

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill appropriates money for the 2014-2015 biennium to state agencies 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 would fund 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, as grouped into four categories.

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

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**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 program. Requires annual reporting including specified accomplishment areas. Specifies requirements for any bioenergy grants awarded by MDA pursuant to 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) and the governor's omnibus agriculture budget bill (H.F. 473). This article includes additional provisions regarding biofuels, pesticide applicator training materials, and the Minnesota Agriculture Education Leadership Council.

**1 Cooperation with federal agencies.** Authorizes MDA to spend federal money according to applicable federal regulations and rate structures.

**2 Promotional expenditures.** Authorizes MDA to spend agricultural marketing and promotional appropriations in the same manner as a private person or organization.

**3 Definitions.** Modifies the livestock investment grant program 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.

**4 Purpose.** Authorizes MDA, in consultation with named state agencies, to implement the new voluntary program. Requires an initial pilot program in selected watersheds until MDA determines the program is ready for expansion.

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- 5**        **Definitions.** Defines key terms.
- 6**        **Certification instrument.** Requires MDA, in consultation with named 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.
- 7**        **Certifying agent license.** Requires a license for each person who performs the required farm certification services. MDA would set the license fee. A licensed certifying agent could not 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 the state, 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. In addition, a person must pass an exam and meet continuing education requirements.
- 8**        **Duties of a certifying agent.** Requires an agent to use the certification instrument to assess whether a farmer is eligible for the 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.
- 9**        **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. If a certified farmer obtains control of additional farmland, the farmer must notify the certifying agent and certify the new farmland within one year. MDA may terminate the farmer's certification for failure to do so. 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 above.
- 10**       **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 new water protection laws 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.
- 11**       **Audits.** Requires MDA to randomly audit certifying agents and certified farmers.
- 12**       **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 available.
- 13**       **Rulemaking.** Authorizes MDA to issue rules to implement the program.
- 14**       **Reports.** Requires MDA to report biennially to the legislature.

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- 15 Financial assistance.** Authorizes MDA to use gifts or other state accounts to issue grants, loans, or other financial assistance.
- 16 Control.** Modifies the definition of “control” for purposes of the noxious weed law. Control would mean managing or preventing maturation and spread of a noxious weed, rather than destroying all or part of aboveground growth.
- 17 Eradicate.** Modifies the definition of “eradicate” for purposes of the noxious weed law. Eradicate would mean destroying all above- and belowground parts, rather than destroying aboveground growth and roots.
- 18 Permanent pasture, hay meadow, woodlot, or other noncrop area.** Replaces “and” with “or” so that this term applies to each land type individually and collectively.
- 19 Propagating parts.** Expands the definition of “propagating parts” to apply to all plant parts capable of producing a new plant.
- 20 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.
- 21 Weed control agreement.** Modifies the name of an authorized government-landowner weed control agreement by removing the adjective “cooperative.”
- 22 Training for control or eradication of noxious weeds.** Modifies a reference to University of Minnesota Extension.
- 23 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.”
- 24 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 exception must ensure that all material is secured in order to prevent escape during transport.
- 25 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.
- 26 Membership.** Expands membership of the Noxious Weed Advisory Committee to include representatives of the Minnesota Association of County Land Commissioners and others as needed.
- 27 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 permit program.

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- 28 Disposal site requirement.** Modifies the waste pesticide collection program so that a person who collects waste pesticide under the program during the remainder of 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 legislative agriculture committees by January 15, 2015.
- 29 Pesticide storage safeguards.** Prohibits storing pesticide in any location with an open drain.
- 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 would be repealed at the end of this article.) Requires that backflow prevention devices comply with and be installed according to the Minnesota Plumbing Code. Requires additional equipment to 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 an existing prohibition on cleaning or filling pesticide application equipment in or adjacent to waters. Prohibits filling or cleaning pesticide application equipment where pesticide or pesticide-contaminated materials could enter ditches, surface water, groundwater, wells, drains, or sewers. Per the incorporated Minnesota Rule, the minimum well setback for a safeguarded area used to fill or clean pesticide application equipment would be 50 feet if the area is covered with a permanent watertight roof, or 100 feet if the area lacks such a roof.
- 32 Registration application and gross sales fee.** Allows MDA to retain erroneously paid 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 education institutions, in addition to the University of Minnesota. Requires that education and training programs address several additional or modified topics. Specifies that education planning committees must include 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.

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- 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 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 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 information required by an MDA form. Eliminates the requirement that plans must be available for MDA inspection.
- 40**      **Commercial animal waste technician.** Modifies the commercial animal waste technician licensing program.
- Subd. 1. Requirement.** Creates separate license categories for applicators, site managers, and companies. Requires all persons and companies who apply manure or manage the application of manure 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 would be valid for one year, instead of the current three-year term. When a licensed applicator or manager applies or manages the application of manure, the company's license number would have to 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 would be required to pay a fee established by MDA.
- Subd. 7. Application fee.** Fees would increase according to a new structure -- \$25/year for applicators, \$50/year for site managers, and \$100/year for companies. Late renewals would trigger a 50 percent penalty. A duplicate license would cost \$10.
- 41**      **Requirement.** Technical change corresponding to the previous section.
- 42**      **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.
- 43**      **Cellulosic biofuel production goal.** Expands an existing cellulosic *ethanol* production goal to a cellulosic *biofuel* production goal. (Unlike traditional ethanol, cellulosic ethanol is not

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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.

- 44 Expiration.** Sets an expiration date of January 1, 2015, for the cellulosic goal modified above. (The cellulosic goal date is 2015.)
- 45 Definitions.** Defines the terms “biobased content” and “biobased formulated product” for purposes of the NextGen Energy Board.
- 46 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.
- 47 Expiration.** Extends the expiration date for the NextGen Energy Board by one year to June 30, 2015.
- 48 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.
- 49 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.
- 50 Expiration.** Extends the impending expiration date of the Minnesota Agriculture Education Leadership Council by five years.
- 51 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 an erroneous reference to the “25%-bioenergy-by-2025” goal in chapter 41A. Directs the entities to promote job training opportunities that facilitate achievement of the petroleum replacement goal modified below.
- 52 Contiguous land.** (a) Removes the requirement that the land an owner voluntarily elects to be condemned as part of an eminent domain proceeding for construction of a high-voltage transmission line be commercially viable.
- Provides a utility 60 days to object to a landowner's election of the amount of contiguous land to be condemned under this subdivision. If an objection is filed, the district court must hold a hearing to determine whether to uphold or reject it within 90 days of the objection.
- (b) Specifies that certain provisions of chapter 117 governing condemnations – including reimbursement to landowners for attorneys' fees and appraisal fees, and compensation for loss of an on-going business – apply to the acquisition of land under the “Buy the Farm” statute.
- (c) Provides a utility 90 days to make a written offer to a landowner that has elected to require the condemnation of additional contiguous land.

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(d) Defines “owner.”

Effective the day after enactment and applies to eminent domain proceedings or actions pending on or after that date.

**53 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.”

**54 Bond determinations.** Requires the bond for a licensed public grain warehouse operator who also holds a grain buyers’ license to be set at the higher level of the two licenses. The entire bond would be available for claims filed against either license.

**55 Advanced biofuel.** Defines “advanced biofuel” for purposes of chapter 239 “Weights and Measures,” as used in the petroleum replacement goal modified below.

The definition – as codified in the federal Renewable Fuel Standard, as amended – would be: *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.*

**56 Biofuel.** Defines “biofuel” for purposes of chapter 239 “Weights and Measures” and specifically the biofuel mandate established below. Biofuel would be 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.

**57 Conventional biofuel.** Defines “conventional biofuel” as ethanol produced from corn starch for purposes of chapter 239 “Weights and Measures” and specifically the biofuel mandate established below.

The exact definition – as codified in the federal Renewable Fuel Standard, as amended –



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would be: *renewable fuel that is ethanol derived from corn starch.*

- 58**     **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 biofuel generally. 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.
- 59**     **Federal Clean Air Act waivers; conditions.** Eliminates a reference to the inactive “E20 mandate” language repealed in the repealer section of this article. Generalizes existing language pertaining to federal approval of ethanol in order to accommodate other biofuels that may have different methods of federal approval.
- 60**     **Limited liability waiver.** Eliminates a reference to the inactive “E20 mandate” language that is repealed in the final section of this article.
- 61**     **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 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. States that the new task force will expire on December 31, 2015.
- 62**     **Biobutanol.** Defines biobutanol for purposes of chapter 296A “Tax on Petroleum and other fuels.”
- 63**     **E85.** Modifies the motor fuel tax definition of E85 to be a gasoline-ethanol blend containing not more than 85 and more than 50 percent ethanol by volume.
- 64**     **Revisor’s instruction.** Technical instruction to the Revisor of Statutes to renumber a subdivision and fix all references because proposed language in a prior section would replace the current section 18B.01, subdivision 4a.

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### **65 Repealer.** Repeals 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 a similar statute 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.

**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. Administrative support.** Provides an appropriation for administrative support.

**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.

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**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.

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

#### **Overview**

This article contains environment and natural resources policy provisions.

**1 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.

**2 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

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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.

**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.

- 3 Grant-in-aid donations.** Adds § 84.788, subd. 13. Requires that a person registering an off-highway motorcycle (OHM) be offered the opportunity to make a voluntary contribution to the OHM grant-in-aid trails program. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the OHM account and dedicated for the grant-in-aid trail program.
- 4 Registration revenue.** Amends § 84.794, subd. 1. Technical.
- 5 Grant-in-aid trail donations.** Adds § 84.798, subd. 11. Requires that a person registering an off-road vehicle (ORV) be offered the opportunity to make a voluntary contribution to the ORV grant-in-aid trails program. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the ORV account and dedicated for the grant-in-aid trail program.
- 6 Registration revenue.** Amends § 84.803, subd. 1. Technical.
- 7 Limited nontrail use registration.** Adds § 84.82, subd. 2a. Allows a snowmobile that is used solely for transportation on frozen waters for purposes of ice fishing to be registered for nontrail use and pay 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.

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- 8 Grant-in-aid trail donations.** Adds § 84.82. Requires that a person registering a snowmobile be offered the opportunity to make a voluntary contribution to the snowmobile grant-in-aid trails program. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the snowmobile trails and enforcement account and dedicated for the grant-in-aid trail program.
- 9 Money deposited in the account.** Amends § 84.83, subd. 2. Technical.
- 10 Grant-in-aid trail contributions.** Adds § 84.922, subd. 13. Requires that a person registering an ATV be offered the opportunity to make a voluntary contribution to the ATV grant-in-aid trails program. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the ATV account and dedicated for the grant-in-aid trail program.
- 11 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.
- 12 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.
- 13 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.
- 14 Pollinator habitat program.** Adds § 84.973. Requires 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. Prairie restorations must include an appropriate diversity of native species to provide habitat throughout the growing season.
- 15 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."

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- 16 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.
- 17 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).
- 18 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.
- 19 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 bill updates a cross-reference that was missed in the original legislation so that the reduced fee applies (\$12 compared to the regular \$25 pass).
- 20 Fee deposit and appropriation.** Amends § 85.055, subd. 2. Technical.
- 21 Grant-in-aid trail donations.** Adds § 85.41, subd. 6. Requires that a person purchasing a cross-country ski pass be offered the opportunity to make a voluntary contribution to the cross-country ski trails grant-in-aid program. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the cross-country ski account and dedicated for the grant-in-aid trail program.
- 22 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.
- 23 Disposition of receipts; purpose.** Amends § 85.43. Technical.
- 24 Disposition of receipts.** Amends § 85.46, subd. 6. Technical.
- 25 Trail donations.** Adds § 85.46, subd. 8. Requires that a person purchasing a horse pass be offered the opportunity to make a voluntary contribution to the horse pass account. Requires the commissioner of natural resources to issue someone a recognition sticker if they contribute \$20 or more. Requires contributions made to be credited to the horse pass account which can only be used for trail acquisition, trail and facility development, maintenance, enforcement, and rehabilitation of horse trails.
- 26 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.

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- 27 Leases and permits.** Amends § 89.17. Requires the commissioner to establish fees, by written order, for applications to lease or use state forest lands to recover the costs of providing the leases. Allows the commissioner to update the fees every five years and exempts the fees from rulemaking provisions. Provides a statutory appropriation of the funds to the commissioner to cover the costs of issuing the leases.
- 28 Scaler.** Amends § 90.01, subd. 4. Clarifies that a scaler is also someone qualified to measure timber.
- 29 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.
- 30 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.
- 31 Permit holder.** Amends § 90.01, subd. 8. Technical.
- 32 Effective permit.** Amends § 90.01, subd. 11. Technical.
- 33 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.
- 34 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.
- 35 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."
- 36 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.
- 37 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.

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- 38 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.
- 39 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.
- 40 Appraisal standards.** Amends § 90.045. Technical.
- 41 Appraiser authority; form of documents.** Amends § 90.06, subd. 8. Technical.
- 42 Sale requirements.** Amends § 90.101, subd. 1. Extends the amount of time the commissioner may offer unsold timber from six months to one year.
- 43 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).
- 44 Purchaser qualifications, registration, and requirements.** Amends § 90.145. Modifies the requirements of purchasers of state timber permits and registration system requirements.
- 45 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).
- 46 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.
- 47 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.
- 48 Permit terms.** Amends § 90.151, subd. 4. Technical, including technical changes necessary to conform with the changes in the previous section.



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- 49 Notice and approval required.** Amends § 90.151, subd. 6. Technical.
- 50 Liability for timber cut in trespass.** Amends § 90.151, subd. 7. Technical.
- 51 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).
- 52 Slashings disposal.** Amends § 90.151, subd. 9. Allows the permit to require the treatment of slashings or other refuse, in addition to disposal.
- 53 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 bill) into this section. Requires any security required to be returned to the purchaser within 60 days after the final scale.
- 54 Securing timber permits with cutting blocks.** Amends § 90.162. Technical.
- 55 Timber permit development options.** 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 bill).
- 56 Assignment of auction timber permits.** Amends § 90.171. Technical.
- 57 Deferred payments.** Amends § 90.181, subd. 2. Technical.
- 58 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.
- 59 Extension of timber permits.** Amends § 90.193. Technical.
- 60 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.
- 61 Prompt payment of refunds.** Amends § 90.201, subd. 2a. Technical.
- 62 Purchase money, when forfeited.** Amends § 90.211. Technical.
- 63 Timber sales records.** Amends § 90.221. Technical.

**Section**

- 64**      **Consumer scaling.** Amends § 90.252, subd. 1. Technical.
- 65**      **Seizure of unlawfully cut timber.** Amends § 90.301, subd. 2. Technical.
- 66**      **Apprehension of trespassers; reward.** Amends § 90.301, subd. 4. Technical.
- 67**      **Violations and penalty.** Amends § 90.41, subd. 1. Technical.
- 68**      **Unsold lands subject to sale may be leased.** Amends § 92.50. Requires the commissioner to establish fees, by written order, for applications to lease state lands for various purposes to recover the costs of providing the leases. Allows the commissioner to update the fees every five years and exempts the fees from rulemaking provisions. Provides a statutory appropriation of the funds to the commissioner to cover the costs of issuing the leases.
- 69**      **Lease application.** Amends § 93.17, subd. 1. Increases the application fee for a lease to prospect for iron ore to \$1,000 (currently it is \$100) and requires the funds to be deposited in the minerals management account.
- 70**      **Application.** Amends § 93.1925, subd. 2. Increases the application fee for a negotiated iron ore or taconite iron ore mining lease to \$2,000 (currently it is \$100) and requires the funds to be deposited in the minerals management account.
- 71**      **Lease requirements.** Amends § 93.25, subd. 2. Establishes application fees for nonferrous metallic minerals and petroleum leases and requires the funds to be deposited in the minerals management account.
- 72**      **Stockpile mining unit.** Amends § 93.285, subd. 3. Establishes application fees for leases of stockpiled iron ore and requires the funds to be deposited in the minerals management account.
- 73**      **Scram mining.** Adds § 93.46, subd. 10. Establishes a definition of “scram mining” for purposes of mining and land reclamation provisions.
- 74**      **Term of permit; amendment.** Amends § 93.481, subd. 3. Requires scam mining permits to be determined in the same manner as a permit to mine iron ore or taconite and increases the application fee for an amendment to a permit to mine to 20 percent of the applicable permit to mine application fee (currently the permit amendment fee is ten percent of the permit to mine application fee).
- 75**      **Release.** Adds § 93.481, subd. 4a. States that a permit to mine may not be released until the DNR gives written approval and establishes a permit release application fee equal to 20 percent of the applicable permit to mine application fee.
- 76**      **Assignment.** Amends § 93.481, subd. 5. Increases the application fee for the assignment or transfer of a permit to mine to 20 percent of the applicable permit to mine application fee (currently the permit amendment fee is ten percent of the permit to mine application fee).

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- 77 Preapplication.** Adds § 93.481, subd. 5a. Requires a person intending to apply for a permit to mine to meet with the DNR for a preapplication conference and establishes a preapplication fee equal to 20 percent of the applicable permit to mine application fee.
- 78 Reclamation fees.** Amends § 93.482. Increases annual permit to mine fees and allows the DNR to assess a person requesting an amendment, assignment or release of a permit to mine an amount equal to the reasonable costs of reviewing and acting on the request. Also allows the commissioner to assess a person requesting a preapplication conference, meetings, and site visits for the department's reasonable costs.
- 79 Minerals data and inspections administration account.** Adds § 93.60. Establishes a minerals data and inspections administration account and specifies that the new drill core library access and exploratory boring fees established in this article are to be deposited in the account. Provides a statutory appropriation of the funds to the DNR for operating and maintaining the drill core library and for conducting exploratory boring inspections.
- 80 Drill core library access fee.** Adds § 93.61. Requires a person to pay an access fee in order to access data stored at the drill core library in Hibbing of \$250 per day or \$5,000 for an annual pass.
- 81 State-owned construction aggregates reclamation account.** Adds § 93.70. Establishes a state-owned construction aggregates reclamation account and specifies that the new annual reclamation fees applicable to those with a lease or permit to mine construction aggregates on state lands are to be deposited in the account. Provides a statutory appropriation of the funds to the DNR for reclamation activities.
- 82 State-owned construction aggregates reclamation fee.** Adds § 93.71. Establishes a state-owned construction aggregates reclamation fee applicable to those with a lease or permit to mine construction aggregates on state lands. The fees are to be determined either by cubic yards removed (15 cents per cubic yard) or by short tons removed (11 cents per short ton). Provides an exception to the fee for a person who hold a lease that provides for continuous mining activity for five or more years at an average rate of 30,000 or more cubic yards per year and that requires the person to perform and pay for the reclamation.
- 83 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.
- 84 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 the use is sustainable (instead of adequate to meet the basin's water resources needs during the life of the project). Removes the requirement that the diversions receive legislative approval.
- 85 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 the use is

## Section

sustainable (instead of adequate to meet the basin's water resources needs during the life of the consumptive use). Removes the requirement that the consumptive use receive legislative approval.

- 86 Water use permit processing fee.** Amends § 103G.271, subd. 6. Increases water use permit processing fees for water use permits issued by the DNR by establishing new water use categories, increasing maximum fee amounts, and extending the application of the summer surcharge to include May and September and increasing the amount of the surcharge (the surcharge was increased from \$30/million gallons to \$75/million gallons). The new water use fees would be effective January 1, 2014. The new fee categories are as follows:
- \$15 per 1,000,000 gallons for residential use;
  - \$8 per 1,000,000 gallons for metallic mine dewatering, mineral processing, and wood products processing;
  - \$22 per 1,000,000 gallons for agricultural irrigation (including sod farms, orchards, and nurseries), and livestock watering;
  - \$70 per 1,000,000 gallons for nonagricultural irrigation; and
  - \$30 per 1,000,000 gallons for all other uses.
- 87 Monitoring to evaluate impacts from appropriations.** Amends § 103G.282. Modifies the DNR's authority to require groundwater monitoring equipment to limit it to only in cases where the use is or has the potential to be the primary source of water resource impacts.
- 88 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.
- 89 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."
- 90 Fees.** Amends § 103G.615, subd. 2. Increases aquatic plant management fees, including increasing the fee for property owners controlling aquatic plants from \$35 to \$90 per property; removing the \$2,500 fee cap for group permits; and establishing a \$300 inspection fee applicable when a commercial harvest permit requires an inspection.
- 91 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.

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**92 Exploratory boring inspection fee.** Adds § 103I.601, subd. 4a. Establishes a \$2,000 fee for each proposed exploratory boring identified on maps submitted to the DNR and Department of Health. The funds are deposited into the minerals data and inspections administration account (established in this article) and are appropriated to the DNR to cover the costs of conducting exploratory boring inspections

**93 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.

**94 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.

**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.

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

**96 - 99 Product stewardship.**

These sections provide that waste collection and recycling programs in Minnesota for three products—carpet, architectural paint, and primary batteries—be organized and implemented by the manufacturers of those products. The bill contains similar provisions for all three products:

- After a certain date, the product may not 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.

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- Product stewardship plans, and any changes to them, must be approved by the PCA and updated at least every three years (carpet) or five years (paint and batteries). Plans must:
  - ▶ state that a product stewardship program will accept all discarded products, regardless of who produced them;
  - ▶ organize a system to collect discarded products (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;
  - ▶ for carpet and paint, propose a uniform “stewardship assessment” to be placed on all products 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.
- For carpet and paint, a retailer must include the stewardship assessment fee in the price of the products 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.
- The Product Stewardship Organization annually submits a fee to the PCA to reimburse the agency’s costs to administer the programs.
- The PCA must report to the governor and legislature on the implementation of these statutes by the end of 2013 and every four years thereafter.

**100**      **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.

**101**      **Duties.** Amends § 115B.28, subd. 1. Changes the legislative report requirement for certain activities funded from the remediation fund from annual to biennial.

**102**      **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.

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- 103 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.
- 104 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.
- 105 Toxic pollution prevention evaluation report.** Amends § 115D.10. Technical.
- 106 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.
- 107 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.
- 108 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).
- 109 Administration.** Amends § 116C.03, subd. 5. Requires the EQB to contract with the PCA for administrative services.
- 110 Silica sand mining model standards and criteria.** Adds § 116C.99.

**Subd. 1. Definitions.** Defines various terms for purposes of the section.

**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. States that the team can be up to

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seven members and 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.

- 111 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.
- 112 Groundwater; environmental assessment worksheets.** Adds § 116D.04. Requires environmental assessment worksheets (EAWs) for projects with the potential to require a groundwater appropriation permit to identify all sources of water available for appropriation.
- 113 General requirements and procedures.** Amends § 168.1296, subd. 1. Increases the minimum contribution amount for critical habitat license plates from \$30 to \$40.
- 114 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.
- 115 Cost of school trust land director and legislative permanent school fund commission.** Amends Laws 2012, ch. 249, § 11. Removes a requirement that funding for the school trust lands director (a position established last session) be paid for, in part, from the state forest development account and instead requires all funding to come from the minerals management account.
- 116 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.
- 117 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 or proposed 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.
- 118 Permit cancellations.** 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.



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- 119 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.
- 120 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.
- 121 Rulemaking; industrial minerals and nonferrous mineral leases.** Allows DNR to use an expedited rulemaking process when conforming to changes made to industrial minerals and nonferrous mineral leases contained in this article.
- 122 Rulemaking; permit to mine.** Allows DNR to use an expedited rulemaking process when amending rules to conform to the new scam mining definition established in this article.
- 123 Rulemaking; silica sand.** Requires the PCA to adopt rules for control of particulate emissions and to consider and incorporate as appropriate regulations contained in the Wisconsin Administrative Code related to industrial sand mines. Requires the DNR to adopt rules on reclamation and to consider and adopt as appropriate the Wisconsin Administrative Code related to reclamation of industrial sand mines. Requires the Department of Health to adopt an air quality health advisory for silica sand.
- 124 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.
- 125 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).

## 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.

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- 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.
- 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

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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.