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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1418**

February 26, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to natural resources; modifying rulemaking authority; modifying  
1.3 authority to designate infested waters; modifying water supply plan requirements;  
1.4 modifying state park permit provisions; extending expiration of the Mineral  
1.5 Coordinating Committee; amending Minnesota Statutes 2006, sections 84.027,  
1.6 by adding a subdivision; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3;  
1.7 85.053, subdivisions 2, 8; 93.0015, subdivision 3; 103G.291, subdivision 3;  
1.8 473.1565, subdivision 1; 473.859, subdivision 3; repealing Laws 2006, chapter  
1.9 236, article 1, section 2.

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

1.11 Section 1. Minnesota Statutes 2006, section 84.027, is amended by adding a  
1.12 subdivision to read:

1.13 Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority  
1.14 granted in Subdivision 13, the commissioner of natural resources may adopt rules under  
1.15 section 14.389 that are authorized under:

1.16 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to  
1.17 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,  
1.18 to provide for registration of game or fish, to prevent or control wildlife disease, or to  
1.19 correct errors or omissions in rules that do not have a substantive effect on the intent or  
1.20 application of the original rule; or

1.21 (2) section 84D.12 to designate prohibited invasive species, regulated invasive  
1.22 species, and unregulated nonnative species.

1.23 Sec. 2. Minnesota Statutes 2006, section 84D.03, subdivision 1, is amended to read:

1.24 Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall  
1.25 designate a water of the state as an infested water if the commissioner determines that:

2.1 (1) the water contains a population of an aquatic invasive species that could spread to  
 2.2 other waters if use of the water and related activities are not regulated to prevent this; or

2.3 (2) the water is highly likely to be infested by an aquatic invasive species because it  
 2.4 is connected to a water that contains a population of an aquatic invasive species.

2.5 (b) When determining which invasive species comprise infested waters, the  
 2.6 commissioner shall consider:

2.7 (1) the extent of a species distribution within the state;

2.8 (2) the likely means of spread for a species; and

2.9 (3) whether regulations specific to infested waters containing a specific species  
 2.10 will effectively reduce that species' spread.

2.11 (c) The presence of common carp and curly-leaf pondweed shall not be the basis for  
 2.12 designating a water as infested.

2.13 (d) The designation of infested waters by the commissioner shall be by written order  
 2.14 published in the State Register. Designations are not subject to the rulemaking provisions  
 2.15 of chapter 14 and section 14.386 does not apply.

2.16 Sec. 3. Minnesota Statutes 2006, section 84D.12, subdivision 1, is amended to read:

2.17 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

2.18 (1) designating ~~infested waters~~; prohibited invasive species, regulated invasive  
 2.19 species, and unregulated nonnative species of aquatic plants and wild animals;

2.20 (2) governing the application for and issuance of permits under this chapter, which  
 2.21 rules may include a fee schedule; and

2.22 (3) governing notification under section 84D.08.

2.23 Sec. 4. Minnesota Statutes 2006, section 84D.12, subdivision 3, is amended to read:

2.24 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,  
 2.25 subdivision 13, that designate:

2.26 (1) prohibited invasive species of aquatic plants and wild animals;

2.27 (2) regulated invasive species of aquatic plants and wild animals; and

2.28 (3) unregulated nonnative species of aquatic plants and wild animals; ~~and~~.

2.29 ~~(4) infested waters.~~

2.30 Sec. 5. Minnesota Statutes 2006, section 85.053, subdivision 2, is amended to read:

2.31 Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle  
 2.32 may not enter a state park, state recreation area, or state wayside over 50 acres in area,  
 2.33 without a state park permit issued under this section. Except for vehicles permitted under

3.1 subdivisions 7, paragraph (a), clause (2), and 8, the state park permit must be affixed to the  
3.2 lower right corner windshield of the motor vehicle and must be completely affixed by its  
3.3 own adhesive to the windshield, or the commissioner may, by written order, provide an  
3.4 alternative means to display and validate ~~annual~~ state park permits.

3.5 Sec. 6. Minnesota Statutes 2006, section 85.053, subdivision 8, is amended to read:

3.6 Subd. 8. **Military personnel on leave; exemption.** (a) ~~The provisions of this~~  
3.7 ~~section requiring a state park permit and regulating its display do not apply to~~ A one-day  
3.8 permit, under subdivision 4, shall be issued without a fee for a motor vehicle being used  
3.9 by a person who is serving in active military service in any branch or unit of the United  
3.10 States armed forces and who is stationed outside Minnesota, during the period of active  
3.11 service and for 90 days immediately thereafter, if the person ~~notifies~~ presents the person's  
3.12 current military orders to the park attendant on duty or other designee of the commissioner  
3.13 of the person's military status at the time of usage. It is sufficient notice for the eligible  
3.14 person to temporarily affix to the inside of the windshield of the vehicle in a visible  
3.15 manner the person's current military orders and to carry in the person's possession current  
3.16 military identification attesting to the person's active or recent military status.

3.17 (b) For purposes of this section, "active service" has the meaning given under section  
3.18 190.05, subdivision 5c, when performed outside Minnesota.

3.19 Sec. 7. Minnesota Statutes 2006, section 93.0015, subdivision 3, is amended to read:

3.20 Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to  
3.21 the contrary, the committee expires June 30, ~~2007~~ 2011.

3.22 Sec. 8. Minnesota Statutes 2006, section 103G.291, subdivision 3, is amended to read:

3.23 Subd. 3. **Emergency Water supply plans; demand reduction.** (a) Every  
3.24 public water supplier serving more than 1,000 people must submit ~~an emergency and~~  
3.25 ~~conservation~~ a water supply plan to the commissioner for approval by January 1, 1996.  
3.26 In accordance with guidelines developed by the commissioner, the plan must address  
3.27 projected demands, adequacy of the water supply system and planned improvements,  
3.28 existing and future water sources, natural resource impacts or limitations, emergency  
3.29 preparedness, water conservation, supply and demand reduction measures, and allocation  
3.30 priorities and must identify alternative sources of water for use in an emergency that are  
3.31 consistent with section 103G.261. Public water suppliers must update ~~the~~ their plan and,  
3.32 upon notification, submit it to the commissioner for approval every ten years.

4.1 (b) The water supply plan in paragraph (a) is required for all communities in the  
 4.2 metropolitan area, as defined in section 473.121, with a municipal water supply system  
 4.3 and is a required element of the local comprehensive plan required under section 473.859.  
 4.4 Water supply plans or updates submitted after December 31, 2008, must be consistent  
 4.5 with the metropolitan area master water supply plan required under section 473.1565,  
 4.6 subdivision 1, paragraph (a), clause (2).

4.7 ~~(b)~~ (c) Public water suppliers serving more than 1,000 people must employ water use  
 4.8 demand reduction measures before requesting approval from the commissioner of health  
 4.9 under section 144.383, paragraph (a), to construct a public water supply well or requesting  
 4.10 an increase in the authorized volume of appropriation. Demand reduction measures must  
 4.11 include evaluation of conservation rate structures and a public education program that  
 4.12 may include a toilet and showerhead retrofit program.

4.13 ~~(c)~~ (d) Public water suppliers serving more than 1,000 people must submit records  
 4.14 that indicate the number of connections and amount of use by customer category and  
 4.15 volume of water unaccounted for with the annual report of water use required under  
 4.16 section 103G.281, subdivision 3.

4.17 ~~(d)~~ (e) For the purposes of this subdivision, "public water supplier" means an entity  
 4.18 that owns, manages, or operates a public water supply, as defined in section 144.382,  
 4.19 subdivision 4.

4.20 Sec. 9. Minnesota Statutes 2006, section 473.1565, subdivision 1, is amended to read:

4.21 Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out  
 4.22 planning activities addressing the water supply needs of the metropolitan area as defined  
 4.23 in section 473.121, subdivision 2. The planning activities must include, at a minimum:

4.24 (1) development and maintenance of a base of technical information needed for  
 4.25 sound water supply decisions including surface and groundwater availability analyses,  
 4.26 water demand projections, water withdrawal and use impact analyses, modeling, and  
 4.27 similar studies;

4.28 (2) development and periodic update of a metropolitan area master water supply  
 4.29 plan, prepared in cooperation with and subject to the approval of the commissioner  
 4.30 of natural resources, that:

4.31 (i) provides guidance for local water supply systems and future regional investments;

4.32 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term  
 4.33 sustainability; and

4.34 (iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area  
 4.35 water supply system and its local and subregional components;

5.1 (3) recommendations for clarifying the appropriate roles and responsibilities of  
5.2 local, regional, and state government in metropolitan area water supply;

5.3 (4) recommendations for streamlining and consolidating metropolitan area water  
5.4 supply decision-making and approval processes; and

5.5 (5) recommendations for the ongoing and long-term funding of metropolitan area  
5.6 water supply planning activities and capital investments.

5.7 (b) The council must carry out the planning activities in this subdivision in  
5.8 consultation with the Metropolitan Area Water Supply Advisory Committee established in  
5.9 subdivision 2.

5.10 Sec. 10. Minnesota Statutes 2006, section 473.859, subdivision 3, is amended to read:

5.11 Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character,  
5.12 location, timing, sequence, function, use and capacity of existing and future public  
5.13 facilities of the local governmental unit. A public facilities plan must be in at least such  
5.14 detail as may be necessary to establish existing or potential effects on or departures from  
5.15 metropolitan system plans and to protect metropolitan system plans. A public facilities  
5.16 plan shall contain at least the following parts:

5.17 (1) a transportation plan describing, designating and scheduling the location, extent,  
5.18 function and capacity of existing and proposed local public and private transportation  
5.19 services and facilities;

5.20 (2) a sewer policy plan describing, designating and scheduling the areas to be  
5.21 sewered by the public system, the existing and planned capacities of the public system, the  
5.22 standards and conditions under which the installation of private sewer systems will be  
5.23 permitted, and to the extent practicable, the areas not suitable for public or private systems  
5.24 because of public health, safety and welfare considerations;

5.25 (3) a parks and open space plan describing, designating and scheduling the existing  
5.26 and proposed parks and recreation open spaces within the jurisdiction; and

5.27 (4) a water supply plan ~~including:~~ as described in section 103G.291, subdivision 3.

5.28 ~~(i) a description of the existing water supply system, including the source of water,  
5.29 well and treatment plant locations, and major supply lines; an inventory of commercial  
5.30 and industrial users; an indication of the community's intent to make future changes  
5.31 or additions to the system, including projections for population and industrial and  
5.32 commercial use and the methods by which this growth will be served;~~

5.33 ~~(ii) a statement of the community's objectives, policies, and standards for operating  
5.34 the water supply system;~~

6.1 ~~(iii) a conservation program that contains the goals of the program, demand and~~  
6.2 ~~supply conservation techniques to be used, an evaluation of pricing methods that could be~~  
6.3 ~~used to reduce demand, the conditions under which conservation actions would occur,~~  
6.4 ~~a process for reducing nonessential uses according to the priority system under section~~  
6.5 ~~103G.261, and the education program that will be used to inform the public of the need to~~  
6.6 ~~conserve and the methods available to achieve conservation;~~

6.7 ~~(iv) an emergency preparedness or contingency plan, as described in section~~  
6.8 ~~103G.291, subdivision 3;~~

6.9 ~~(v) an indication of the possibility for joint efforts with neighboring communities or~~  
6.10 ~~other public entities for sharing water sources and treatment, interconnection for routine or~~  
6.11 ~~emergency supply, pursuit of alternative supplies, and water source protection;~~

6.12 ~~(vi) a statement of the water supply problems that the community experiences or~~  
6.13 ~~expects to experience and any proposed solutions, especially those that would impact~~  
6.14 ~~other communities or the region; and~~

6.15 ~~(vii) a wellhead protection plan prepared in accordance with rules adopted by the~~  
6.16 ~~commissioner of health under section 103I.101, subdivision 5, clause (9).~~

6.17 Sec. 11. **REPEALER.**

6.18 Laws 2006, chapter 236, article 1, section 2, is repealed.