omnibus policy bill (H.F. 1071) or the governor's omnibus agriculture budget bill (H.F. 473). This article includes additional provisions pertaining to biofuels, pesticide applicator training materials, the Minnesota Agriculture Education Leadership Council, and the Farmer-Lender Mediation Act.

1 Agricultural water quality certification program. Creates a cross reference in the Minnesota Government Data Practices Act to MDA's treatment of participant data collected under the Minnesota agricultural water quality certification program established in sections 5 to 16 of this article.

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- 2 Cooperation with federal agencies.** Authorizes MDA to spend federal money according to applicable federal regulations and rate structures.
- 3 Promotional expenditures.** Authorizes MDA to spend agricultural marketing and promotional appropriations in the same manner as a private person or organization.
- 4 Definitions.** Modifies the livestock investment grant program statute by eliminating the definition of “qualifying period” that defines the period during each grant cycle when an eligible applicant must make a qualifying livestock investment.
- 5 Purpose.** Authorizes MDA, in consultation with named state agencies, to implement a new voluntary Minnesota agricultural water quality certification program. Requires an initial pilot program in selected watersheds until MDA and others determine the program is ready for expansion to other watersheds.
- 6 Definitions.** Defines key terms for the Minnesota agricultural water quality certification program.
- 7 Certification instrument.** Requires MDA, in consultation with an advisory committee and certain state agencies, to develop a certification instrument to determine whether a farmer’s water quality and management practices are consistent with state water quality goals and standards.
- 8 Certifying agent license.** Requires a license for each person who performs the required farm certification services. MDA will set the license fee. A licensed certifying agent cannot certify a farmer if the certifying agent previously provided technical assistance to the farmer. To be eligible for licensure, a person must be an agricultural conservation professional employed by a local soil and water conservation district or the United States Department of Agriculture’s Natural Resources Conservation Service. Alternatively, the person could be a Minnesota certified crop advisor or another agricultural professional approved by MDA. In addition, a person must pass an exam and meet continuing education requirements.
- 9 Duties of a certifying agent.** Requires a licensed agent to use the certification instrument to assess whether a farmer is eligible for the Minnesota agricultural water quality certification program. If the agent concludes the farmer is eligible, the agent must notify MDA and request that MDA issue a certificate to the farmer. If a certifying agent violates any provision or an MDA order, the commissioner may issue a warning or suspend or revoke the agent’s license. The agent could appeal to an administrative law judge.
- 10 Certification procedures.** Requires a farmer who wishes to be certified to conduct an initial assessment, obtain necessary technical assistance, achieve a satisfactory score on the certification instrument, and apply for certification to a certifying agent. MDA may terminate a farmer’s certification if the farmer does not follow program requirements pertaining to additional land subsequently owned or rented by the certified farmer. MDA could revoke certification and seek monetary reimbursement from a certified farmer who fails to maintain certification criteria. A farmer could appeal under a process similar to the appeals process established for certifying agents in section 9 above.

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- 11 Certification certainty.** States the benefits and obligations of a participating farmer. A certified farmer would be (1) certified even if the farmer does not comply with any new state water protection laws or rules that take effect during the certification period, and (2) considered to be meeting their contribution to any targeted pollution reduction (as in a total maximum daily load plan issued for an impaired water body pursuant to the federal Clean Water Act). A certified farmer would be required to (3) continue implementation of practices that maintain certification, and (4) retain all certification records.
- 12 Audits.** Requires MDA to randomly audit certifying agents and certified farmers.
- 13 Data.** Classifies all data that identifies farmers or their location as nonpublic or private data on individuals. Requires MDA to make summary data of program outcomes publicly available.
- 14 Rulemaking.** Authorizes MDA to issue rules to implement the program.
- 15 Reports.** Requires MDA to consult with others and report biennially to the legislature on the Minnesota agricultural water quality certification program.
- 16 Financial assistance.** Authorizes MDA to use gifts or other state accounts to issue grants, loans, or other financial assistance under the Minnesota agricultural water quality certification program.
- 17 Control.** Modifies the definition of “control” for purposes of the state’s noxious weed law. Control means managing or preventing the maturation and spread of a noxious weed, rather than destroying all or part of any aboveground growth.
- 18 Eradicate.** Modifies the definition of “eradicate” for purposes of the noxious weed law. Eradicate means destroying all above- and belowground parts, rather than destroying aboveground growth and roots.
- 19 Permanent pasture, hay meadow, woodlot, or other noncrop area.** Replaces “and” with “or” so that this term applies to each land type both individually and collectively.
- 20 Propagating parts.** Expands the definition of “propagating parts” to apply to all plant parts capable of producing a new plant.
- 21 Noxious weed categories.** Establishes regulatory categories and listings for noxious weeds. These categories establish prohibited and required actions that apply to landowners when their property hosts a listed weed.
- 22 Weed control agreement.** Modifies the name of a government-landowner weed control agreement by removing the adjective “cooperative.” The plan still must be developed by mutual agreement.
- 23 Training for control or eradication of noxious weeds.** Modifies a reference to University of Minnesota Extension.

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- 24** **Noxious weed designation.** Authorizes MDA to determine which weeds are subject to regulation broadly under the noxious weed law, rather than the defined term “control.”
- 25** **Permits.** Eliminates an existing noxious weed transportation permit exemption. Adds a new exemption—no permit required to transport noxious weeds to an MDA-approved disposal site in order to destroy the weed’s propagating parts. A person who transports weeds pursuant to the new exemption must ensure that all material is secured in order to prevent escape during transport.
- 26** **Duties.** Requires MDA to reevaluate specially regulated plants every three years, along with all prohibited and restricted noxious weeds. Requires the Noxious Weed Advisory Committee to advise MDA on administration of the noxious weed law and help MDA develop management criteria for each weed category.
- 27** **Membership.** Expands membership of the Noxious Weed Advisory Committee to include representatives of the Minnesota Association of County Land Commissioners and others as needed.
- 28** **Bulk pesticide storage facility.** Defines this term for purposes of chapter 18B “Pesticide Control” as a facility that requires a permit under MDA’s bulk pesticide storage facility permit program.
- 29** **Pesticide storage safeguards.** Prohibits storing pesticide in an area with access to an open drain unless a safeguard is provided.
- 30** **Use of public water supplies for filling application equipment.** Consolidates and modifies existing statutes that prohibit the use of public water supplies and public waters (e.g., navigable lakes, rivers, streams, and wetlands) to fill pesticide application equipment unless a backflow prevention device is used. (Note that a separate statute prohibiting use of public waters for filling equipment without an anti-backsiphoning mechanism is repealed at the end of this article.) Backflow prevention devices must comply with the Minnesota Plumbing Code. Prohibits cross connections between a water supply used for filling pesticide application equipment. Maintains an existing exemption for a permitted application of aquatic pesticides to public waters.
- 31** **Pesticide handling restrictions.** Modifies the bold heading of this existing subdivision of law. The law itself is not modified.
- 32** **Registration application and gross sales fee.** Allows MDA to retain erroneously paid nonagricultural pesticide gross sales fees of less than \$10.
- 33** **Pesticide education and training.** Modifies the mandatory components of MDA’s pesticide applicator education and training program. Requires MDA to consult with MnSCU and other educational institutions, in addition to the University of Minnesota. Requires that education and training programs address several additional or modified topics. Specifies that education

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planning committees must include pesticide applicators. Expands the requirement that training manuals and examinations discuss groundwater impacts to include surface water as well.

- 34 Requirement.** Modifies the agricultural pesticide dealer license requirement to apply to anyone who sells or offers agricultural pesticide for sale.
- 35 Resident agent.** Modifies the resident agent requirement for the agricultural pesticide dealer license to apply to anyone located outside of the state who sells or offers agricultural pesticide for sale in Minnesota.
- 36 Responsibility.** Modifies the resident agent responsibility provision to apply to the agent of any person or company located outside of the state that sells or offers agricultural pesticide for sale in Minnesota.
- 37 Report of sales and payment to commissioner.** Modifies the agricultural pesticide sales reporting requirement to apply to anyone who sells or offers to sell an agricultural pesticide in or into the state.
- 38 Application.** Modifies the agricultural pesticide dealer license application requirement to apply to the person in charge of each location where agricultural pesticides are sold or offered for sale.
- 39 Incident response plan.** Modifies the elements of the pesticide incident response plan required of certain regulated entities. Requires a commercial, noncommercial, or structural pest control business to develop and maintain a plan; current law provides an option that an applicator employed by the business or the business itself has a plan. Requires plans to contain the actions the regulated entity will take to prevent and respond to pesticide incidents as well as any other information required on an MDA form. Eliminates the requirement that plans must be available for MDA inspection.
- 40 Certification of regulatory compliance.** Allows MDA additional time to issue rules in order to certify private parties who inspect ammonia or anhydrous ammonia storers, handlers, or distributors on behalf of MDA.
- 41 Commercial animal waste technician.** Modifies the commercial animal waste technician licensing program to require a license of additional persons and to expand and increase the license fee structure.

Subd. 1. Requirement. Creates separate license categories for applicators, site managers, and companies. Requires all persons and companies who apply manure for hire or manage the application of manure for hire to obtain a license (a person who manages or applies manure on their employer's land would still be exempt). Licensed applicators must be supervised by a licensed site manager.

Subd. 3. License. All licenses are valid for one year, instead of the current three-year term. When a licensed applicator or manager applies manure or manages the

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application of manure, the company's license number must appear on the application equipment used.

Subd. 5. Renewal application. An applicant who meets license renewal requirements by taking a test instead of attending training workshops must pay a fee established by MDA.

Subd. 7. Application fee. Increases fees according to a new structure -- \$25/year for applicators, \$50/year for site managers, and \$100/year for companies. Late renewals trigger a 50 percent penalty. A duplicate license costs \$10.

- 42 Requirement.** Technical change corresponding to the previous section.
- 43 Commissioner's duties.** Modifies the Minnesota Organic Advisory Task Force to state that organic farming representatives must be "organic farmers," rather than "farmers using organic agriculture methods." Increases member terms from staggered two-year terms to three-year terms. Extends the task force's expiration date by three years to June 30, 2016.
- 44 Cellulosic biofuel production goal.** Expands an existing cellulosic *ethanol* production goal to a cellulosic *biofuel* production goal. (Unlike traditional ethanol, cellulosic ethanol is not produced from corn. Instead, the feedstock is a cellulosic material such as corn stalks, switchgrass or native prairie perennials.) Removes a reference to the E20-mandate language repealed in this article's repealer section.
- 45 Expiration.** Sets an expiration date of January 1, 2015, for the cellulosic goal modified above. (The cellulosic goal date is 2015.)
- 46 Definitions.** Defines the terms "biobased content" and "biobased formulated product" for purposes of the NextGen Energy Board.
- 47 Duties.** Expands the scope of the NextGen Energy Board to include examining the production potential of biobased content and biobased formulated products from agricultural and forestry feedstocks. Similarly, MDA's AGRI program appropriation in article 1 now allows the NextGen Board to recommend, and the agency to award, grants to entities that produce bioenergy, biobased content, or biobased formulated products.
- 48 Expiration.** Extends the expiration date for the NextGen Energy Board by one year to June 30, 2015.
- 49 Oversight.** Requires MDA to report annually to the legislature regarding any financial assistance provided by MDA to farmers and others under the agricultural growth, research, and innovation program.
- 50 Grant awards.** Modifies the agricultural growth, research, and innovation program to authorize three-year projects/grants. Requires MDA to reevaluate multiyear projects before authorizing additional funding. Limits projects to one (multiyear) grant.

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- 51** **Restructured loan agreement.** Modifies the Rural Finance Authority (RFA) Loan Restructuring program so that RFA may assess a penalty when a borrower prepays a loan.
- 52** **Expiration.** Extends the impending expiration date of the Minnesota Agriculture Education Leadership Council by five years.
- 53** **Definitions.** Modifies a workforce development statute that directs the Department of Employment and Economic Development and the Jobs Skills Partnership to promote job training that facilitates growth of the “green economy” in Minnesota. Eliminates a reference to a nonexistent “25%-bioenergy-by-2025” goal in chapter 41A. Directs the entities to instead promote job training opportunities that facilitate achievement of the petroleum replacement goal modified in section 63 below.
- 54** **Bond requirements; claims.** States that licensed grain buyers and licensed public grain warehouse operators must comply with the bond and claim requirements in Minnesota Statutes, chapter 232, “Grain Storage.”
- 55** **Bond determinations.** Requires the bond for a licensed public grain warehouse operator who also holds a grain buyer license to be set at the higher level of the two licenses. The entire bond would be available for claims filed against either license.
- 56** **Advanced biofuel.** Defines “advanced biofuel” for purposes of chapter 239 “Weights and Measures.”

The definition – as codified in the federal Renewable Fuel Standard, as amended – is: *renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the (United States Environmental Protection Agency) Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions. The types of fuels eligible for consideration as ‘advanced biofuel’ may include any of the following:*

- *Ethanol derived from cellulose, hemicellulose, or lignin.*
- *Ethanol derived from sugar or starch (other than corn starch).*
- *Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.*
- *Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.*
- *Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.*
- *Other fuel derived from cellulosic biomass.*

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- 57 Biofuel.** Defines “biofuel” for purposes of chapter 239 “Weights and Measures” and specifically the biofuel mandate in section 60. Biofuel is defined generally to include corn-derived ethanol and any advanced biofuel approved for sale by the United States Environmental Protection Agency under the federal Renewable Fuel Standard, as amended.
- 58 Conventional biofuel.** Defines “conventional biofuel” as ethanol produced from cornstarch for purposes of chapter 239 “Weights and Measures” and specifically the biofuel mandate established in section 60.

The exact definition – as codified in the federal Renewable Fuel Standard, as amended – is: *renewable fuel that is ethanol derived from corn starch.*

- 59 Gasoline.** Makes conforming changes to a statute that specifies which products may or may not be blended with gasoline so that a person could now blend biofuels other than ethanol.
- 60 Minimum biofuel content required.** Modifies the statute commonly referred to as the “ethanol mandate.” Expands the law from one requiring only ethanol, to a law that requires fuel blenders to use either ethanol or other biofuels in specified quantities. However, conventional (i.e., corn) ethanol must comprise at least a specified percentage of total biofuel sold until 2025. The required corn ethanol percentage decreases by specified amounts during that period.
- 61 Federal Clean Air Act waivers; conditions.** Eliminates a reference to the inactive “E20 mandate” language repealed in the repealer section at the end of this article and replaces “ethanol” with “biofuel”.
- 62 Limited liability waiver.** Eliminates a reference to the inactive “E20 mandate” language that is repealed at the end of this article.
- 63 Petroleum replacement promotion.**

Subd. 1. Petroleum replacement goal. Modifies the state’s petroleum replacement goal by decreasing the goal amount for 2015, adding additional intermediate goal levels, and increasing the 2025 goal from 25 percent to 30 percent of all gasoline sold in the state comprised of ethanol or other biofuels.

Subd. 2. Promotion of renewable liquid fuels. Modifies the activities that state agencies must perform in order to achieve the petroleum replacement goal. Requires the commissioners of agriculture, commerce, and pollution control to convene a formal task force to assist them. This new task force must coordinate efforts with existing, statutory renewable energy groups. Requires the commissioners to pursue federal approval of additional blends of ethanol and other biofuels. Requires the commissioners to facilitate the production and use of advanced biofuels in Minnesota and develop procedures to report the amount and type of biofuel used in the state. States that the new task force will expire on December 31, 2015.

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- 64** **Biobutanol.** Defines biobutanol for purposes of chapter 296A “Tax on Petroleum and Other Fuels.”
- 65** **Expiration.** Extends the sunset date for the Farmer-Lender Mediation Act by three years to June 30, 2016.
- 66** **Waste pesticide reporting; 2013, 2014, and 2015.** Modifies the waste pesticide collection program so that a person who collects waste pesticide under the program in 2013, 2014, or 2015 is not required to collect product information during those years. Requires MDA to examine existing waste pesticide collection data and trends to inform future collection strategies that better address the nature of waste pesticide streams. Requires MDA to report recommendations to the legislature.
- 67** **Pollinator report required.** Requires MDA to work with listed entities and prepare a pollinator report for submission to the legislature. The report must include at least the three specified elements.
- 68** **Revisor’s instruction.** Technical instruction to the Revisor of Statutes to renumber a subdivision and fix all references because language in section 28 will now be codified as section 18B.01, subdivision 4a.
- 69** **Repealer.** Eliminates existing laws that:
- sunset the Noxious Weed Advisory Committee and require the committee to perform certain activities including evaluating terrestrial plants and recommending whether and how MDA should regulate them pursuant to the noxious weed law (§ 18.91, subds. 3 and 5);
 - prohibit using public waters to fill pesticide application equipment if the person does not use a proper and functioning anti-backsiphoning device (§ 18B.07, subd. 6) – this prohibition is incorporated into section 30 above; and
 - require E20 fuel use statewide in 2015 if certain conditions are met (§ 239.791, subd. 1a).

Article 3: Environment and Natural Resources Appropriations**Overview**

This article contains the biennial appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), Metropolitan Council Parks and Trails, the Minnesota Conservation Corps, and the Minnesota Zoo.

- 1** **Summary of appropriations.** Summarizes the total appropriations by fund and fiscal year.
- 2** **Environment and natural resources appropriations.** Technical.

Section**3 Pollution Control Agency.**

Subd. 1. Total appropriation. Provides the total appropriation for the PCA.

Subd. 2. Water. Provides appropriations for water program activities.

Subd. 3. Air. Provides appropriations for air program activities.

Subd. 4. Land. Provides appropriations for land program activities.

Subd. 5. Environmental assistance and cross-media. Provides appropriations for the environmental assistance and cross-media activities.

Subd. 6. Remediation fund. Requires the commissioner to transfer up to \$46,000,000 from the environmental fund to the remediation fund.

4 Natural Resources.

Subd. 1. Total appropriation. Provides the total appropriation for the DNR.

Subd. 2. Land and mineral resources management. Provides appropriations for the lands and minerals division.

Subd. 3. Ecological and water resources. Provides appropriations for the ecological and water resources division.

Subd. 4. Forest management. Provides appropriations for the forestry division.

Subd. 5. Parks and trails management. Provides appropriations for the parks and trails division.

Subd. 6. Fish and wildlife management. Provides appropriations for fish and wildlife management.

Subd. 7. Enforcement. Provides appropriations for the enforcement division.

Subd. 8. Operations support. Provides appropriations for administrative support of the department and an appropriation for zoos from the lottery-in-lieu funds.

5 Board of Water and Soil Resources. Provides appropriations for BWSR.**6 Metropolitan Council.** Provides appropriations for metropolitan regional parks and trails.**7 Conservation Corps Minnesota.** Provides appropriations for the Minnesota Conservation Corps.**8 Zoological Board.** Provides an appropriation for the Minnesota Zoo.

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- 9 Transfers in.** Amends Laws 2010, ch. 215, art. 3, § 3, subd. 6, as amended. Reduces the repayment to the closed landfill fund from the general fund due July 1, 2014, and increases subsequent payments to make up the difference.

Article 4: Environment and Natural Resources Policy**Overview**

This article contains environment and natural resources policy provisions.

- 1 Waste management.** Amends § 13.7411, subd. 4. Provides a cross reference in the Data Practices Act to the provisions under the architectural paint product stewardship program established in this act involving trade secret and sales data information.
- 2 Federal law compliance.** Adds § 84.027, subd. 19. Allows the commissioner to establish, by written order, policies for the use and operation of power-driven mobility devices on lands and facilities administered by the DNR in order to implement the federal Americans with Disabilities Act and exempts the policies from rulemaking provisions.
- 3 Existing road right-of-way; fee exemption.** Adds § 84.415, subd. 7. Exempts utility crossings of existing right-of-ways from certain utility licensing fees effective July 1, 2014.
- 4 Conveyance of interests in lands to state and federal governments.** Amends § 84.63. Exempts counties and joint county regional railroad authorities from any fees for trail easements on state owned lands
- 5 Exchange of road easements.** Adds § 84.633.
- Subd. 1. Authority.** Allows the commissioner of natural resources to convey a road easement across state lands in exchange for a road easement across federal, state (or any of its subdivisions), or private lands. Prohibits an easement across state lands from causing significant adverse environmental or natural resources management impacts.
- Subd. 2. Substantially equal acres.** Requires the easements being exchanged to be of substantially equal acreage (not differing by more than 20 percent).
- Subd. 3. School trust lands.** States that easements on school trust lands issued to nongovernment entities are limited to 50 years (easements exchanged with the state may be 50 years or perpetual).
- Subd. 4. Terms and conditions.** Allows the commissioner to impose terms and conditions on the easements. Allows the commissioner to accept an easement with similar terms and conditions as the state easement.

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Subd. 5. Survey. Requires a governmental unit or private landowner to pay a survey fee of at least half the cost of a survey if the commissioner determines one is required.

Subd. 6. Application fee. Requires a private landowner or governmental unit (other than the state) to pay a \$2,000 application fee to cover the reasonable costs for reviewing and preparing the easement when presenting an offer of an easement exchange to the commissioner.

Subd. 7. Title. Requires a private landowner or governmental unit to submit an abstract of title or other title information for land the commissioner will receive an easement on if the commissioner determines it is necessary.

Subd. 8. Disposition of fees. Requires the survey fee required under subdivision 5 to be deposited in an account and statutorily appropriates the funds for those expenses. Requires the application fee required under subdivision 6 to be deposited in the land management account and statutorily appropriates the funds to the commissioner to cover the costs of preparing and issuing the easement and accepting the easement in exchange.

- 6 Nontrail use registration.** Adds § 84.82, subd. 2a. Allows a snowmobile that is not operated on a state or grant-in-aid snowmobile trail to be registered for nontrail use and subject to a reduced registration fee of \$45. States that violation of the subdivision results in immediate revocation of the registration. Requires the registration sticker to be distinguishable from other snowmobile registration and state trail stickers.
- 7 Fees for registration.** Amends § 84.82, subd. 3. Technical.
- 8 Sticker required.** Amends § 84.8205, subd. 1. Technical.
- 9 No registration weekend.** Adds § 84.922, subd. 14. Requires the commissioner to designate one weekend each year when unregistered ATVs and nonresident ATVs without a state trail pass may be operated on state and grant-in-aid ATV trails.
- 10 Prohibitions on youthful operators.** Amends § 84.9256, subd. 1. Increases the eligible age to receive an ATV safety certificate to 18 (from 16). Exempts those 12 to 15 from requirements to have a driver's license in order to operate an ATV on the bank, slope, or ditch of a public road right-of-way if they have a valid ATV safety certificate and are accompanied by a parent or legal guardian on a separate ATV.
- 11 Operation on roads and right-of-ways.** Amends § 84.928, subd. 1. Provides an exemption from ATV restrictions to allow a person to operate a class 2 ATV on the bank, slope, or ditch of a public road right-of-way of a trunk highway in order to access a business or make a trail connection and allows left hand turns from any part of the road if it safe. Allows a road authority or the commissioner (under certain circumstances) to restrict this activity using existing authorities.

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- 12** **Pollinator habitat program.** Adds § 84.973. Requires the DNR to develop best management practices and habitat restoration guidelines for pollinator habitat enhancement. These practices and guidelines must be used on all state lands and must be condition of any contract for habitat work on DNR lands. Requires prairie restorations conducted on state lands or with state funds to include an appropriate diversity of native species to provide habitat throughout the growing season.
- 13** **Permit requirements.** Amends § 84D.108, subd. 2. Exempts a person working for a service provider from invasive species training requirements applicable to employees of such providers if water-related equipment or structures removed or installed by the person remain on riparian property owned by the permittee and are only removed from and placed into the same water. A “service provider” is an “individual who or entity that installs or removes water-related equipment or structures from waters of the state for hire or as a service provided as a benefit of membership in a yacht club, boat club, marina, or similar organization.”
- 14** **Arrowhead Regional Trails, Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** Amends § 85.015, subd. 13. Extends the Matthew Lourey Trail to Chengwatana State Forest.
- 15** **State park reservation system.** Amends § 85.052, subd. 6. Requires the funds from the state park reservation fee to be deposited in the state park account and provides a statutory appropriation of the funds to the DNR for the costs of the reservation system (effective retroactively to March 1, 2012).
- 16** **Military personnel; exemption.** Amends § 85.053, subd. 8. Exempts a motor vehicle from state park permit requirements that is being used by military personnel or their dependents who have a federal pass for access to federal recreation sites issued to military personnel.
- 17** **La Salle Lake State Recreation Area.** Adds § 85.054, subd. 18. Prohibits a state park permit or fee from being required for a motor vehicle to enter, use, or park in the La Salle Lake State Recreation Area unless the occupants enter, use, or park in a developed overnight or day-use area.
- 18** **Fees.** Amends § 85.055, subd. 1. Last session, a law was passed that extended eligibility for special state park passes for the disabled to those who have an interagency access pass for residents with permanent disabilities issued by the federal government under the Federal Lands Recreation Enhancement Act. The special state park passes allow the user to pay a reduced fee. This act updates a cross reference that was missed in the original legislation so that the reduced fee applies (\$12 compared to the regular \$25 pass).
- 19** **Fee deposit and appropriation.** Amends § 85.055, subd. 2. Technical.
- 20** **User fee; validity.** Amends § 85.42. Establishes, in statute, the process for issuing a duplicate cross-country ski pass for those that are lost or destroyed and a fee of \$2 for the duplicate pass. The fee is currently established in Minnesota Rules.

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- 21 Forest management investment account; cost certification.** Amends § 89.0385. Allows for quarterly transfers to the forest management investment account to cover the certified costs for forest management activities during a fiscal year.
- 22 Scaler.** Amends § 90.01, subd. 4. Clarifies that a scaler is also someone qualified to measure timber.
- 23 State appraiser.** Amends § 90.01, subd. 5. Clarifies that a state appraiser is also someone designated by the commissioner to appraise timber and other forest resource products.
- 24 Timber.** Amends § 90.01, subd. 6. Clarifies the definition of timber to include shrubs and plants and include additional forest products such as woody biomass.
- 25 Permit holder.** Amends § 90.01, subd. 8. Technical.
- 26 Effective permit.** Amends § 90.01, subd. 11. Technical.
- 27 Timber rules.** Amends § 90.031, subd. 4. Modifies the Executive Council's authority for establishing rules for state timber transactions to apply to tracts exceeding 12,000 cords (rather than 6,000 cords as currently allowed). The Executive Council includes the following members: governor, lieutenant governor, secretary of state, state auditor, and attorney general.
- 28 Trespass on state lands.** Amends § 90.041, subd. 2. Removes the requirement that the DNR seek approval of the attorney general when settling claims for casual and involuntary trespass upon state lands or timber and instead requires notification. Modifies the requirement that the DNR advise the Executive Council on trespass issues by requiring this only upon request.
- 29 Forest improvement contracts.** Amends § 90.041, subd. 5. Expands the scope of forest improvement work activities that may be done as part of a contract with a purchaser of state timber. Allows the commissioner to combine the bid value received in the timber sale and the contract bid costs when awarding the contracts and allows the commissioner to refuse or accept any bids and cancel any forest improvement contract for "good and sufficient reasons."
- 30 Sale of damaged timber.** Amends § 90.041, subd. 6. Expands the ability of the commissioner to sell damaged timber by including timber damaged by insect or disease.
- 31 Reoffering unsold timber.** Amends § 90.041, subd. 9. Expands the ability of the commissioner to reoffer timber tracts that did not sell by removing the requirement that such offers be for the purpose of maintaining and enhancing forest ecosystems on state forest lands.
- 32 Fees.** Adds § 90.041, subd. 10. Allows the commissioner to establish a fee schedule to cover the costs of issuing, administering, and processing timber related permits and exempts the fees from rulemaking.

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- 33 Debarment.** Adds § 90.401, subd. 11. Allows the commissioner to debar a permit holder for one to three years if they have been convicted at the gross misdemeanor or felony level for willful trespass, theft, fraud, or antitrust violations related to timber. Requires the commissioner to cancel and repossess the permit involved in the crime and all other permits after taking all security deposits the state is entitled to. Prohibits the debarred permit holder from bidding, possessing or being employed on any state permit during the debarment.
- 34 Appraisal standards.** Amends § 90.045. Technical.
- 35 Appraiser authority; form of documents.** Amends § 90.06, subd. 8. Technical.
- 36 Sale requirements.** Amends § 90.101, subd. 1. Extends the amount of time the commissioner may offer unsold timber from six months to one year.
- 37 Intermediate auction sales; maximum lots of 3,000 cords.** Amends § 90.121. Allows unsold timber from intermediate auction sales to be sold at appraised value to any responsible bidder after a period of 30 days (currently, only a person employing 30 or less employees may be offered the unsold timber).
- 38 Purchaser qualifications, registration, and requirements.** Amends § 90.145. Modifies the requirements of purchasers of state timber permits and registration system requirements.
- 39 Issuance; expiration.** Amends § 90.151, subd. 1. Reduces the amount of time a purchaser of a timber permit has to sign the permit from 60 days to 45 days. Provides the commissioner with the option to allow up to ten additional days (up from five days) for a purchaser to sign a permit provided the purchaser pays a fee (the fee was also increased from \$125 to \$200). Allows a permit holder to request an additional 90 days to complete skidding, hauling and removal of equipment and buildings and states that all timber, equipment and buildings remaining after expiration become property of the state. Currently, the timber, equipment, and buildings become property of the state 90 days after the expiration of the permit (a permit holder is not required to request the additional 90 days).
- 40 Permit requirements.** Amends § 90.151, subd. 2. Requires permits to provide for the continuous control of the cut timber from time of cutting until delivery to the consumer.
- 41 Security provisions.** Amends § 90.151, subd. 3. States that permits shall require that the purchaser is liable to the state for the full permit price of all timber covered by the permit once cutting of the timber begins (currently this is required at the time the permit becomes effective). States that the purchaser is liable only for the down payment and bid guarantee if the permit is forfeited prior to cutting.
- 42 Permit terms.** Amends § 90.151, subd. 4. Technical, including technical changes necessary to conform with the changes in the previous section.
- 43 Notice and approval required.** Amends § 90.151, subd. 6. Technical.
- 44 Liability for timber cut in trespass.** Amends § 90.151, subd. 7. Technical.

Section

- 45 Suspension; cancellation.** Amends § 90.151, subd. 8. States that a permit may be suspended or cancelled when the conditions of the permit have not been complied with (rather than when “in the commissioner’s judgment” the conditions have not been complied with).
- 46 Slashings disposal.** Amends § 90.151, subd. 9. Allows the permit to require the treatment of slashings or other refuse, in addition to disposal.
- 47 Security deposits required for effective timber permits.** Amends § 90.161. Clarifies that the commissioner may take the amount of money from the security deposit the state is entitled to in the event of a default and provides the process for returning any funds to the permit holder. Allows the purchaser to change the security deposit prior to cutting and allows the commissioner to retain the down payment and bid guarantee deposit similar to the new forfeiture procedures before cutting. Updates and recodifies language from section 90.173 (repealed in this act) into this section. Requires any security required to be returned to the purchaser within 60 days after the final sale.
- 48 Securing timber permits with cutting blocks.** Amends § 90.162. Technical.
- 49 Timber permit development option.** Adds § 90.164. Allows a permit holder to access the permit area in advance of the permit becoming effective to clear approved landings and logging roads (replaces section 90.163 which is repealed in this act).
- 50 Assignment of auction timber permits.** Amends § 90.171. Technical.
- 51 Deferred payments.** Amends § 90.181, subd. 2. Technical.
- 52 Sale requirements.** Amends § 90.191, subd. 1. Increases the number of informal permits a person may hold before they become ineligible for additional permits from two to four and eliminates the existing exemptions to the restrictions. Informal permits are those that are for 500 cords or less that the commissioner is allowed to offer without the formalities required of larger sales.
- 53 Extension of timber permits.** Amends § 90.193. Technical.
- 54 Special use and product permit.** Amends § 90.195. Allows the commissioner to issue special product permits for incidental timber from approved right-of-way road clearings and for other products derived from forest management activities under certain conditions.
- 55 Prompt payment of refunds.** Amends § 90.201, subd. 2a. Technical.
- 56 Purchase money, when forfeited.** Amends § 90.211. Technical.
- 57 Timber sales records.** Amends § 90.221. Technical.
- 58 Consumer scaling.** Amends § 90.252, subd. 1. Technical.
- 59 Seizure of unlawfully cut timber.** Amends § 90.301, subd. 2. Technical.

Section

- 60** **Apprehension of trespassers; reward.** Amends § 90.301, subd. 4. Technical.
- 61** **Violations and penalty.** Amends § 90.41, subd. 1. Technical.
- 62** **Scram mining.** Adds § 93.46, subd. 10. Establishes a definition of “scram mining” for purposes of mining and land reclamation provisions.
- 63** **Term of permit; amendment.** Amends § 93.481, subd. 3. Requires scram mining permits to be determined in the same manner as a permit to mine iron ore or taconite.
- 64** **Drill core library access.** Adds § 93.61. Prohibits a person from being charged a fee in order to access data stored at the drill core library in Hibbing and requires the library to be open during regular business hours.
- 65** **Taking, possessing, and transporting wild animals for certain purposes.** Amends § 97A.401, subd. 3. Allows nonresident professional wildlife rehabilitators with a federal rehabilitation permit to possess and transport wildlife affected by oil spills.
- 66** **Driftless area water resources.** Adds § 103G.217. Prohibits silica sand excavation or mining within one mile of a designated trout stream in the driftless area of the state (found in southeastern Minnesota) unless a permit is issued by the DNR. Establishes requirements for the permit and allows the commissioner to assess a project proposer a fee to cover the costs of issuing the permit.
- 67** **Diversion greater than 2,000,000 gallons per day.** Amends § 103G.265, subd. 2. Modifies the criteria that must be met when the DNR approves a water use permit that involves a diversion of water of more than 2,000,000 gallons per day to a place outside the state or water basin of origin to require that groundwater use is sustainable as required under existing water use permit requirements. Removes the requirement that the diversions receive legislative approval.
- 68** **Consumptive use of more than 2,000,000 gallons per day.** Amends § 103G.265, subd. 2. Modifies criteria that must be met when approving a water use permit that involves the consumption of more than 2,000,000 gallons of water per day to require that groundwater use is sustainable as required under existing water use permit requirements. Removes the requirement that the consumptive use receive legislative approval.
- 69** **Permit required.** Amends § 103G.271, subd. 1. Technical.
- 70** **Minimum use exemption and local approval of low use permits.** Amends § 103G.271, subd. 4. Codifies existing minimum water use thresholds used by the commissioner of natural resources when determining the need for water appropriation permits.

Section

- 71 Applications for groundwater appropriations; preliminary well construction approval.** Amends § 103G.287, subd. 1. Requires the DNR to assess information submitted by a person proposing to drill a new well under the new requirements established in this article and provide a preliminary approval letter to the person if the water appropriation is expected to meet applicable requirements.
- 72 Groundwater management areas.** Amends § 103G.287, subd. 4. Allows the commissioner of natural resources to require water appropriation permits for those using water in amounts below current thresholds that trigger water appropriation permit requirements (currently 10,000 gallons per day or 1,000,000 gallons per year) in ground water management areas designated by the commissioner. Allows the commissioner to waive certain permit requirements and exempts the permits from fee requirements.
- 73 Sustainability standard.** Amends § 103G.287, subd. 5. Refers to the requirement that groundwater appropriation permits be allowed only when the use is “sustainable to supply the needs of future generations and the proposed use will not harm ecosystems, degrade water, or reduce water levels beyond the reach of public water supply and private domestic wells constructed according to Minnesota Rules, chapter 4725” as a “sustainability standard.”
- 74 Notification required.** Amends § 103I.205, subd. 1. Requires a person to submit certain information to the DNR prior to drilling a well that will need an appropriation permit and may begin construction after receiving preliminary approval from the commissioner.
- 75 Expenditures; accountability.** Amends § 114D.50, subd. 4. Allows money from the clean water fund to be used to leverage federal funds through project partnership agreements.
- 76 Wastewater laboratory certification.** Adds § 115.84.

Subd. 1. Wastewater laboratory certification required. Requires labs performing wastewater or other water analysis to be sent to the PCA to determine compliance with national pollutant discharge elimination system (NPDES) permit requirements or other regulatory documents to be certified. Exempts private for-profit labs and those performing drinking water or remediation program analyses from these requirements. Requires the labs to register with the agency or be certified by a recognized certification authority until the agency adopts rules governing the certification requirements.

Subd. 2. Rules. Allows the agency to adopt rules governing the certifications, including fees.

Subd. 3. Fees. Requires the agency to collect fees that cover the reasonable costs of the certification program until the fees established in rule are adopted. Requires the fees to be based upon the number, type, and complexity of the analytical methods the lab performs. Requires revenue from the fees to be deposited in the environmental fund.

Section

Subd. 4. Enforcement. Allows the commissioner to deny, suspend, or revoke a certification. Allows the rules adopted under this section to be enforced through a number of means, including civil and criminal penalties.

77 Duties of the agency. Amends § 115A.1320, subd. 1. Technical.

78 Architectural paint; program; product stewardship plan. Adds § 115A.1415. Requires that waste collection and recycling programs in Minnesota for architectural paint be organized and implemented by paint manufacturers.

- After July 1, 2014, no architectural paint may be sold in Minnesota by a producer or retailer unless its producer is a participant in a product stewardship plan approved by the Pollution Control Agency, either individually or through membership in a Product Stewardship Organization that produces a collective plan for its producer members.
- Product stewardship plans, and any changes to them, must be approved by the PCA and updated at least every five years. Plans must:
 - ▶ state that a product stewardship program will accept all discarded paint, regardless of producer;
 - ▶ organize a system to collect discarded paint (without an end-of-life fee);
 - ▶ include names and locations of collectors, transporters, and recyclers; describe the methods of recycling to be used;
 - ▶ describe promotion and outreach strategies to advertise the program to the public;
 - ▶ propose a uniform “stewardship assessment” to be placed on all paint sold in the state; and
 - ▶ list five-year performance goals.
- Producers participating in a plan are provided immunity from liability for conduct under state antitrust and restraint of trade laws, to the extent that conduct is necessary to implement a product stewardship plan.
- A retailer must include the stewardship assessment fee in the price of the paint it sells.
- A Product Stewardship Organization or individual producer must report annually to the PCA regarding activities under these statutes.
- Local units of government may participate voluntarily in a product stewardship program for paint.

Section

- The Product Stewardship Organization annually submits a fee to the PCA to reimburse the agency's costs to administer the programs. After the first program year, the fee is capped so that the total collected does not exceed five percent of the total amount of stewardship assessment fees collected.

- 79 Report to legislature and governor.** Adds § 115A.142. Requires the PCA to report to the governor and legislature on the implementation of the previous section by the end of 2013 and every four years thereafter.
- 80 Report to legislature.** Amends § 115B.20, subd. 6. Changes the legislative report requirement for certain activities funded from the remediation fund from annual to biennial.
- 81 Duties.** Amends § 115B.28, subd. 1. Changes the legislative report requirement for certain activities funded from the remediation fund from annual to biennial.
- 82 Closed landfill investment fund.** Amends § 115B.421. Strikes language no longer applicable.
- 83 Corrective action.** Amends § 115C.02, subd. 4. Modifies the definition of corrective action for purposes of the Petroleum Tank Release Cleanup Act to include environmental covenants under Minnesota Statutes, chapter 114E, an affidavit under section 116.48, or similar notice of a release recorded with real property records.
- 84 Expenditures.** Amends § 115C.08, subd. 4. Allows the agency to acquire interests in real property, including easements and environmental covenants, with funds from the petroleum tank fund.
- 85 Disposition of property acquired for corrective action.** Amends § 115C.08, subd. 6. Allows the commissioner to transfer land acquired for a corrective action that is no longer needed to be sold or held by another state agency, or dispose of it according to federal law, if applicable. Allows the commissioner to transfer property acquired for a corrective action to another state agency, political subdivision, or special district that agrees to accept the property and allows the commissioner to set the terms and conditions for the transfer. Requires proceeds from sales of land under this subdivision to be deposited in the petroleum tank fund or other appropriate fund.
- 86 Toxic pollution prevention evaluation report.** Amends § 115D.10. Requires reports to be submitted every four years, rather than biennially.
- 87 Affidavit.** Amends § 116.48, subd. 6. Allows the commissioner to require owners of property to file an affidavit with the county as part of a corrective action resulting from a petroleum tank release that details the owners name, tank location, tank description, description of any known tank release, and any restrictions on the property as a result of a tank release. States that fail to record an affidavit does not affect the transfer of ownership of the property.

Section

- 88** **Membership.** Amends § 116C.03, subd. 2. Changes one of the members of the Environmental Quality Board (EQB) from the director of the Office of Strategic and Long-Range Planning to the commissioner of administration.
- 89** **Support.** Amends § 116C.03, subd. 4. Requires the PCA to provide staffing to the EQB (previously the Department of Administration provided staff and support of the board).
- 90** **Administration.** Amends § 116C.03, subd. 5. Requires the EQB to contract with the PCA for administrative services.

- 91** **Silica sand mining model standards and criteria.** Adds § 116C.99.

Subd. 1. Definitions. Defines various terms for purposes of certain silica sand related sections established in this act.

Subd. 2. Standards and criteria. Requires the Environmental Quality Board (EQB), in consultation with local units of government, to develop model standards and criteria for mining, processing, and transporting silica sand that local governments may use when developing local ordinances. Requires the standards and criteria to include a number of items, including various setback requirements, groundwater and surface water requirements, criteria related to air quality, noise requirements, inspection requirements, reclamation requirements and financial assurance requirements.

Subd. 3. Silica sand technical assistance team. Requires the EQB to assemble a silica sand technical assistance team by October 1, 2013, to provide local governments with assistance with ordinance development, zoning, environmental review, and permitting, and other issues related to silica sand. Specifies the agencies and institutions the members may be drawn from.

Subd. 4. Consideration of technical assistance team recommendations. Requires local government units, who have requested assistance from the technical assistance team, to consider any findings or recommendations related to a proposed silica sand project that the team has for the protection of human health and the environment when approving or denying a project. Requires a silica sand project proposer to cooperate in providing local government and members of the technical assistance team with information regarding the project. Allows a local unit of government to assess a project proposer for reasonable costs of the technical assistance team.

- 92** **Environmental review; silica sand project.** Adds § 116C.991. Requires, for a two-year period, an environmental assessment worksheet (EAW) to be prepared for any silica sand project that meets certain thresholds. Establishes additional requirements for EAWs conducted under this section.
- 93** **Technical assistance, ordinance, and permit library.** Directs the EQB, in consultation with local governments, to establish a library of ordinances and permits that have been approved for regulation of silica sand mines.

Section

- 94** **Groundwater; environmental assessment worksheets.** Adds § 116D.04. Requires EAWs for projects with the potential to require a groundwater appropriation permit to identify all sources of water available for appropriation.
- 95** **Timber sales; land leases and uses.** Amends § 282.04, subd. 1. Allows a county to set the terms and conditions of timber sales on tax-forfeited lands.
- 96** **Discontinuance of Hennepin County Soil and Water Conservation District; transfer of duties.** Allows the Hennepin County Board to petition BSWR to discontinue the Hennepin Soil and Water Conservation District and transfer powers and duties to the county board.
- Requires BWSR to approve the discontinuance if BWSR finds that progress toward the goals of the soil and water conservation act can be achieved by doing so. Allows the discontinuance without a referendum and provides for the transfer of duties and assets of the district to the county board.
- Permits the county to petition BWSR to reestablish the district and allows BWSR to approve reestablishing the district without a referendum.
- States that the section is effective upon local approval by the county board
- 97** **Report to the legislature.** Amends § 473.846. Eliminates a legislative report requirement on the status and spending from the metropolitan landfill contingency action trust account.
- 98** **Parks.** Amends Laws 2010, ch. 361, art. 3, § 7. Allows the Minneapolis Park and Recreation Board to recreate and restore Hall's Island in the Mississippi River notwithstanding existing DNR rules against placing fill in public waters. Requires the DNR to issue any permits or other authorizations for the project provided the project is otherwise consistent with DNR rules. States that the authority to construct the island expires after six years. Requires the project to be coordinated with future efforts to restore habitat and requires the island to remain in public ownership. Limits public access and activities to a walking trail to protect wildlife.
- 99** **North Mississippi Regional Park.** Adjusts the boundaries of North Mississippi Regional Park and allows funds appropriated for the park to be used to provide visitor amenities, including construction of a natural filtration swimming pool and a building for park users.
- 100** **Wastewater treatment systems; beneficial use.** Requires the PCA to apply funding criteria for wastewater treatment system projects that assign 30 points to projects that will treat wastewater for reuse that will reduce or replace an existing water uses, excluding land discharge. The funding criteria is used to prioritize projects for funding for purposes of grant and loan programs administered by the Public Facilities Authority. The agency is currently in the process of updating rules governing the prioritization criteria.
- 101** **Permit cancellation.** Requires the commissioner to cancel certain timber permit provisions related to balsam fir if the permits were sold prior to September 1, 2012, and the permit holder requests the cancellation before June 1, 2015.

Section

- 102** **Groundwater sustainability recommendations.** Requires the commissioner of natural resources to develop recommendations and tools to fully implement existing groundwater sustainability requirements and submit the recommendations to the legislature by January 15, 2014.
- 103** **Rulemaking; possession and transportation of wildlife.** Allows the commissioner to use the good cause exemption from rulemaking when amending rules to conform with a prior section allowing for the possession and transportation of wildlife affected by oil spills by certain federally permitted nonresidents.
- 104** **Rulemaking; display of paddle board license numbers.** Requires the commissioner of natural resources to amend Minnesota Rules to exempt paddle boards from the requirement to display license certificates and numbers in the same manner as other nonmotorized watercraft. Allows the commissioner to use the good cause exemption from rulemaking in making the amendments.
- 105** **Rulemaking; silica sand.** Requires the PCA to adopt rules for control of particulate emissions related to silica sand mines. Requires the DNR to adopt rules on reclamation related to silica sand mines. Requires the Department of Health to adopt an air quality health advisory for silica sand. Requires the EQB to amend environmental review rules for silica sand mining and processing and consider the two-year requirements established in this act when amending the rules.
- 106** **Interim ordinance extension or renewal.** Allows a local government to extend an interim ordinance or renew an expired ordinance prohibiting a silica sand project for one year and to extend the ordinance an additional year by resolution. Provides a retroactive effective date of March 1, 2013.
- 107** **Rulemaking; fugitive emissions.** Amends a current rule to specify that fugitive emissions of air pollutants – those that “could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening” – and secondary pollutants – emissions that react when airborne to form pollutants – shall not be counted towards a facility’s “potential to emit,” the size of which determines whether the facility needs to obtain an air quality permit from the agency.
- 108** **Repealer.** Repeals sections 90.163 (performance deposit option for advanced clearing of roads, etc.); 90.173 (cash deposit in lieu of bond for timber permits); and 90.41, subdivision 2 (failure to mark timber penalty); and 103G.265, subdivision 2a (guidance for legislative approval of water diversions). Repeals Minnesota Rules, chapter 7021 (acid disposition standards); Minnesota Rules, parts 9210.0300 to 9210.0380 (solid waste processing facility demonstration program); and Minnesota Rules, part 9220.0530 (waste tire transportation identification requirements). Repeals Laws 2011, First Special Session ch. 2, art. 4, § 30 (restrictions on state tree nursery plantings and sales).

Section**Article 5: Sanitary Districts****Overview**

This article recodifies, modifies, and expands statutory language governing sanitary districts, including switching oversight over the sanitary district process from the MPCA to the Office of Administrative Hearings (OAH).

- 1 Special taxing districts; definition.** Amends § 275.066. Technical.
- 2 Definitions.** Adds § 442A.01. Recodifies definitions from section 115.18 and chapter 414.
- 3 Applicability.** Adds § 442A.015. States that all new and previously formed sanitary districts must comply with this chapter which switches oversight over the sanitary district process to the OAH.
- 4 Sanitary districts; procedures and authority.** Adds § 442A.02. Recodifies, modifies, and combines language from chapters 414 and 115. Specifies the procedures to be used to create a sanitary district. Provides the chief administrative law judge with rulemaking authority including establishing fees and provides authority to adopt initial rules that are exempt from the rulemaking process.
- 5 Filing of maps in sanitary district proceedings.** Adds § 442A.03. Requires a party initiating a sanitary district proceeding that includes platted land to file maps with the chief administrative law judge (similar to the procedure used when a municipality initiates a boundary adjustment under chapter 414).
- 6 Sanitary district creation.** Adds § 442A.04. Establishes the process for creating a sanitary district.
- 7 Sanitary district annexation.** Adds § 442A.05. Establishes the process for the annexation of adjacent area into a sanitary district.
- 8 Sanitary district detachment.** Adds § 442A.06. Establishes the process for the detachment of an area within a sanitary district.
- 9 Sanitary district dissolution.** Adds § 442A.07. Establishes the process for the dissolution of a sanitary district.
- 10 Joint public informational meeting.** Adds § 442A.08. Requires a joint public informational meeting of local governments of any proposed sanitary district creation, annexation, detachment, or dissolution (similar to the requirement for a joint public meeting for annexations under section 414.0333).
- 11 Annexation by order of Pollution Control Agency.** Adds § 442A.09. Codifies and modifies language from section 414.0335. Allows the MPCA to order sanitary district annexations under existing authorities under section 115.49.

Section

- 12** **Petitioners to pay expenses.** Adds § 442A.10. Recodifies section 115.22 and expands it to provide rulemaking authority for the OAH to establish fees necessary to support the preparation and submission of sanitary district petitions. Fees are required to be deposited in the environmental fund and the costs of hearings are no longer required to come out of funds appropriated to the agency.
- 13** **Time limits for orders; appeals.** Adds § 442A.11. Establishes time limits for orders and grounds for appeals similar to those established from municipal boundary adjustments under section 414.07.
- 14** **Chief administrative law judge may appeal from district court.** Adds § 442A.12. Allows the chief administrative law judge to appeal a district court order or judgment under the Rules of Civil Appellate Procedure (as allowed for municipal boundary adjustments under chapter 414).
- 15** **Uniform procedures.** Adds § 442A.13. Establishes uniform procedures similar to the procedures for municipal boundary adjustments under chapter 414.
- 16** **District board of managers.** Adds § 442A.14. Recodifies section 115.23.
- 17** **Board organization and procedures.** Adds § 442A.15. Recodifies section 115.24.
- 18** **District status and powers.** Adds § 442A.16. Recodifies section 115.25.
- 19** **Specific purposes and powers.** Adds § 442A.17. Recodifies section 115.26.
- 20** **District projects and facilities.** Adds § 442A.18. Recodifies section 115.27.
- 21** **Control of sanitary facilities.** Adds § 442A.19. Recodifies section 115.28.
- 22** **District programs, surveys, and studies.** Adds § 442A.20. Recodifies section 115.29.
- 23** **General and statutory city powers.** Adds § 442A. 21. Recodifies section 115.30.
- 24** **Advisory committee.** Adds § 442A.22. Recodifies section 115.31.
- 25** **Board powers.** Adds § 442A.23. Recodifies section 115.32.
- 26** **Tax levies, assessments, and service charges.** Adds § 442A.24. Recodifies section 115.33.
- 27** **Borrowing powers; bonds.** Adds § 442A.25. Recodifies section 115.34.
- 28** **Funds; district treasury.** Adds § 442A.26. Recodifies section 115.35.
- 29** **Effect of district ordinances and facilities.** Adds § 442A.27. Recodifies section 115.36.
- 30** **Application.** Adds § 442A.28. Recodifies section 115.37.

Section

- 31** **Chief administrative law judge's powers.** Adds § 442A.29. Allows the chief administrative law judge to require alternative dispute resolution processes as is allowed for municipal boundary disputes.
- 32** **Repealer.** Repeals sections 115.18 through 115.37 (existing sanitary district provisions).
- 33** **Effective date.** Provides an effective date of August 1, 2013, for the article unless otherwise provided.