

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 846
Version: First engrossment

DATE: April 17, 2015

Authors: McNamara

Subject: Omnibus Environment and Natural Resources

Analyst: Janelle Taylor
Bob Eleff

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill contains the fiscal year 2016 and 2017 budget appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), and other entities. It also contains a number of statutory and other changes related to the environment and natural resources.

Section

Article 1: Environment and Natural Resources Appropriations

Overview

This article contains the fiscal year 2016 and 2017 appropriations for the PCA, DNR, BWSR, metropolitan area regional parks, Conservation Corps Minnesota, the Minnesota Zoo, the Science Museum, and the school trust lands director.

- 1 Environment and natural resource appropriations.** Technical.
- 2 Pollution Control Agency.** Appropriates \$92,668,000 in fiscal year 2016 and \$91,883,000 in fiscal year 2017 to the PCA.
- 3 Department of Natural Resources.** Appropriates \$263,188,000 in fiscal year 2016 and \$266,382,000 in fiscal year 2017 to the DNR.
- 4 Board of Water and Soil Resources.** Appropriates \$15,237,000 in fiscal year 2016 and \$15,415,000 in fiscal year 2017 to BWSR.

Section

- 5 **Metropolitan Council.** Appropriates \$8,006,000 in fiscal years 2016 and 2017 to the Metropolitan Council for metropolitan area regional parks.
- 6 **Conservation Corps Minnesota.** Appropriates \$945,000 in fiscal years 2016 and 2017 for Conservation Corps Minnesota.
- 7 **Zoological Board.** Appropriates \$7,335,000 in fiscal years 2016 and 2017 to the Minnesota Zoo.
- 8 **Science Museum of Minnesota.** Appropriates \$1,079,000 in fiscal years 2016 and 2017 to the Science Museum of Minnesota.
- 9 **Administration.** Appropriates \$500,000 in fiscal years 2016 and 2017 to the commissioner of administration for the school trust lands director.
- 10 **Minnesota Management and Budget.** Appropriates \$3,228,000 in fiscal years 2016 and 2017 to Minnesota Management and Budget for purposes of cost analyses of water quality standards required under article 2.
- 11 **Fish and Wildlife Management.** Amends a previous appropriation from Laws 2014 to allow the DNR to spend a portion of the funds appropriated for shooting sports facility grants and grant administration and expands the authority to spend funds of another appropriation to allow the use for hunter and angler recruitment and retention activities.

Article 2: Environment and Natural Resources Statutory Changes

Overview

This article contains a number of statutory and other provisions related to the environment and natural resources.

- 1 **Revenues.** Amends § 16A.531, subd. 1a. Technical.
- 2 **Purchases.** Amends § 16C.073, subd. 2. For a public entity, specifies the categories of paper (copy, office, printing) that should be made from environmentally preferable materials and manufacturing processes.
- 3 **Fee exemptions.** Amends § 84.415, subd. 7. Modifies utility crossing fee exemptions to specify the exemptions apply to application fees and exempts certain telephone and electric lines.
- 4 **Natural resources conservation easement stewardship account.** Adds § 84.69.

Subd. 1. Account established; sources. Establishes a natural resources conservation easement stewardship account and specifies the sources of money to be deposited in the account and how the money is to be invested.

Subd. 2. Appropriation; purposes of account. Establishes an annual statutory appropriation to the commissioner of natural resources of 5 percent of the balance of the account. States that the money may only be used to cover the costs of managing conservation easements held by the DNR.

Subd. 3. Financial contributions. Requires the commissioner to seek contributions to the account for conservation easements acquired or assigned to the DNR. Allows the commissioner to determine the amount of the contribution, unless otherwise

Section

provided by law, and provides elements the commissioner must consider when determining the amount.

Effective date. States that subdivisions 1 and 2 are effective the day following final enactment and subdivision 3 is effective for conservation easements acquired on or after July 1, 2015.

- 5 **Report of ownership transfers; fee.** Amends § 84.788, subd. 5. Clarifies the process used to report the transfer of ownership of an off-highway motorcycle registered with the DNR and states that the purchaser is subject to the misdemeanor penalty imposed on violations of off-highway vehicle provisions if the purchaser fails to transfer ownership as required.
- 6 **Report of registration transfers.** Adds § 84.788, subd. 5a. Requires a person to apply for the transfer of an off-highway motorcycle registration within 15 days and states that the purchaser is subject to the misdemeanor penalty imposed on violations of off-highway vehicle provisions if the purchaser fails to transfer the registrations as required.
- 7 **Grant-in-aid applications; review period.** Adds § 84.8031. Requires the commissioner of natural resources to review an off-road vehicle grant-in-aid application, and if approved, begin a public review within 60 days. States that if the commissioner fails to approve or deny the application within 60 days, the application is approved and requires the commissioner to provide a 30-day public review period.
- 8 **Exemptions.** Amends § 84.82, subd. 6. Exempts smaller snowmobiles (those with an engine displacement less than 125 cubic centimeters) from snowmobile registration requirements provided the snowmobile is not operated on state or grant-in-aid snowmobile trails.
- 9 **Transfer or termination of snowmobile ownership.** Amends § 84.84. Clarifies the process used to report the transfer of ownership of a snowmobile registered with the DNR and states that the purchaser is subject to the misdemeanor penalty imposed on violations of snowmobile provisions if the purchaser fails to transfer ownership as required.
- 10 **All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of “all-terrain vehicle” (ATV) to mean vehicles that have a dry weight of 2,000 pounds or less and a total width of 65 inches or less, excluding certain vehicles.
- 11 **Class 1 all-terrain vehicle.** Amends § 84.92, subd. 9. Modifies the definition of class 1 ATV’s to mean ATV’s with a width of 50 inches or less.
- 12 **Class 2 all-terrain vehicle.** Amends § 84.92, subd. 10. Modifies the definition of class 2 ATV’s to mean ATV’s with a width greater than 50 inches but not more than 65 inches.
- 13 **Report of transfers.** Amends § 84.922, subd. 4. Clarifies the process used to report the transfer of ownership of an ATV registered with the DNR and states that the purchaser is subject to the misdemeanor penalty imposed on violations of off-highway vehicle provisions if the purchaser fails to transfer ownership as required.
- 14 **Training requirements.** Amends § 84.925, subd. 5. Allows a person to use various forms of proof of meeting ATV safety training certification requirements, including a driver’s license or identification card with the new ATV safety certificate indicator (authorized later on in the bill).

Section

- 15 Prohibitions on youthful operators.** Amends § 84.9256, subd. 1. Allows a person age 12 but less than age 16 to operate an ATV on the roadway, as allowed for others under current law and the changes made under the next section, provided they have a valid ATV safety certificate and are accompanied by a parent or guardian on a separate ATV.
- 16 Operation on roads and rights-of-way.** Amends § 84.928, subd. 1. Allows class 1 ATVs to be operated on certain areas, such as the extreme right-hand side of certain roads and on certain ditches, if the class 1 ATV is designed for off-road use to be driven by a steering wheel and equipped with seatbelts and a roll-over protection structure (class 2 ATVs are currently allowed the same privileges). Adds an exemption from certain ATV operation restrictions for ATVs owned or contracted by a road authority. Allows a county, city, or town to allow a person to operate an ATV on a public road or street under its jurisdiction to access businesses/residences and to make trail connections.
- 17 Aquatic invasive species affirmation.** Adds § 84D.01, subd. 1a. Establishes a definition of “aquatic invasive species affirmation” for purposes of the new aquatic invasive species (AIS) affirmation requirements that replace AIS trailer decal requirements (repealed later on in this bill).
- 18 Prohibited invasive species.** Amends § 84D.01, subd. 13. Technical (related to the change later on in the bill that changes the listing of invasive species to a designation process).
- 19 Regulated invasive species.** Amends § 84D.01, subd. 15. Technical (related to the change later on in the bill that changes the listing of invasive species to a designation process).
- 20 Unlisted nonnative species.** Amends § 84D.01, subd. 17. Technical (related to the change later on in the bill that changes the listing of invasive species to a designation process).
- 21 Unregulated nonnative species.** Amends § 84D.01, subd. 18. Technical (related to the change later on in the bill that changes the listing of invasive species to a designation process).
- 22 Unlisted nonnative species.** Amends § 84D.06. Technical (related to the change later on in the bill that changes the listing of invasive species to a designation process).
- 23 Removal and confinement.** Amends § 84D.10, subd. 3. Expands the authority of conservation officers or other licensed peace officers to order the decontamination of water-related equipment, including the use of hot water or high pressure equipment and allows tagging the equipment and issuing a notice specifying a time frame to complete the decontamination and reinspection of the equipment.
- 24 Aquatic invasive species affirmation.** Amends § 84D.106. Requires an AIS affirmation for all watercraft licenses (effective January 1, 2016) and nonresident fishing licenses (effective March 1, 2016). The requirement replaces AIS trailer decal requirements repealed in this bill.
- 25 Prohibited invasive species.** Amends § 84D.11, subd. 1. Adds “decontamination” to the list of purposes the commissioner may issue prohibited invasive species related permits for.
- 26 Required rules.** Amends § 84D.12, subd. 1. Requires the commissioner of natural resources to designate prohibited invasive species, rather than “list” as required under current law.
- 27 Expedited rules.** Amends § 84D.12, subd. 3. Allows the commissioner of natural resources to designate various invasive species, rather than “list” as stated under current law.

Section

- 28** **Civil penalties.** Amends § 84D.13, subd. 5. Establishes a civil penalty of \$25 for failing to have an AIS affirmation displayed or available for inspection. The requirement for an AIS affirmation replaces the AIS trailer decal requirements repealed in this bill.
- 29** **Use of money in account.** Amends § 84D.15, subd. 3. Adds habitat improvements to the list of allowable uses of funds in the invasive species account.
- 30** **County Aquatic Invasive Species Prevention Grants.** Adds § 84D.16. Establishes a county AIS grant program similar to the existing county AIS aid payment program (repealed in this bill). The program would now be administered by the DNR and counties would need to notify the DNR of their intent for the use of funds or refuse the funds.
- 31** **Connection to state parks and recreation areas.** Adds § 85.015, subd. 1e. Allows designated state trails to include connections to state parks or recreation areas that generally lie between or in the vicinity of the locations designated in statute.
- 32** **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison Counties.** Allows the Camp Ripley/Veterans State Trail to be separated to allow separate corridors for motorized and nonmotorized use.
- 33** **Lake Vermilion-Soudan Underground Mine State Park.** Adds § 85.0506. Exempts the mine tour operation at Lake Vermilion-Soudan Underground Mine State Park from certain state elevator requirements and states that the federal mine code applies to the hoists that lift people at the mine. Requires the DNR to employ a hoist safety expert to conduct an annual inspection of the hoist.
- 34** **Lake Vermilion-Soudan Underground Mine State Park.** Adds § 85.0506. Adds the Stuntz Bay boat house area to the list of places that do not require a state park permit.
- 35** **Areas marked.** Amends § 85.32, subd. 1. Adds Shell Rock River to the list of waters that may be marked as state water trails.
- 36** **Licensing.** Amends § 86B.401, subd. 3. States that a watercraft license includes the required AIS affirmation and requires the AIS affirmation portion of the license to be displayed with the signed license certificate. States that the AIS affirmation will be provided with an application for a new, transfer, duplicate, or renewal license.
- 37** **Special permits.** Amends § 88.17, subd. 3. Updates a provision regarding special permits for firefighter training to conform with federal standards.
- 38 to 57** **Auxiliary forests.** Updates a number of provisions related to auxiliary forests.
- 58** **Forest bough account; disposition of fees.** Amends § 88.6435, subd. 4. Allows the forest bough account (which contains permit fees from bough buyer permits) to be used to cover costs associated with forest product information and education programs (currently the funds may be used for balsam bough educational programs).
- 59** **Auction sale procedure.** Amends § 90.14. Increases the threshold requiring a 15 percent down payment for timber permits from minimum bids exceeding \$5,000 to minimum bids exceeding \$10,000.
- 60** **Extension of timber permits.** Amends § 90.193. Reduces the interest rate that may be charged on timber permit extensions from eight to five percent.

Section

- 61** **Condemnation of school trust land.** Adds § 92.83. Authorizes the commissioner to start a condemnation process (to extinguish the school trust interest) when the commissioner had sufficient money to acquire any school trust lands identified by the commissioner as being under a designation or subject to a policy that prevents the school trust lands from generating long-term economic return. The commissioner was required to identify school trust lands under such a designation or policy as part of legislation passed in 2012. Requires the amount of the award equal to the value of the lands to be deposited in the permanent school fund. Establishes a school trust lands account and appropriates funds in the account to the commissioner for these purposes (a section later on in the bill requires the proceeds of certain land sales to be deposited in the account).
- 62** **Public sale requirements.** Amends § 94.10, subd. 2. Allows the DNR to sell lands remaining after offering them for public sale for less than 75 percent of the appraised value. Also allows the DNR to retain the services of a real estate broker for lands remaining unsold provided the sales price is not less than 90 percent of the appraised value and the broker's fee cannot exceed 10 percent for sales of \$10,000 or more.
- 63** **Payment of expenses.** Amends § 94.16, subd. 2. Adds real estate broker fees to the list of expenses that may be covered by the proceeds from the sale of surplus state lands.
- 64** **Proceeds from natural resources land.** Amends § 94.16, subd. 3. Requires the proceeds from sales of lands, excluding lands in the outdoor recreation system or containing administrative sites, to be credited to the new school trust lands account established in a previous section.
- 65** **Game birds causing damage.** Amends § 97B.668. Expands the types of birds (from Canadian geese to all game birds) and times (from March 11 to August 31 to any time or place that a hunting season is not open) that a person may chase/harass the birds when they are causing property damage. Also allows game birds to be chased/harassed to protect against disease risks. States that the section does not apply to federally protected game birds on nests except for ducks and geese.
- 66** **Definition; designation.** Amends § 97C.005, subd. 1. Technical related to the next section of the bill.
- 67** **Trout streams; legislative approval.** Adds § 97C.005, subd. 4. Prohibits the DNR from designating a manmade stream as a trout stream and requires legislative approval of all trout stream designations.
- 68** **Aquatic invasive species affirmation.** Adds § 97C.301. States that a nonresident fishing license includes the required AIS affirmation and requires the AIS affirmation portion of the license to be displayed with the signed license. States that AIS affirmation will be provided at the time of purchase and that when purchasing licenses electronically the electronic record of the license sale is sufficient for documenting affirmation.
- 69** **Wetland stakeholder coordination.** Adds § 103B.101, subd. 16. Requires the Board of Water and Soil Resources (BWSR) to “foster mutual understanding and provide recommendations for improvements” regarding the management of wetlands and related resources. Allows BWSR to convene informal working groups or work teams to provide recommendations, information, and education for those purposes.

Section

- 70 Easement stewardship accounts.** Adds § 103B.103.
- Subd. 1. Accounts established; sources.** Establishes a water and soil conservation easement stewardship account and a mitigation easement stewardship account. Specifies the sources of money to be deposited in the accounts and how the money is to be invested.
- Subd. 2. Appropriation; purposes of accounts.** Establishes an annual statutory appropriation to BWSR of 5 percent of the balance of the accounts. States that the money may only be used to cover the costs of managing conservation easements held by the board.
- Subd. 3. Financial contributions.** Requires the board to seek contributions to the water and soil resources account for conservation easements acquired by the board and to seek a contribution to or assess a payment to the mitigation easement stewardship account for each wetland banking easement acquired by the board. Allows the board to determine the amount of the contribution, unless otherwise provided by law, and provides elements the board must consider when determining the amount.
- Effective date.** States that subdivisions 1 and 2 are effective the day following final enactment and subdivision 3 is effective for conservation easements acquired on or after July 1, 2015.
- 71 Wetland functions for determining public values.** Amends § 103B.3355. Requires BWSR to identify high priority areas for wetland replacement and exempts designations of high priority areas from rulemaking requirements. Allows local units of government to recommend priority areas to BWSR through local water plans.
- 72 Application.** Amends § 103F.612, subd. 2. Conforming change to reflect the changes made in the previous section.
- 73 In-lieu fee program.** Adds § 103G.005. Adds a definition of “in-lieu fee program” for purposes of chapter 103G.
- 74 Requirements.** Amends § 103G.222, subd. 1. Modifies wetland replacement requirements to require wetlands that are drained or filled to be replaced by “actions” that provide at least equal public value, rather than “restoring or creating” wetlands.
- 75 Wetland replacement siting.** Amends § 103G.222, subd. 3. Modifies the wetland replacement priority order by: eliminating requirements for public transportation projects in less than 50 percent areas and in the seven-county metropolitan area; and allowing wetland replacement done under wetland banking to skip the first two priorities (on-site or in the same minor watershed or in the same watershed). Requires BWSR to establish wetland replacement ratios and wetland bank service area priorities.
- 76 Rules.** Amends § 103G.2242, subd. 1. Allows BWSR to adopt rules for an in-lieu fee program and requires the program to conform to federal mitigation requirements.
- 77 Evaluation.** Amends § 103G.2242, subd. 2. Requires BWSR to establish an interagency team to help identify and evaluate potential wetland replacement sites and specifies the membership of the team.

Section

- 78 Replacement completion.** Amends § 103G.2242, subd. 3. Allows wetland replacement done through a new in-lieu fee program to be completed after the wetlands being replaced are drained/filled. Expands the authority BWSR has under its wetland banking program and allows the board to establish in-lieu fee payment amounts. Appropriates the payments to the board for establishing replacement wetlands and administering the wetland banking program.
- 79 Decision.** Amends § 103G.2242, subd. 4. Technical.
- 80 Replacement credits.** Amends § 103G.2242, subd. 12. Removes a requirement that wetland restoration, enhancement, or construction for replacement credit be done prior to draining/filling wetlands and allows restoration and protection of streams and riparian buffers in greater than 80 percent areas to be used for replacement credit.
- 81 Fees established.** Amends § 103G.2242, subd. 14. Allows BWSR to assess a fee to pay the costs associated with establishing conservation easements or other long-term protection mechanisms on property used for wetland replacement.
- 82 State conservation easements; wetland bank credit.** Amends § 103G.2251. Expands the types of resources that can be protected by conservation easements that are then eligible for wetland replacement credit within greater than 80 percent areas to include riparian buffers and certain watershed areas.
- 83 Exceptions.** Amends § 103G.245, subd. 2. Provides an exemption from the requirement to get a public waters work permit from the DNR for culvert restoration and replacement.
- 84 Permit restriction during summer months.** Amends § 103G.271, subd. 3. Extends the period of time the DNR is restricted from modifying or restricting groundwater appropriations for agricultural land irrigation from May 1 to October 1 to May 1 to November 15 provided there is a crop on the land.
- 85 Prohibition on once-through water use permits.** Amends § 103G.271, subd. 5. Allows the commissioner to issue a water use permit for a once-through cooling system that existed prior to January 1, 2015, for up to 5,000,000 gallons per year. Also allows the commissioner to issue permits for once-through water system permits, if approved by the commissioner of health and the Pollution Control Agency, for groundwater thermal exchange devices.
- 86 Payment of fees for past unpermitted appropriations.** Amends § 103G.271, subd. 6a. Allows the commissioner to waive payment of fees for unpermitted appropriations for certain residential once-through cooling systems.
- 87 Applications for groundwater appropriations; preliminary well construction approval.** Amends § 103G.287, subd. 1. Eliminates the requirement for groundwater appropriation permit applicants to provide an inventory of existing wells within one and a half miles of the proposed well (or within the area of influence determined by the DNR).
- 88 Relationship to surface water resources.** Amends § 103G.287, subd. 2. Modifies existing provisions that apply certain surface water appropriation permit requirements to groundwater appropriation permits to require that the appropriation have “substantial” negative impacts as determined by the commissioner and defines “substantial negative impacts” when applicable to streams as a 20 percent harmful effect in normal levels.

Section

- 89 Well interference; well sealing.** Adds § 103G.289. Prohibits the DNR from validating a well interference claim if the affected well has been sealed prior to the DNR completing its investigation.
- 90 Water supply plans; demand reduction.** Amends § 103G.291, subd. 3. Removes the requirement that metropolitan area local government water supply plans be consistent with the metropolitan area master water supply plan prepared by the Metropolitan Council effective the day after enactment.
- 91 Town fees exemption.** Amends § 103G.301, subd. 5a. Exempts town road and construction projects from DNR permit application, general permit notification, and field inspection fees (current law limits them to \$100).
- 92 Voluntary self-reporting of violations.** Amends § 114C.40. Allows an entity regulated by the PCA that reports a violation of a certain environmental requirement within two business days to get a 90-day delay in enforcement action against them. Requires the agency to waive any penalties, with certain exemptions, if the entity has corrected the violation or has an improved schedule to correct the violation.
- 93 Legislative approval.** Amends § 115.03, subd. 12. Requires the PCA to submit water quality standards or other water quality rule changes to the legislature if they will have certain financial impacts on permittees.
- 94 Independent peer review of water quality studies and standards; legislative approval.** Adds § 115.035. Requires certain water quality studies, analyses, and other work used by the PCA to be independently peer reviewed and requires the PCA to notify the legislature when the requirements apply.
- 95 Enforcement funding.** Amends § 115.073. Requires money from civil penalties and other environment related enforcement actions to be deposited in the general fund (rather than the environmental fund as required under current law).
- 96 Definitions.** Amends § 115.55, subd. 1. Adds “building sewer connected to a subsurface treatment system” to what is included in a subsurface sewage treatment system (SSTS) and defines it for purposes of SSTS requirements.
- 97 Rules.** Amends § 115.55, subd. 3. Exempts existing SSTSs at seasonal campgrounds from state disposal system permits.
- 98 License required.** Amends § 115.56, subd. 2. Increases the corporate surety bond amount necessary to obtain a license to install or service a SSTS from \$10,000 to \$25,000.
- 99 Recyclable materials.** Amends § 115A.03, subd. 25a. Adds to the definition of “recyclable materials” sole source food wastes that are managed through biodegradation.
- 100 County recycling goals.** Amends § 115A.551, subd. 2a. Directs that any quantified recyclable materials meeting the definition of “recyclable materials” or the definition of “recycling” in section 115A.551, subdivision 1 (including yard waste and source-separated compostables) are to be counted towards a county’s recycling goal.
- 101 Purposes for which money may be spent.** Amends § 115A.557, subd. 2. Adds two new activities that counties may use their SCORE grants for: (1) preventing food waste and transporting food donated to feed humans or animals; and (2) further processing source-

Section

separated compostable materials to produce Class I or II compost after those materials have been processed in an anaerobic digester. Prevents SCORE funds from being used to acquire or construct anaerobic digesters.

- 102 Recycling competitive grant program.** Adds § 115A.565. Requires the commissioner to develop a competitive grant program for political subdivisions outside the metropolitan area and cities with a population under 45,000 to: (1) establish curbside recycling or composting programs; (2) increase recycling or composting; (3) reduce recyclables entering disposal facilities; or (4) locate collection sites near waste generation sites. The grant must support curbside recycling or centrally located collection sites. The maximum grant amount is \$250,000.
- 103 License and registration required reporting.** Amends § 115A.93, subd. 1. Requires a local unit of government to submit a list of all licensed collectors of municipal solid waste to the agency. Prohibits a person from collecting recyclable materials without a license issued by a local unit of government or without registering with the agency. Specifies reporting requirements for collectors and charges the agency with developing uniform reporting forms in consultation with stakeholders.
- 104 Property damage losses.** Amends § 115B.34, subd. 2. Allows the cost of installing a mitigation system at the principal residence of a claimant to be reimbursed from the remediation fund, up to \$25,000, if recommended by the agency to protect residents from vapor intrusion resulting from release of a hazardous substance.
- 105 Civil penalty.** Amends § 115C.05. Removes language requiring civil penalties recovered from successful enforcement actions against violations of statutes governing cleanup of petroleum tank releases to be credited to the petroleum tank release cleanup fund.
- 106 Pollution Control Agency, creation and powers.** Amends § 116.02.
- Subd. 1 – 4.** Clarifies the establishment of the MPCA and the MPCA Citizens' Board.
- Subd. 6. Duties of the board.** Eliminates a number of decision making authorities of the MPCA Citizens' Board, including its final decision making authority on the need for an environmental impact statement (EIS) and the issuance of certain permits. Establishes a new duty for the board to conduct public meetings and prepare comments in response to petitions filed under the new petition process established in subdivision 11.
- Subd. 7. Additional decisions.** Removes a provision allowing the commissioner to request the MPCA Citizens' Board to make additional decisions or provide advice to the commissioner.
- Subd. 8. Other actions.** Removes a provision that states that other actions not specifically within the authority of the MPCA are to be made by the board under certain circumstances.
- Subd. 9. Informing public.** Conforming changes to accommodate the new petition process established in subdivision 11.
- Subd. 10. Changing decisions.** Removes a provision that prohibits the board from reopening, rescinding, or reversing decisions except under certain circumstances.

Section

Subd. 11. Petition for public hearing. Allows a person to request that the MPCA Citizens' Board hold a public hearing on various matters, including the need for an EIS and the issuance of certain permits, by filing a petition with the board containing the signatures of at least 25 individuals. Requires the board to hold a public hearing within 30 days of receiving the petition and to compile and submit comments received during the hearing to the commissioner for review.

- 107 Office.** Conforming change related to the removal of decision making authorities of the MPCA Citizens' Board.
- 108 Permit fees.** Amends § 116.07, subd. 4d. Expands the entities from which the agency may collect an annual fee from those required to obtain a permit to those that are also subject to a notification or license requirement under chapter 116 or Titles I and V of the Clean Air Act.
- 109 Permits; solid waste facilities.** Amends § 116.07, subd. 4j. Prohibits the agency from issuing a permit for a new or expanded waste disposal facility unless all local units of government where the facility is cited have granted approval for the facility and have authorized the permit to be issued, or if the facility is to be sited on land that is already identified in an approved county solid waste management plan.
- 110 Counties; processing of applications for animal lot permits.** Amends § 116.07, subdivision 7. Provides that a feedlot operator does not require an MPCA permit to store and land-apply wastewater from the operator's private truck wash if the operator stores and applies no more than 100,000 gallons/year and follows MPCA requirements. Provides that if a feedlot operator does require a permit to land-apply the wastewater, the operator is not required to hire a certified land applicator if the operator applies the wastewater to land owned or leased by the operator or if the wastewater is applied by a commercial animal waste technician licensed by the Minnesota Department of Agriculture. Defines "private truck wash" for purposes of these new exemptions.
- 111 Limitation regarding certain policies, guidelines and other nonbinding interpretive statements.** Adds § 116.07, subd. 13. Prohibits the PCA from implementing or enforcing a policy, guideline, or other nonbinding interpretive statement that meets the definition of a rule under chapter 14 if it hasn't been adopted as a rule in accordance with chapter 14.
- 112 Discretionary review notification.** Adds § 116D.04, subd. 17. Requires the DNR and PCA to notify a project proposer prior to making an order for a discretionary EIS or discretionary environmental assessment worksheet (EAW) public.
- 113 Camper cabins and bunk houses.** Amends § 144.12. States that camper cabins and bunk houses are not subject to minimum spacing requirements applicable to lodging establishments and provides definitions of camper cabin and bunk house for these purposes.
- 114 All-terrain safety certificate.** Adds § 171.07, subd. 18. Requires the Department of Public Safety to maintain information on those who have been issued an ATV safety certificate and provide an indication of that on all subsequent driver's licenses or identification cards issued to persons issued the safety certificate.
- 115 Title examination.** Amends § 282.011. Technical.
- 116 Certain products containing microbeads prohibited.** Adds § 325E.382

Section

- **Definitions.** Establishes definitions for “over-the-counter drug,” “personal care product,” “plastic,” and “synthetic plastic microbead.”
- **Prohibitions.** Prohibits the manufacture of personal care products and over-the-counter drugs containing microbeads by December 31, 2017, and December 31, 2018, respectively. Prohibits the acceptance for sale of personal care products and over-the-counter drugs containing microbeads by December 31, 2018, and December 31, 2019, respectively.

Preemption. Provides that all municipal, county, and local laws to the contrary are preempted.

- 117 Program established.** Amends § 446A.073, subd. 1. Modifies the point source implementation grants program administered by the Public Facilities Authority to allow water infrastructure projects in general (rather than wastewater treatment or storm water projects) to be eligible for funding. The grants are available to government units to address certain water quality issues.
- 118 Project priorities.** Amends § 446A.073, subd. 3. Allows the PCA to rank drinking water infrastructure projects on its priority list for purposes of the point source implementation grant program.
- 119 Grant approval.** Amends § 446A.073, subd. 4. Technical.
- 120 Metropolitan Area Water Supply Planning Activities; Advisory Committees.** Amends § 473.1565.

Subd. 1. Planning activities. Provides that the metropolitan area master water supply plan prepared by the Metropolitan Council is subject to approval by the policy advisory committee established in subdivision 2, instead of DNR.

Subd. 2. Policy advisory committee. Adds St. Paul and Minneapolis water suppliers to the existing advisory committee, designates the committee as the policy advisory committee, and directs the governor to consult with local government associations in making appointments to the policy advisory committee. Strikes the expiration date for the committee.

Subd. 2a. Technical advisory committee. Establishes a technical advisory committee, appointed by the policy advisory committee, to inform the policy advisory committee’s work by providing scientific and engineering expertise necessary to providing the region an adequate and sustainable water supply.

Subd. 3. Reports to legislature. Requires the policy advisory committee to report to the Metropolitan Council and to the Legislative Water Commission and legislative committees on the information required in this section. Requires the report to include the information provided by the technical advisory committee.

Effective the day after enactment.

- 121 Surplus state land sales.** Requires the school trust lands director to identify at least \$5,000,000 in state-owned land suitable for sale with certain restrictions. Requires the DNR to sell at least \$3,000,000 worth of those lands and use the proceeds to buy-out the school trust interests on school trust lands with public water access sites and old growth forests.

Section

- 122 Required rulemaking; subsurface sewage treatment systems.** Requires the PCA to adopt rules to conform with the changes to the SSTS program requirements in this bill and to streamline SSTS license application and renewal process to allow licensed SSTS businesses to meet SSTS and plumbing license requirements pertaining to surety bonds and allow SSTS installers to work on building sewers.
- 123 Wetland Conservation Act Report.** Requires BWSR, in cooperation with the Department of Natural Resources, to report to the legislature by March 15, 2016, on the proposals to implement high priority areas, in-lieu fees, and alternative actions eligible for wetland replacement credit. Requires the board and department to consult with stakeholders and agencies in developing the report.
- 124 All-terrain vehicle registration transition.** Establishes temporary ATV registration requirements applicable until the electronic licensing system is updated to accommodate the change in ATV classifications contained in this bill.
- 125 Analysis of water quality standards.** Requires the commissioner of management and budget to contract with a nonstate entity for an analysis of costs of recently adopted or proposed changes to water quality standards and rules and specifies the requirements of the analysis. Requires the analysis to be submitted to the legislature no later than January 1, 2017.
- 126 Suspension of new water quality rules.** Suspends recently noticed rules regarding total suspended solids and eutrophication standards until the analysis above has been completed.
- 127 Lake Winnipeg TMDL.** Requires the PCA to develop a TMDL, in coordination with North Dakota and Manitoba, for nutrients and suspended solids entering Lake Winnipeg and specifies requirements for the TMDL and suspends any phosphorus or suspended solid limits on point sources until the TMDL has been subject to public review and comment and the Environmental Protection Agency (EPA) has formally approved it.
- 128 Wild rice water quality standards.** Prohibits the application of a water quality standard for sulfate that applies to certain wild rice waters until the PCA designates waters subject to the standards through a rulemaking process required as part of a law passed in 2011. The bill would prohibit both the application of the standard, either through permits or other requirements, and the use of the standard to list a water as impaired under the federal Clean Water Act.
- 129 Section 404 permit program feasibility study.** Requires BWSR and the DNR to study the feasibility of the state assuming administration of the section 404 permit program under the federal Clean Water Act. Requires the study to include certain elements, including cost estimates, potential efficiencies, and administrative changes needed. Establishes a steering committee to oversee the study and specifies the steering committee's membership. Requires the study to be submitted to the legislature by January 1, 2017.
- 130 Anatomical donation option on hunting and fishing licenses; study.** Requires the DNR, in coordination with the Department of Public Safety, to study the feasibility of allowing a person applying for a hunting/fishing license to indicate their decision to sign up to be an organ donor and submit a recommendations to the legislature by December 15, 2015.

Section

- 131 Metropolitan parks; interest earnings.** Directs interest earnings currently used for a certain Minneapolis park to be disbursed to all regional recreational open spaces lands under the jurisdiction of the Metropolitan Council.
- 132 Refunds; youth bear licenses.** Allows the DNR to provide refunds to those who purchased youth bear licenses between August 1, 2013 and June 30, 2014 for 10, 11, and 12 year olds until June 30, 2016.
- 133 Water retention projects.** Requires the DNR, in cooperation with BWSR, the PCA, and the commissioner of agriculture, to develop proposals for projects for flood retention, water quality improvements, nutrient and sediment reduction and wildlife habitat to submit to the Lessard-Sams Outdoor Heritage Council, Clean Water Council, and the Legislative-Citizen Commission on Minnesota Resources for fiscal year 2017 funding.
- 134 Wild turkey critical habitat plate.** Requires the DNR and commissioner of public safety to select a design depicting wild turkey when selecting designs for the next critical habitat plates.
- 135 Base budget report.** Requires the DNR and PCA to submit a report containing their base budgets, including prior appropriation riders, to the legislature by October 15, 2016.
- 136 Transfers.** Transfers previous appropriations to the DNR and BWSR for conservation easement stewardship to the respective new conservation easement stewardship accounts established in this bill.
- 137 Federal reimbursement; McQuade Harbor.** Requires money received by the U.S. Army Corps of Engineers as reimbursement for state capital expenditures at McQuade Harbor to be appropriated to the DNR for certain activities, including design and renovation of the marina at Knife River and site clean-up and facility construction in Two Harbors.
- 138 Revisor's instruction.** Technical.
- 139 Repealer.** Repeals sections 84.68, (forest for the future conservation easement account); 88.47; 88.48; 88.49, subdivisions 1, 2, and 10; 88.491, subdivision 1; 88.51, subdivision 2; and 282.013 (obsolete provisions pertaining to auxiliary forests); 116.02, subdivisions 7, 8, and 10 (MPCA Citizens' Board) effective July 1, 2015.
- Repeals section 86B.13, subdivisions 2 and 4 (AIS trailer decal requirements) effective the day following final enactment.
- Repeals section 477A.19 (county AIS aid payments).

Article 3: Game and Fish

Overview

This article contains a number of provisions impacting the state's game and fish laws, including a number of provisions recommended by the Department of Natural Resources (DNR).

- 1 Bait harvest from infested waters.** Amends § 84D.03, subd. 3. Allows a cast net to be used to harvest gizzard shad in certain areas of the Mississippi and St. Croix Rivers provided they

Section

are used in the same water body they are taken from and are not transported off the water body.

- 2 **General requirements.** Amends § 86B.313, subd. 1. Modifies personal floatation device requirements to conform to federal law.
- 3 **Dealers and rental operations.** Amends § 86B.313, subd. 4. Modifies personal floatation device requirements to conform to federal law.
- 4 **Towing person on water skis or other device.** Amends § 86B.315. Adds wake surfing or operating a watercraft for a wake surfer to the list of activities (like water skiing) that are prohibited at night. Prohibits all of the activities from one-half hour after sunset to sunrise the following day (current law restricts the activities beginning one hour after sunset).
- 5 **Power to prevent or control wildlife disease.** Amends § 97A.045, subd. 11. Allows the DNR to post restrictions at public accesses to prevent or control wildlife diseases.
- 6 **Compliance with federal law.** States that appropriations for information or telecommunication technology projects from the game and fish fund must be made to the commissioner of natural resources (federal law requires certain funds deposited in the game and fish fund to be under the control of the commissioner of natural resources).
- 7 **Separate selection of eligible licensees.** Amends § 97A.435, subd. 4. Requires a family member seeking a turkey license under a special lottery designed for certain qualifying landowners and their family members to live on the qualifying land (under current law there is no requirement that a family member live on the land).
- 8 **Residents of veterans homes.** Adds § 97A.465, subd. 7. Permits residents of veterans homes to hunt and take antlerless deer using a firearm or muzzleloader without obtaining a permit to do so. The privilege does not extend to other members of the veteran's hunting party or in areas closed to antlerless deer hunting or where quotas are placed on the taking of antlerless deer.
- 9 **Feral swine.** Adds § 97A.56. Prohibits a person from possessing or releasing feral swine, allowing them to run at large, or hunting or trapping them. States that only a person authorized by the DNR may hunt or trap them and that the authorized person is not liable to the owner for the value of the animals. States that the penalty for violating the section is a misdemeanor.
- 10 **Hunter satisfaction survey.** Amends § 97B.063. Modifies a provision requiring the DNR to administer a hunter participation and satisfaction survey to require it to be conducted annually and be submitted to the legislature and made available on the department's website.
- 11 **Exceptions.** Amends § 97B.081, subd. 3. Provides an exception from the prohibition on shining artificial lights while hunting for licensed bear hunters tracking or retrieving wounded or dead bears provided they have their license in possession, are on foot, and are following the blood trail of the bear.
- 12 **Taking unprotected wild animals.** Amends § 97B.085, subd. 2. Allows a person to use radio equipment to take unprotected wild animals.

Section

- 13 Residents age 84 or over may take deer of either sex.** Adds § 97B.301. Allows a resident age 84 or over to take a deer of either sex and limits the privilege to the resident only and not another member of the resident's hunting party.
- 14 Possession of firearms; hunting turkey.** Adds § 97B.722. Allows a person with a permit to carry a handgun to carry it while hunting turkey.
- 15 Beaver season.** Adds § 97B.9251. Allows the commissioner to establish open seasons for taking beaver (beginning the Saturday nearest October 26 (in the North Zone) and October 30 (in the South Zone)). Requires the seasons to be open until May 15.
- 16 Cast nets for gizzard shad.** Adds § 97C.345, subd. 3a. Allows the use of cast nets to take gizzard shad to use as bait from July 1 to November 30 and in certain areas of the Mississippi and St. Croix Rivers. Requires the cast nets to meet certain size and other requirements. States that the section expires December 1, 2017, and requires the commissioner to report to the legislature on various matters related to this provision.
- 17 Minnow dealers.** Amends § 97C.501, subd. 2. Allows a minnow dealer to designate employees to help the minnow dealer provided they are listed on the minnow dealer's license. Requires the minnow dealer to notify the DNR of additions or deletions from the list of designated helpers.
- 18 Rulemaking; lifting spearing bans and northern pike regulations.** Requires the commissioner of natural resources to amend certain department rules to remove language prohibiting spearing. Allows the commissioner to use the good cause exemption from rulemaking to do so.
- 19 Rulemaking; water surface use restrictions.** Requires the commissioner of natural resources to amend department rules to conform to the change contained in this bill that allows temporary water surface controls to be effective for 30 days. Allows the commissioner to use the good cause exemption from rulemaking to do so.
- 20 Rulemaking; personal floatation devices.** Requires the commissioner of natural resources to amend department rules to conform to the changes in federal law regarding personal floatation devices. Allows the commissioner to use the good cause exemption from rulemaking to do so.
- 21 Rulemaking; motorized trail environmental review.** Requires the Environmental Quality Board to amend rules to allow the construction of certain trails without the preparation of a mandatory environmental assessment worksheet (EAW).
- 22 Repealer.** Repeals § 97A.475, subd. 25 (obsolete licensing fee for muskrat farms); § 97B.905 (bond requirements for raw fur dealers); and Minnesota Rules, part 6264.0400, subparts 27 and 28 (spearing bans on certain waters).