

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 846

02/12/2015 Authored by McNamara and Hamilton

The bill was read for the first time and referred to the Committee on Agriculture Finance

03/26/2015 By motion, recalled and re-referred to the Committee on Environment and Natural Resources Policy and Finance

04/17/2015 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

By motion, recalled and re-referred to the Committee on Civil Law and Data Practices

04/20/2015 By motion, recalled and re-referred to the Committee on Ways and Means

04/22/2015 Adoption of Report: Placed on the General Register as Amended

Read Second Time

A bill for an act

1.1 relating to state government; appropriating money for environment and natural
 1.2 resources; modifying public entity purchasing requirements; modifying solid
 1.3 waste provisions; modifying subsurface sewage treatment systems provisions;
 1.4 modifying compensable losses due to harmful substances; modifying invasive
 1.5 species provisions; modifying state parks and trails provisions; modifying
 1.6 requirements for fire training; modifying auxiliary forest provisions; modifying
 1.7 recreational vehicle provisions; providing for all-terrain vehicle safety training
 1.8 indication on drivers' licenses and identification cards; modifying and providing
 1.9 for certain fees; creating and modifying certain accounts; providing for and
 1.10 modifying certain grants; modifying disposition of certain revenue; modifying
 1.11 certain permit provisions; providing for condemnation of certain school trust
 1.12 lands; modifying Water Law; providing for certain enforcement delay; modifying
 1.13 personal flotation device provisions; regulating wake surfing; modifying game
 1.14 and fish laws; modifying Metropolitan Area Water Supply Advisory Committee
 1.15 and specifying duties; providing for Minnesota Pollution Control Agency
 1.16 Citizens' Board; prohibiting sale of certain personal care products containing
 1.17 synthetic plastic microbeads; requiring reports; requiring rulemaking; amending
 1.18 Minnesota Statutes 2014, sections 16A.531, subdivision 1a; 16C.073, subdivision
 1.19 2; 84.415, subdivision 7; 84.788, subdivision 5, by adding a subdivision; 84.82,
 1.20 subdivision 6; 84.84; 84.92, subdivisions 8, 9, 10; 84.922, subdivision 4;
 1.21 84.925, subdivision 5; 84.9256, subdivision 1; 84.928, subdivision 1; 84D.01,
 1.22 subdivisions 13, 15, 17, 18, by adding a subdivision; 84D.03, subdivision 3;
 1.23 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 1; 84D.12, subdivisions 1,
 1.24 3; 84D.13, subdivision 5; 84D.15, subdivision 3; 85.015, subdivision 28, by
 1.25 adding a subdivision; 85.054, subdivision 12; 85.32, subdivision 1; 86B.313,
 1.26 subdivisions 1, 4; 86B.315; 86B.401, subdivision 3; 88.17, subdivision 3;
 1.27 88.49, subdivisions 3, 4, 5, 6, 7, 8, 9, 11; 88.491, subdivision 2; 88.50; 88.51,
 1.28 subdivisions 1, 3; 88.52, subdivisions 2, 3, 4, 5, 6; 88.523; 88.53, subdivisions
 1.29 1, 2; 88.6435, subdivision 4; 90.14; 90.193; 94.10, subdivision 2; 94.16,
 1.30 subdivisions 2, 3; 97A.045, subdivision 11; 97A.057, subdivision 1; 97A.435,
 1.31 subdivision 4; 97A.465, by adding a subdivision; 97B.063; 97B.081, subdivision
 1.32 3; 97B.085, subdivision 2; 97B.301, by adding a subdivision; 97B.668; 97C.005,
 1.33 subdivision 1, by adding a subdivision; 97C.301, by adding a subdivision;
 1.34 97C.345, by adding a subdivision; 97C.501, subdivision 2; 103B.101, by adding
 1.35 a subdivision; 103B.3355; 103F.612, subdivision 2; 103G.005, by adding a
 1.36 subdivision; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 1, 2, 3, 4,
 1.37 12, 14; 103G.2251; 103G.245, subdivision 2; 103G.271, subdivisions 3, 5, 6a;
 1.38 103G.287, subdivisions 1, 2; 103G.291, subdivision 3; 103G.301, subdivision
 1.39

2.1 5a; 115.03, by adding a subdivision; 115.073; 115.55, subdivisions 1, 3; 115.56,
 2.2 subdivision 2; 115A.03, subdivision 25a; 115A.551, subdivision 2a; 115A.557,
 2.3 subdivision 2; 115A.93, subdivision 1; 115B.34, subdivision 2; 115C.05; 116.02;
 2.4 116.03, subdivision 1; 116.07, subdivisions 4d, 4j, 7, by adding a subdivision;
 2.5 116D.04, by adding a subdivision; 144.12, by adding a subdivision; 171.07,
 2.6 by adding a subdivision; 282.011, subdivision 3; 446A.073, subdivisions 1,
 2.7 3, 4; 473.1565; Laws 2010, chapter 215, article 3, section 3, subdivision 6, as
 2.8 amended; Laws 2014, chapter 312, article 12, section 6, subdivision 5; proposing
 2.9 coding for new law in Minnesota Statutes, chapters 84; 84D; 85; 92; 97A;
 2.10 97B; 103B; 103G; 114C; 115; 115A; 325E; repealing Minnesota Statutes 2014,
 2.11 sections 84.68; 86B.13, subdivisions 2, 4; 88.47; 88.48; 88.49, subdivisions
 2.12 1, 2, 10; 88.491, subdivision 1; 88.51, subdivision 2; 97A.475, subdivision
 2.13 25; 97B.905, subdivision 3; 116.02, subdivisions 7, 8, 10; 282.013; 477A.19;
 2.14 Minnesota Rules, part 6264.0400, subparts 27, 28.

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

2.16 **ARTICLE 1**

2.17 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.18 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.19 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.20 agencies and for the purposes specified in this article. The appropriations are from the
 2.21 general fund, or another named fund, and are available for the fiscal years indicated
 2.22 for each purpose. The figures "2016" and "2017" used in this article mean that the
 2.23 appropriations listed under them are available for the fiscal year ending June 30, 2016, or
 2.24 June 30, 2017, respectively. "The first year" is fiscal year 2016. "The second year" is fiscal
 2.25 year 2017. "The biennium" is fiscal years 2016 and 2017. Appropriations for the fiscal
 2.26 year ending June 30, 2015, are effective the day following final enactment.

2.27 **APPROPRIATIONS**
 2.28 **Available for the Year**
 2.29 **Ending June 30**
 2.30 **2016** **2017**

2.31 Sec. 2. **POLLUTION CONTROL AGENCY**

2.32 **Subdivision 1. Total Appropriation** \$ **92,568,000** \$ **91,883,000**

2.33 Appropriations by Fund

2.34		<u>2016</u>	<u>2017</u>
2.35	<u>General</u>	<u>8,165,000</u>	<u>7,827,000</u>
2.36	<u>State Government</u>		
2.37	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
2.38	<u>Environmental</u>	<u>73,232,000</u>	<u>72,885,000</u>
2.39	<u>Remediation</u>	<u>11,096,000</u>	<u>11,096,000</u>

3.1 The amounts that may be spent for each
 3.2 purpose are specified in the following
 3.3 subdivisions.

3.4 The commissioner must present the agency's
 3.5 biennial budget for fiscal years 2018 and
 3.6 2019 to the legislature in a transparent way
 3.7 by agency division, including the proposed
 3.8 budget bill and presentations of the budget to
 3.9 committees and divisions with jurisdiction
 3.10 over the agency's budget.

3.11 Subd. 2. Water 28,471,000 28,033,000

3.12	<u>Appropriations by Fund</u>	
3.13	<u>2016</u>	<u>2017</u>
3.14 <u>General</u>	<u>6,754,000</u>	<u>6,316,000</u>
3.15 <u>State Government</u>		
3.16 <u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
3.17 <u>Environmental</u>	<u>21,642,000</u>	<u>21,642,000</u>

3.18 \$1,959,000 the first year and \$1,959,000
 3.19 the second year are for grants to delegated
 3.20 counties to administer the county feedlot
 3.21 program under Minnesota Statutes, section
 3.22 116.0711, subdivisions 2 and 3. Money
 3.23 remaining after the first year is available for
 3.24 the second year.

3.25 \$740,000 the first year and \$740,000 the
 3.26 second year are from the environmental
 3.27 fund to address the need for continued
 3.28 increased activity in the areas of new
 3.29 technology review, technical assistance
 3.30 for local governments, and enforcement
 3.31 under Minnesota Statutes, sections 115.55
 3.32 to 115.58, and to complete the requirements
 3.33 of Laws 2003, chapter 128, article 1, section
 3.34 165.

3.35 \$664,000 the first year and \$664,000 the
 3.36 second year are from the environmental

4.1 fund for subsurface sewage treatment
4.2 system (SSTS) program administration
4.3 and community technical assistance and
4.4 education, including grants and technical
4.5 assistance to communities for water quality
4.6 protection. Of this amount, \$129,000 each
4.7 year is for assistance to counties through
4.8 grants for SSTS program administration.
4.9 A county receiving a grant from this
4.10 appropriation shall submit the results
4.11 achieved with the grant to the commissioner
4.12 as part of its annual SSTS report. Any
4.13 unexpended balance in the first year does not
4.14 cancel but is available the second year.
4.15 \$105,000 the first year and \$105,000 the
4.16 second year are from the environmental fund
4.17 for registration of wastewater laboratories.
4.18 \$913,000 the first year and \$913,000 the
4.19 second year are from the environmental fund
4.20 to continue perfluorochemical biomonitoring
4.21 in eastern metropolitan communities, as
4.22 recommended by the Environmental Health
4.23 Tracking and Biomonitoring Advisory Panel,
4.24 and address other environmental health risks,
4.25 including air quality. The communities must
4.26 include Hmong and other immigrant farming
4.27 communities. Of this amount, \$812,000 the
4.28 first year and \$812,000 the second year are
4.29 for transfer to the Department of Health. The
4.30 base in fiscal year 2018 and thereafter is \$0.
4.31 \$660,000 the first year and \$220,000 the
4.32 second year are for water quality standard
4.33 cost analyses required under this act. The
4.34 base for this appropriation is \$142,000 in
4.35 fiscal year 2018 and \$0 in fiscal year 2019.

5.1 \$2,657,000 the first year and \$2,659,000 the
 5.2 second year are for independent peer reviews
 5.3 under Minnesota Statutes, section 115.035.

5.4 \$100,000 the first year and \$100,000 the
 5.5 second year are for grants to the Red River
 5.6 Watershed Management Board for water
 5.7 quality and watershed monitoring river watch
 5.8 activities in the schools along the Red River
 5.9 of the North.

5.10 Notwithstanding Minnesota Statutes, section
 5.11 16A.28, the appropriations encumbered on or
 5.12 before June 30, 2017, as grants or contracts
 5.13 for subsurface sewage treatment systems,
 5.14 surface water and groundwater assessments,
 5.15 total maximum daily loads, storm water, and
 5.16 water quality protection in this subdivision
 5.17 are available until June 30, 2020.

5.18 Subd. 3. **Air** 15,401,000 15,604,000

5.19 \$200,000 the first year and \$200,000 the
 5.20 second year are from the environmental fund
 5.21 for a monitoring program under Minnesota
 5.22 Statutes, section 116.454.

5.23 Up to \$150,000 the first year and \$150,000
 5.24 the second year may be transferred from the
 5.25 environmental fund to the small business
 5.26 environmental improvement loan account
 5.27 established in Minnesota Statutes, section
 5.28 116.993.

5.29 \$335,000 the first year and \$335,000 the
 5.30 second year are from the environmental fund
 5.31 for monitoring ambient air for hazardous
 5.32 pollutants.

5.33 \$690,000 the first year and \$690,000 the
 5.34 second year are from the environmental

6.1 fund for emission reduction activities and
 6.2 grants to small businesses and other nonpoint
 6.3 emission reduction efforts. Any unexpended
 6.4 balance in the first year does not cancel but is
 6.5 available in the second year.

6.6 Subd. 4. Land 18,012,000 18,012,000

	<u>Appropriations by Fund</u>	
	<u>2016</u>	<u>2017</u>
<u>Environmental</u>	<u>6,916,000</u>	<u>6,916,000</u>
<u>Remediation</u>	<u>11,096,000</u>	<u>11,096,000</u>

6.11 All money for environmental response,
 6.12 compensation, and compliance in the
 6.13 remediation fund not otherwise appropriated
 6.14 is appropriated to the commissioners of the
 6.15 Pollution Control Agency and agriculture
 6.16 for purposes of Minnesota Statutes, section
 6.17 115B.20, subdivision 2, clauses (1), (2),
 6.18 (3), (6), and (7). At the beginning of each
 6.19 fiscal year, the two commissioners shall
 6.20 jointly submit an annual spending plan
 6.21 to the commissioner of management and
 6.22 budget that maximizes the utilization of
 6.23 resources and appropriately allocates the
 6.24 money between the two departments. This
 6.25 appropriation is available until June 30, 2017.

6.26 \$4,216,000 the first year and \$4,216,000 the
 6.27 second year are from the remediation fund
 6.28 for purposes of the leaking underground
 6.29 storage tank program to investigate, clean up,
 6.30 and prevent future releases from underground
 6.31 petroleum storage tanks, and to the petroleum
 6.32 remediation program for purposes of vapor
 6.33 assessment and remediation. These same
 6.34 annual amounts are transferred from the
 6.35 petroleum tank fund to the remediation fund.

7.1 \$252,000 the first year and \$252,000 the
 7.2 second year are from the remediation fund
 7.3 for transfer to the commissioner of health for
 7.4 private water supply monitoring and health
 7.5 assessment costs in areas contaminated
 7.6 by unpermitted mixed municipal solid
 7.7 waste disposal facilities and drinking water
 7.8 advisories and public information activities
 7.9 for areas contaminated by hazardous releases.

7.10 **Subd. 5. Environmental Assistance and**
 7.11 **Cross-Media** 30,684,000 30,234,000

	<u>Appropriations by Fund</u>	
	<u>2016</u>	<u>2017</u>
7.13 <u>Environmental</u>	<u>29,273,000</u>	<u>28,723,000</u>
7.14 <u>General</u>	<u>1,411,000</u>	<u>1,511,000</u>

7.16 \$17,250,000 the first year and \$17,250,000
 7.17 the second year are from the environmental
 7.18 fund for SCORE block grants to counties.

7.19 \$119,000 the first year and \$119,000 the
 7.20 second year are from the environmental
 7.21 fund for environmental assistance grants
 7.22 or loans under Minnesota Statutes, section
 7.23 115A.0716. Any unencumbered grant and
 7.24 loan balances in the first year do not cancel
 7.25 but are available for grants and loans in the
 7.26 second year.

7.27 \$89,000 the first year and \$89,000 the
 7.28 second year are from the environmental fund
 7.29 for duties related to harmful chemicals in
 7.30 products under Minnesota Statutes, sections
 7.31 116.9401 to 116.9407. Of this amount,
 7.32 \$57,000 each year is transferred to the
 7.33 commissioner of health.

7.34 \$200,000 the first year and \$200,000 the
 7.35 second year are from the environmental

8.1 fund for the costs of implementing general
8.2 operating permits for feedlots over 1,000
8.3 animal units.

8.4 \$312,000 the first year and \$312,000 the
8.5 second year are from the general fund and
8.6 \$188,000 the first year and \$188,000 the
8.7 second year are from the environmental fund
8.8 for Environmental Quality Board operations
8.9 and support.

8.10 \$50,000 the first year and \$50,000 the second
8.11 year are from the environmental fund for
8.12 transfer to the Office of Administrative
8.13 Hearings to establish sanitary districts.

8.14 \$250,000 the first year and \$250,000 the
8.15 second year are from the general fund for
8.16 the Environmental Quality Board to lead
8.17 an interagency team to provide technical
8.18 assistance regarding the mining, processing,
8.19 and transporting of silica sand. Of this
8.20 amount, \$75,000 each year is transferred
8.21 to the commissioner of natural resources
8.22 to review the implementation of the rules
8.23 adopted by the commissioner pursuant to
8.24 Laws 2013, chapter 114, article 4, section
8.25 105, paragraph (b), pertaining to the
8.26 reclamation of silica sand mines, to ensure
8.27 that local government reclamation programs
8.28 are implemented in a manner consistent with
8.29 the rules.

8.30 \$450,000 the first year and \$450,000 the
8.31 second year are from the environmental
8.32 fund to develop and maintain systems to
8.33 support permitting and regulatory business
8.34 processes and agency data. This is a onetime
8.35 appropriation.

9.1 \$50,000 the first year and \$50,000 the second
9.2 year are from the environmental fund for
9.3 increased meeting costs of the Minnesota
9.4 Pollution Control Agency Citizens' Board
9.5 under this act.

9.6 \$50,000 the first year is to study, in
9.7 cooperation with the commissioner of health,
9.8 the impacts related to the use of crumb rubber
9.9 within synthetic turf and review available
9.10 data relating to the potential environmental
9.11 and health risks and effects of synthetic
9.12 turf, with particular attention to the crumb
9.13 rubber content of the synthetic turf. In
9.14 conducting this study, the commissioner
9.15 must examine the health and environmental
9.16 impact of various pathways of exposure
9.17 including but not limited to small-fill
9.18 particle inhalation, volatility, leaching into
9.19 groundwater, dermal absorption, and the
9.20 persistence in the environment of the original
9.21 and degraded by-products of crumb rubber.
9.22 By June 30, 2016, the commissioner shall
9.23 report the findings of the study to the chairs
9.24 and ranking minority members of the house
9.25 of representatives and senate committees
9.26 and divisions with jurisdiction over health
9.27 and environment policy. This is a onetime
9.28 appropriation.

9.29 \$585,000 the first year and \$685,000 the
9.30 second year are for competitive recycling
9.31 grants under Minnesota Statutes, section
9.32 115A.565.

9.33 \$50,000 the first year and \$50,000 the second
9.34 year are to acquire and co-locate waste and
9.35 recycling receptacles, in cooperation with

10.1 the commissioner of administration, at the
10.2 State Office Building. Any remaining funds
10.3 may be used for these purposes at other
10.4 facilities within the Capitol complex. This is
10.5 a onetime appropriation.

10.6 \$500,000 the first year is for a contract
10.7 with an outside consultant to examine
10.8 the organizational structure, financial
10.9 management, and grant processes of the
10.10 agency and provide recommendations
10.11 to increase the efficiency, outcomes,
10.12 and transparency of the agency. The
10.13 commissioner shall report the results of
10.14 the examination and recommendations to
10.15 the chairs and ranking minority members
10.16 of the house of representatives and senate
10.17 committees and divisions with jurisdiction
10.18 over the environment by December 15, 2016.

10.19 This is a onetime appropriation.

10.20 The commissioner must direct any
10.21 operational adjustments necessary to
10.22 accommodate inflationary and other
10.23 operational increases of the agency to solid
10.24 waste activities within the agency and may
10.25 redirect the reductions to other subdivisions
10.26 of this section as necessary to reduce
10.27 nonessential activities of the agency. The
10.28 commissioner shall not allow any reductions
10.29 under this paragraph to impact permitting,
10.30 environmental review, or enforcement
10.31 activities of the agency, and no grants may
10.32 be reduced.

10.33 All money deposited in the environmental
10.34 fund for the metropolitan solid waste
10.35 landfill fee in accordance with Minnesota

11.1 Statutes, section 473.843, and not otherwise
11.2 appropriated, is appropriated for the purposes
11.3 of Minnesota Statutes, section 473.844.
11.4 Notwithstanding Minnesota Statutes, section
11.5 16A.28, the appropriations encumbered on
11.6 or before June 30, 2017, as contracts or
11.7 grants for surface water and groundwater
11.8 assessments; environmental assistance
11.9 awarded under Minnesota Statutes, section
11.10 115A.0716; technical and research assistance
11.11 under Minnesota Statutes, section 115A.152;
11.12 technical assistance under Minnesota
11.13 Statutes, section 115A.52; and pollution
11.14 prevention assistance under Minnesota
11.15 Statutes, section 115D.04, are available until
11.16 June 30, 2019.

11.17 **Subd. 6. Transfers**

11.18 The commissioner of management and
11.19 budget shall transfer \$13,276,000 in fiscal
11.20 year 2016 from the closed landfill investment
11.21 fund in Minnesota Statutes, section
11.22 115B.421, to the environment and natural
11.23 resources account in the special revenue fund.

11.24 The commissioner of the Pollution Control
11.25 Agency shall transfer \$8,100,000 in
11.26 fiscal year 2016 from the metropolitan
11.27 landfill contingency action trust account in
11.28 Minnesota Statutes, section 473.845, to the
11.29 commissioner of management and budget for
11.30 cancellation to the environment and natural
11.31 resources account in the special revenue fund.

11.32 **Subd. 7. Remediation Fund**

11.33 The commissioner may transfer money from
11.34 the environmental fund to the remediation
11.35 fund as necessary for the purposes of the

13.1 may be cash or in-kind. Any unencumbered
 13.2 balance from the first year does not cancel
 13.3 and is available in the second year.
 13.4 \$2,755,000 the first year and \$2,815,000
 13.5 the second year are from the minerals
 13.6 management account in the natural resources
 13.7 fund for use as provided in Minnesota
 13.8 Statutes, section 93.2236, paragraph (c),
 13.9 for mineral resource management, projects
 13.10 to enhance future mineral income, and
 13.11 projects to promote new mineral resource
 13.12 opportunities.

13.13 Subd. 3. **Ecological and Water Resources** 31,593,000 31,771,000

13.14	<u>Appropriations by Fund</u>	
13.15	<u>2016</u>	<u>2017</u>
13.16	<u>General</u>	<u>17,080,000</u> <u>17,089,000</u>
13.17	<u>Natural Resources</u>	<u>10,502,000</u> <u>10,576,000</u>
13.18	<u>Game and Fish</u>	<u>4,011,000</u> <u>4,106,000</u>

13.19 \$3,242,000 the first year and \$3,242,000 the
 13.20 second year are from the invasive species
 13.21 account in the natural resources fund and
 13.22 \$3,206,000 the first year and \$3,206,000 the
 13.23 second year are from the general fund for
 13.24 management, public awareness, assessment
 13.25 and monitoring research, and water access
 13.26 inspection to prevent the spread of invasive
 13.27 species; management of invasive plants in
 13.28 public waters; and management of terrestrial
 13.29 invasive species on state-administered lands.
 13.30 \$5,000,000 the first year and \$5,000,000 the
 13.31 second year are from the water management
 13.32 account in the natural resources fund for only
 13.33 the purposes specified in Minnesota Statutes,
 13.34 section 103G.27, subdivision 2.

- 14.1 \$103,000 the first year and \$103,000 the
14.2 second year are for a grant to the Mississippi
14.3 Headwaters Board for up to 50 percent of
14.4 the cost of implementing the comprehensive
14.5 plan for the upper Mississippi within areas
14.6 under the board's jurisdiction.
- 14.7 \$10,000 the first year and \$10,000 the second
14.8 year are for payment to the Leech Lake Band
14.9 of Chippewa Indians to implement the band's
14.10 portion of the comprehensive plan for the
14.11 upper Mississippi.
- 14.12 \$264,000 the first year and \$264,000 the
14.13 second year are for grants for up to 50
14.14 percent of the cost of implementation of the
14.15 Red River mediation agreement.
- 14.16 \$1,643,000 the first year and \$1,643,000
14.17 the second year are from the heritage
14.18 enhancement account in the game and
14.19 fish fund for only the purposes specified
14.20 in Minnesota Statutes, section 297A.94,
14.21 paragraph (e), clause (1).
- 14.22 \$950,000 the first year and \$950,000 the
14.23 second year are from the nongame wildlife
14.24 management account in the natural resources
14.25 fund for the purpose of nongame wildlife
14.26 management. Notwithstanding Minnesota
14.27 Statutes, section 290.431, of this amount,
14.28 \$50,000 the first year and \$50,000 the second
14.29 year may be used for nongame wildlife
14.30 information, education, and promotion.
- 14.31 \$6,000,000 the first year and \$6,000,000 the
14.32 second year are from the general fund for the
14.33 following activities:
- 14.34 (1) financial reimbursement and technical
14.35 support to soil and water conservation

15.1 districts or other local units of government
15.2 for groundwater level monitoring;
15.3 (2) surface water monitoring and analysis,
15.4 including installation of monitoring gauges;
15.5 (3) groundwater analysis to assist with water
15.6 appropriation permitting decisions;
15.7 (4) permit application review incorporating
15.8 surface water and groundwater technical
15.9 analysis;
15.10 (5) precipitation data and analysis to improve
15.11 the use of irrigation;
15.12 (6) information technology, including
15.13 electronic permitting and integrated data
15.14 systems; and
15.15 (7) compliance and monitoring.
15.16 \$10,000 the first year and \$64,000 the
15.17 second year are to study, in cooperation
15.18 with the Board of Water and Soil Resources,
15.19 the feasibility of the state assuming
15.20 administration of the section 404 permit
15.21 program of the federal Clean Water Act
15.22 as required in this act. This is a onetime
15.23 appropriation.
15.24 \$50,000 the first year is to develop
15.25 cost estimates, in cooperation with the
15.26 Metropolitan Council, for the augmentation
15.27 of White Bear Lake with water from Sucker
15.28 Lake. The commissioner must submit a
15.29 report with the cost estimates developed
15.30 under this paragraph to the chairs and
15.31 ranking minority members of the house of
15.32 representatives and senate committees and
15.33 divisions with jurisdiction over environment
15.34 and natural resources policy and finance

16.1 by February 1, 2016. This is a onetime
 16.2 appropriation.
 16.3 \$100,000 the first year is for a grant to a
 16.4 political subdivision within the Bonanza
 16.5 Valley Groundwater Management Area for
 16.6 a contract with a hydrogeologic or water
 16.7 resources engineering consultant to:
 16.8 (1) conduct an independent hydrologic
 16.9 assessment of the Bonanza Valley
 16.10 Groundwater Management Area that:
 16.11 includes the use of existing data, describes
 16.12 the current groundwater conditions,
 16.13 characterizes the nature and extent of the
 16.14 primary aquifers, and identifies any surface
 16.15 water and groundwater connections;
 16.16 (2) identify issues and priority areas of
 16.17 concern; and
 16.18 (3) conduct a sensitivity analysis related to
 16.19 present pumping influences on the identified
 16.20 primary aquifers.

16.21 Subd. 4. **Forest Management** 37,514,000 38,181,000

16.22	<u>Appropriations by Fund</u>		
16.23		<u>2016</u>	<u>2017</u>
16.24	<u>General</u>	<u>24,846,000</u>	<u>25,250,000</u>
16.25	<u>Natural Resources</u>	<u>11,381,000</u>	<u>11,644,000</u>
16.26	<u>Game and Fish</u>	<u>1,287,000</u>	<u>1,287,000</u>

16.27 \$7,145,000 the first year and \$7,145,000
 16.28 the second year are for prevention,
 16.29 presuppression, and suppression costs of
 16.30 emergency firefighting and other costs
 16.31 incurred under Minnesota Statutes, section
 16.32 88.12. The amount necessary to pay for
 16.33 presuppression and suppression costs during
 16.34 the biennium is appropriated from the general
 16.35 fund.

17.1 By January 15 of each year, the commissioner
17.2 of natural resources shall submit a report to
17.3 the chairs and ranking minority members
17.4 of the house and senate committees
17.5 and divisions having jurisdiction over
17.6 environment and natural resources finance,
17.7 identifying all firefighting costs incurred
17.8 and reimbursements received in the prior
17.9 fiscal year. These appropriations may
17.10 not be transferred. Any reimbursement
17.11 of firefighting expenditures made to the
17.12 commissioner from any source other than
17.13 federal mobilizations shall be deposited into
17.14 the general fund.

17.15 \$11,381,000 the first year and \$11,644,000
17.16 the second year are from the forest
17.17 management investment account in the
17.18 natural resources fund for only the purposes
17.19 specified in Minnesota Statutes, section
17.20 89.039, subdivision 2.

17.21 \$1,287,000 the first year and \$1,287,000
17.22 the second year are from the heritage
17.23 enhancement account in the game and fish
17.24 fund to advance ecological classification
17.25 systems (ECS) scientific management tools
17.26 for forest and invasive species management.
17.27 This appropriation is from revenue deposited
17.28 in the game and fish fund under Minnesota
17.29 Statutes, section 297A.94, paragraph (e),
17.30 clause (1).

17.31 \$680,000 the first year and \$680,000 the
17.32 second year are for the Forest Resources
17.33 Council for implementation of the
17.34 Sustainable Forest Resources Act.

18.1 \$250,000 the first year and \$250,000 the
 18.2 second year are for the FORIST system.

18.3 **Subd. 5. Parks and Trails Management** 70,548,000 71,000,000

18.4	<u>Appropriations by Fund</u>	
18.5	<u>2016</u>	<u>2017</u>
18.6 <u>General</u>	<u>19,977,000</u>	<u>21,001,000</u>
18.7 <u>Natural Resources</u>	<u>46,205,000</u>	<u>46,450,000</u>
18.8 <u>Game and Fish</u>	<u>2,266,000</u>	<u>2,273,000</u>
18.9 <u>Special Revenue</u>	<u>2,100,000</u>	<u>1,276,000</u>

18.10 \$1,075,000 the first year and \$1,075,000 the
 18.11 second year are from the water recreation
 18.12 account in the natural resources fund for
 18.13 enhancing public water access facilities.

18.14 \$5,740,000 the first year and \$5,740,000 the
 18.15 second year are from the natural resources
 18.16 fund for state trail, park, and recreation area
 18.17 operations. This appropriation is from the
 18.18 revenue deposited in the natural resources
 18.19 fund under Minnesota Statutes, section
 18.20 297A.94, paragraph (e), clause (2).

18.21 \$1,005,000 the first year and \$1,005,000 the
 18.22 second year are from the natural resources
 18.23 fund for park and trail grants to local units of
 18.24 government on land to be maintained for at
 18.25 least 20 years for the purposes of the grants.

18.26 This appropriation is from the revenue
 18.27 deposited in the natural resources fund
 18.28 under Minnesota Statutes, section 297A.94,
 18.29 paragraph (e), clause (4). Any unencumbered
 18.30 balance does not cancel at the end of the first
 18.31 year and is available for the second year.

18.32 \$8,424,000 the first year and \$8,424,000
 18.33 the second year are from the snowmobile
 18.34 trails and enforcement account in the
 18.35 natural resources fund for the snowmobile

19.1 grants-in-aid program. Any unencumbered
19.2 balance does not cancel at the end of the first
19.3 year and is available for the second year.
19.4 \$1,360,000 the first year and \$1,360,000
19.5 the second year are from the natural
19.6 resources fund for the off-highway vehicle
19.7 grants-in-aid program. Of this amount,
19.8 \$1,210,000 each year is from the all-terrain
19.9 vehicle account; and \$150,000 each year is
19.10 from the off-highway motorcycle account.
19.11 Any unencumbered balance does not cancel
19.12 at the end of the first year and is available for
19.13 the second year.
19.14 \$75,000 the first year and \$75,000 the second
19.15 year are from the cross-country ski account
19.16 in the natural resources fund for grooming
19.17 and maintaining cross-country ski trails in
19.18 state parks, trails, and recreation areas.
19.19 \$250,000 the first year and \$250,000 the
19.20 second year are from the state land and
19.21 water conservation account (LAWCON)
19.22 in the natural resources fund for priorities
19.23 established by the commissioner for eligible
19.24 state projects and administrative and
19.25 planning activities consistent with Minnesota
19.26 Statutes, section 84.0264, and the federal
19.27 Land and Water Conservation Fund Act.
19.28 Any unencumbered balance does not cancel
19.29 at the end of the first year and is available for
19.30 the second year.
19.31 \$968,000 the first year and \$968,000 the
19.32 second year are from the off-road vehicle
19.33 account in the natural resources fund. Of
19.34 this amount, \$568,000 each year is for parks
19.35 and trails management for off-road vehicle

20.1 purposes; \$325,000 each year is for the
 20.2 off-road vehicle grant in aid program; and
 20.3 \$75,000 each year is for a new full-time
 20.4 employee position or contract in northern
 20.5 Minnesota to work in conjunction with the
 20.6 Minnesota Four-Wheel Drive Association
 20.7 to address off-road vehicle touring routes
 20.8 and other issues related to off-road vehicle
 20.9 activities.

20.10 \$2,100,000 the first year and \$1,276,000
 20.11 the second year are from the environment
 20.12 and natural resources account in the
 20.13 special revenue fund. This is a onetime
 20.14 appropriation.

20.15 The base for parks and trails operations in
 20.16 the general fund in fiscal year 2018 and
 20.17 thereafter is \$22,277,000.

20.18 **Subd. 6. Fish and Wildlife Management** 71,677,000 72,213,000

20.19	<u>Appropriations by Fund</u>	
20.20	<u>2016</u>	<u>2017</u>
20.21	<u>Natural Resources</u>	<u>1,908,000</u>
20.22	<u>Game and Fish</u>	<u>1,912,000</u>
		<u>69,769,000</u>
		<u>70,301,000</u>

20.23 \$8,167,000 the first year and \$8,167,000
 20.24 the second year are from the heritage
 20.25 enhancement account in the game and fish
 20.26 fund only for activities specified in Minnesota
 20.27 Statutes, section 297A.94, paragraph (e),
 20.28 clause (1). Notwithstanding Minnesota
 20.29 Statutes, section 297A.94, five percent of
 20.30 this appropriation may be used for expanding
 20.31 hunter and angler recruitment and retention.

20.32 \$1,000,000 the first year and \$1,000,000
 20.33 the second year are from the game and
 20.34 fish fund for shooting sports facility grants
 20.35 under Minnesota Statutes, section 87A.10,

21.1 including grants for archery facilities. Grants
 21.2 must be matched with a nonstate match,
 21.3 which may include in-kind contributions.
 21.4 This is a onetime appropriation and is
 21.5 available until June 30, 2019.

21.6 The game and fish fund base for fish and
 21.7 wildlife management in fiscal year 2018 and
 21.8 thereafter is \$66,119,000.

21.9 Subd. 7. Enforcement 46,375,000 47,576,000

21.10	<u>Appropriations by Fund</u>	
21.11	<u>2016</u>	<u>2017</u>
21.12 <u>General</u>	<u>4,057,000</u>	<u>4,140,000</u>
21.13 <u>Natural Resources</u>	<u>10,415,000</u>	<u>10,707,000</u>
21.14 <u>Game and Fish</u>	<u>22,803,000</u>	<u>23,629,000</u>
21.15 <u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
21.16 <u>Special Revenue</u>	<u>9,000,000</u>	<u>9,000,000</u>

21.17 \$1,718,000 the first year and \$1,718,000 the
 21.18 second year are from the general fund for
 21.19 enforcement efforts to prevent the spread of
 21.20 aquatic invasive species.

21.21 \$1,537,000 the first year and \$1,580,000
 21.22 the second year are from the heritage
 21.23 enhancement account in the game and
 21.24 fish fund for only the purposes specified
 21.25 in Minnesota Statutes, section 297A.94,
 21.26 paragraph (e), clause (1). The base for these
 21.27 purposes in fiscal year 2018 and thereafter is
 21.28 \$1,607,000.

21.29 \$1,082,000 the first year and \$1,082,000 the
 21.30 second year are from the water recreation
 21.31 account in the natural resources fund for
 21.32 grants to counties for boat and water safety.
 21.33 Any unencumbered balance does not cancel
 21.34 at the end of the first year and is available for
 21.35 the second year.

22.1 \$315,000 the first year and \$315,000 the
22.2 second year are from the snowmobile
22.3 trails and enforcement account in the
22.4 natural resources fund for grants to local
22.5 law enforcement agencies for snowmobile
22.6 enforcement activities. Any unencumbered
22.7 balance does not cancel at the end of the first
22.8 year and is available for the second year.

22.9 \$250,000 the first year and \$250,000
22.10 the second year are from the all-terrain
22.11 vehicle account for grants to qualifying
22.12 organizations to assist in safety and
22.13 environmental education and monitoring
22.14 trails on public lands under Minnesota
22.15 Statutes, section 84.9011. Grants issued
22.16 under this paragraph must be issued through
22.17 a formal agreement with the organization.

22.18 By December 15 each year, an organization
22.19 receiving a grant under this paragraph shall
22.20 report to the commissioner with details on
22.21 expenditures and outcomes from the grant.

22.22 Of this appropriation, \$25,000 each year
22.23 is for administration of these grants. Any
22.24 unencumbered balance does not cancel at the
22.25 end of the first year and is available for the
22.26 second year.

22.27 \$510,000 the first year and \$510,000
22.28 the second year are from the natural
22.29 resources fund for grants to county law
22.30 enforcement agencies for off-highway
22.31 vehicle enforcement and public education
22.32 activities based on off-highway vehicle use
22.33 in the county. Of this amount, \$498,000 each
22.34 year is from the all-terrain vehicle account;
22.35 \$11,000 each year is from the off-highway
22.36 motorcycle account; and \$1,000 each year

23.1 is from the off-road vehicle account. The
23.2 county enforcement agencies may use
23.3 money received under this appropriation
23.4 to make grants to other local enforcement
23.5 agencies within the county that have a high
23.6 concentration of off-highway vehicle use.
23.7 Of this appropriation, \$25,000 each year
23.8 is for administration of these grants. Any
23.9 unencumbered balance does not cancel at the
23.10 end of the first year and is available for the
23.11 second year.

23.12 \$9,000,000 the first year is from the
23.13 environment and natural resources account in
23.14 the special revenue fund and is transferred to
23.15 the commissioner of revenue for allocation
23.16 to counties for aquatic invasive prevention
23.17 activities under Minnesota Statutes 2014,
23.18 section 477A.19, subdivisions 1 to 4. This is
23.19 a onetime appropriation.

23.20 \$9,000,000 the second year is from the
23.21 environment and natural resources account
23.22 in the special revenue fund for county
23.23 aquatic invasive species prevention grants
23.24 under Minnesota Statutes, section 84D.16.
23.25 The appropriation from the environment
23.26 and natural resources account in the special
23.27 revenue fund is a onetime appropriation. The
23.28 general fund base for this program in fiscal
23.29 year 2018 and thereafter is \$9,000,000.

23.30 The commissioner may conduct a
23.31 conservation officer academy in fiscal years
23.32 2016 and 2017 with available funds.

23.33 The natural resources fund base for
23.34 enforcement in fiscal year 2018 and
23.35 thereafter is \$10,834,000. The game and fish

24.1 fund base for enforcement in fiscal year 2018
 24.2 and thereafter is \$23,988,000.

24.3 **Subd. 8. Operations Support** 320,000 320,000

24.4 \$320,000 the first year and \$320,000 the
 24.5 second year are from the natural resources
 24.6 fund for grants to be divided equally between
 24.7 the city of St. Paul for the Como Park Zoo
 24.8 and Conservatory and the city of Duluth
 24.9 for the Duluth Zoo. This appropriation
 24.10 is from the revenue deposited to the fund
 24.11 under Minnesota Statutes, section 297A.94,
 24.12 paragraph (e), clause (5).

24.13 **Subd. 9. Cancellation**

24.14 The general fund appropriation of \$1,000,000
 24.15 in Laws 2014, chapter 312, article 12, section
 24.16 6, subdivision 2, is canceled on June 30,
 24.17 2015.

24.18 **Sec. 4. BOARD OF WATER AND SOIL**
 24.19 **RESOURCES** \$ 15,237,000 \$ 15,415,000

<u>Appropriations by Fund</u>	<u>2016</u>	<u>2017</u>
24.21 <u>General</u>	<u>14,237,000</u>	<u>14,415,000</u>
24.22 <u>Remediation</u>	<u>1,000,000</u>	<u>1,000,000</u>

24.24 \$3,423,000 the first year and \$3,423,000 the
 24.25 second year are for natural resources block
 24.26 grants to local governments. Grants must be
 24.27 matched with a combination of local cash or
 24.28 in-kind contributions. The base grant portion
 24.29 related to water planning must be matched
 24.30 by an amount as specified by Minnesota
 24.31 Statutes, section 103B.3369. The board may
 24.32 reduce the amount of the natural resources
 24.33 block grant to a county by an amount equal to
 24.34 any reduction in the county's general services
 24.35 allocation to a soil and water conservation

25.1 district from the county's previous year
25.2 allocation when the board determines that
25.3 the reduction was disproportionate.

25.4 \$4,116,000 the first year and \$4,116,000 the
25.5 second year are for grants to soil and water
25.6 conservation districts for general purposes,
25.7 nonpoint engineering, and implementation of
25.8 the reinvest in Minnesota reserve program.

25.9 Expenditures may be made from these
25.10 appropriations for supplies and services
25.11 benefiting soil and water conservation
25.12 districts. Any district receiving a grant under
25.13 this paragraph shall maintain a Web page that
25.14 publishes, at a minimum, its annual report,
25.15 annual audit, annual budget, and meeting
25.16 notices.

25.17 \$1,560,000 the first year and \$1,560,000 the
25.18 second year are for the following cost-share
25.19 programs:

25.20 (1) \$260,000 each year is for feedlot water
25.21 quality grants for feedlots under 300 animal
25.22 units and nutrient and manure management
25.23 projects in watersheds where there are
25.24 impaired waters;

25.25 (2) \$1,200,000 each year is for soil and
25.26 water conservation district cost-sharing
25.27 contracts for perennially vegetated riparian
25.28 buffers, erosion control, water retention
25.29 and treatment, and other high-priority
25.30 conservation practices; and

25.31 (3) \$100,000 each year is for county
25.32 cooperative weed management programs and
25.33 to restore native plants in selected invasive
25.34 species management sites.

26.1 \$800,000 the first year and \$750,000
26.2 the second year are for implementation,
26.3 enforcement, and oversight of the Wetland
26.4 Conservation Act, including administration
26.5 of the wetland banking program and in-lieu
26.6 fee mechanism.

26.7 \$166,000 the first year and \$166,000
26.8 the second year are to provide technical
26.9 assistance to local drainage management
26.10 officials and for the costs of the Drainage
26.11 Work Group.

26.12 \$100,000 the first year and \$100,000
26.13 the second year are for a grant to the
26.14 Red River Basin Commission for water
26.15 quality and floodplain management,
26.16 including administration of programs. This
26.17 appropriation must be matched by nonstate
26.18 funds. If the appropriation in either year is
26.19 insufficient, the appropriation in the other
26.20 year is available for it.

26.21 \$140,000 the first year and \$140,000
26.22 the second year are for grants to Area
26.23 II Minnesota River Basin Projects for
26.24 floodplain management.

26.25 \$8,000 the first year and \$262,000 the
26.26 second year are to study, in cooperation
26.27 with the commissioner of natural resources,
26.28 the feasibility of the state assuming
26.29 administration of the section 404 permit
26.30 program of the federal Clean Water Act
26.31 as required in this act. This is a onetime
26.32 appropriation.

26.33 Notwithstanding Minnesota Statutes, section
26.34 115B.20, \$1,000,000 the first year and
26.35 \$1,000,000 the second year are transferred to

27.1 the Board of Water and Soil Resources from
 27.2 the dedicated account within the remediation
 27.3 fund for the purposes of Minnesota Statutes,
 27.4 section 115B.20, subdivision 2, clause (4),
 27.5 for grants to soil and water conservation
 27.6 districts to establish best management
 27.7 practices to improve water quality. This is a
 27.8 onetime transfer.

27.9 Notwithstanding Minnesota Statutes, section
 27.10 103C.501, the board may shift cost-share
 27.11 funds in this section and may adjust the
 27.12 technical and administrative assistance
 27.13 portion of the grant funds to leverage
 27.14 federal or other nonstate funds or to address
 27.15 high-priority needs identified in local water
 27.16 management plans or comprehensive water
 27.17 management plans.

27.18 The appropriations for grants in this
 27.19 section are available until expended. If an
 27.20 appropriation for grants in either year is
 27.21 insufficient, the appropriation in the other
 27.22 year is available for it.

27.23 **Sec. 5. METROPOLITAN COUNCIL \$ 8,006,000 \$ 8,006,000**

27.24	<u>Appropriations by Fund</u>		
27.25		<u>2016</u>	<u>2017</u>
27.26	<u>General</u>	<u>2,336,000</u>	<u>2,336,000</u>
27.27	<u>Natural Resources</u>	<u>5,670,000</u>	<u>5,670,000</u>

27.28 \$2,236,000 the first year and \$2,236,000 the
 27.29 second year are for metropolitan area regional
 27.30 parks operation and maintenance according
 27.31 to Minnesota Statutes, section 473.351.
 27.32 Notwithstanding Minnesota Statutes, section
 27.33 473.351, none of this appropriation may
 27.34 be distributed to the Minneapolis Park
 27.35 and Recreation Board under Minnesota

28.1 Statutes, section 473.351, subdivision 3. For
 28.2 purposes of allocating this appropriation,
 28.3 the term "implementing agency," as defined
 28.4 in Minnesota Statutes, section 473.351,
 28.5 subdivision 1, paragraph (a), does not include
 28.6 the Minneapolis Park and Recreation Board.
 28.7 \$5,670,000 the first year and \$5,670,000 the
 28.8 second year are from the natural resources
 28.9 fund for metropolitan area regional parks
 28.10 and trails maintenance and operations. This
 28.11 appropriation is from the revenue deposited
 28.12 in the natural resources fund under Minnesota
 28.13 Statutes, section 297A.94, paragraph (e),
 28.14 clause (3).
 28.15 \$100,000 the first year and \$100,000 the
 28.16 second year are for the Metropolitan Area
 28.17 Water Supply Policy Advisory Committee
 28.18 study and the Metropolitan Area Water
 28.19 Supply Technical Advisory Committee
 28.20 required under Minnesota Statutes, section
 28.21 473.1565. This is a onetime appropriation.

28.22 **Sec. 6. CONSERVATION CORPS**
 28.23 **MINNESOTA** **\$ 945,000 \$ 945,000**

	<u>Appropriations by Fund</u>	
	<u>2016</u>	<u>2017</u>
28.26 <u>General</u>	<u>455,000</u>	<u>455,000</u>
28.27 <u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

28.28 Conservation Corps Minnesota may receive
 28.29 money appropriated from the natural
 28.30 resources fund under this section only
 28.31 as provided in an agreement with the
 28.32 commissioner of natural resources.

28.33 **Sec. 7. ZOOLOGICAL BOARD** **\$ 7,335,000 \$ 7,335,000**

29.1	<u>Appropriations by Fund</u>		
29.2		<u>2016</u>	<u>2017</u>
29.3	<u>General</u>	<u>7,175,000</u>	<u>7,175,000</u>
29.4	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

29.5 \$160,000 the first year and \$160,000 the
 29.6 second year are from the natural resources
 29.7 fund from the revenue deposited under
 29.8 Minnesota Statutes, section 297A.94,
 29.9 paragraph (e), clause (5).

29.10 Sec. 8. SCIENCE MUSEUM OF
 29.11 MINNESOTA \$ 1,079,000 \$ 1,079,000

29.12 Sec. 9. ADMINISTRATION \$ 500,000 \$ 500,000

29.13 \$500,000 the first year and \$500,000
 29.14 the second year are from the state forest
 29.15 suspense account in the permanent school
 29.16 fund for the school trust lands director to
 29.17 accelerate land exchanges, land sales, and
 29.18 commercial leasing of school trust lands and
 29.19 to identify, evaluate, and lease construction
 29.20 aggregate located on school trust lands. This
 29.21 appropriation is to be used for securing
 29.22 long-term economic return from the
 29.23 school trust lands consistent with fiduciary
 29.24 responsibilities and sound natural resources
 29.25 conservation and management principles.

29.26 Sec. 10. MINNESOTA MANAGEMENT AND
 29.27 BUDGET \$ 3,228,000 \$ 3,228,000

29.28 \$3,228,000 the first year and \$3,228,000 the
 29.29 second year are for cost analyses of water
 29.30 quality standards as required under this act.
 29.31 The general fund base for this appropriation in
 29.32 fiscal year 2018 and thereafter is \$6,411,000.

30.1 Sec. 11. Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended by
30.2 Laws 2010, First Special Session chapter 1, article 6, section 6, and Laws 2013, chapter
30.3 114, article 3, section 9, is amended to read:

30.4 Subd. 6. **Transfers In**

30.5 (a) The amounts appropriated from the
30.6 agency indirect costs account in the special
30.7 revenue fund are reduced by \$328,000 in
30.8 fiscal year 2010 and \$462,000 in fiscal year
30.9 2011, and those amounts must be transferred
30.10 to the general fund by June 30, 2011. The
30.11 appropriation reductions are onetime.

30.12 (b) The commissioner of management
30.13 and budget shall transfer \$48,000,000 in
30.14 fiscal year 2011 from the closed landfill
30.15 investment fund in Minnesota Statutes,
30.16 section 115B.421, to the general fund. The
30.17 commissioner shall transfer \$9,900,000 on
30.18 July 1, 2014, ~~\$12,550,000 in each of the~~
30.19 ~~years 2015 and 2016, and \$13,000,000 in~~
30.20 ~~2017~~ from the general fund to the closed
30.21 landfill investment fund. For each the
30.22 transfer to the closed landfill investment
30.23 fund, the commissioner shall determine the
30.24 total amount of interest and other earnings
30.25 that would have accrued to the fund if the
30.26 ~~transfers~~ transfer to the general fund under
30.27 this paragraph had not been made and add
30.28 this amount to the transfer. The ~~amounts~~
30.29 amount necessary for ~~these transfers are the~~
30.30 transfer is appropriated from the general
30.31 fund in the fiscal ~~years~~ year specified for the
30.32 ~~transfers~~ transfer.

30.33 Sec. 12. Laws 2014, chapter 312, article 12, section 6, subdivision 5, is amended to read:

31.1	Subd. 5. Fish and Wildlife		
31.2	Management	-0-	2,412,000

31.3 \$3,000 in 2015 is from the heritage
 31.4 enhancement account in the game and fish
 31.5 fund for a report on aquatic plant management
 31.6 permitting policies for the management
 31.7 of narrow-leaved and hybrid cattail in a
 31.8 range of basin types across the state. The
 31.9 report shall be submitted to the chairs and
 31.10 ranking minority members of the house of
 31.11 representatives and senate committees with
 31.12 jurisdiction over environment and natural
 31.13 resources by December 15, 2014, and include
 31.14 recommendations for any necessary changes
 31.15 in statutes, rules, or permitting procedures.
 31.16 This is a onetime appropriation.

31.17 \$9,000 in 2015 is from the game and fish
 31.18 fund for the commissioner, in consultation
 31.19 with interested parties, agencies, and other
 31.20 states, to develop a detailed restoration plan
 31.21 to recover the historical native population of
 31.22 bobwhite quail in Minnesota for its ecological
 31.23 and recreational benefits to the citizens of the
 31.24 state. The commissioner shall conduct public
 31.25 meetings in developing the plan. No later
 31.26 than January 15, 2015, the commissioner
 31.27 must report on the plan's progress to the
 31.28 legislative committees with jurisdiction over
 31.29 environment and natural resources policy
 31.30 and finance. This is a onetime appropriation.

31.31 \$2,000,000 in 2015 is from the game and
 31.32 fish fund for shooting sports facility grants
 31.33 under Minnesota Statutes, section 87A.10.
 31.34 The commissioner may spend up to \$50,000
 31.35 of this appropriation to administer the grant.

32.1 This is a onetime appropriation and is
32.2 available until June 30, 2017.
32.3 \$400,000 in 2015 is from the heritage
32.4 enhancement account in the game and fish
32.5 fund for hunter and angler recruitment
32.6 and retention activities and grants to local
32.7 chapters of Let's Go Fishing of Minnesota
32.8 to provide community outreach to senior
32.9 citizens, youth, and veterans and for the costs
32.10 associated with establishing and recruiting
32.11 new chapters. The grants must be matched
32.12 with cash or in-kind contributions from
32.13 nonstate sources. Of this amount, \$25,000
32.14 is for Asian Outdoor Heritage for youth
32.15 fishing recruitment efforts and outreach in
32.16 the metropolitan area. The commissioner
32.17 shall establish a grant application process
32.18 that includes a standard for ownership
32.19 of equipment purchased under the grant
32.20 program and contract requirements that
32.21 cover the disposition of purchased equipment
32.22 if the grantee no longer exists. Any
32.23 equipment purchased with state grant money
32.24 must be specified on the grant application
32.25 and approved by the commissioner. The
32.26 commissioner may spend up to three percent
32.27 of the appropriation to administer the grant.
32.28 This is a onetime appropriation and is
32.29 available until June 30, 2016.

32.30 **ARTICLE 2**

32.31 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

32.32 Section 1. Minnesota Statutes 2014, section 16A.531, subdivision 1a, is amended to
32.33 read:

33.1 Subd. 1a. **Revenues.** The following revenues must be deposited in the
 33.2 environmental fund:

33.3 (1) revenue from the motor vehicle transfer fee as provided in section 115A.908,
 33.4 subdivision 2;

33.5 (2) all fees collected under section 116.07, subdivision 4d;

33.6 ~~(3) all money collected by the Pollution Control Agency in enforcement matters~~
 33.7 ~~as provided in section 115.073;~~

33.8 ~~(4)~~ (3) all revenues from license fees for subsurface sewage treatment systems
 33.9 under section 115.56;

33.10 ~~(5)~~ (4) all loan repayments deposited under section 115A.0716;

33.11 ~~(6)~~ (5) all revenue from pollution prevention fees imposed under section 115D.12;

33.12 ~~(7)~~ (6) all loan repayments deposited under section 116.994;

33.13 ~~(8)~~ (7) all fees collected under section 116C.834;

33.14 ~~(9)~~ (8) revenue collected from the solid waste management tax pursuant to chapter
 33.15 297H;

33.16 ~~(10)~~ (9) fees collected under section 473.844;

33.17 ~~(11)~~ (10) interest accrued on the fund; and

33.18 ~~(12)~~ (11) money received in the form of gifts, grants, reimbursement, or appropriation
 33.19 from any source for any of the purposes provided in subdivision 2, except federal grants.

33.20 Sec. 2. Minnesota Statutes 2014, section 16C.073, subdivision 2, is amended to read:

33.21 Subd. 2. **Purchases; printing.** (a) Whenever practicable, a public entity shall:

33.22 (1) purchase uncoated copy paper, office paper₂, and printing paper;

33.23 (2) purchase recycled content copy paper with at least ~~ten~~ 30 percent postconsumer
 33.24 material by weight and purchase printing and office paper with at least ten percent
 33.25 postconsumer material by weight;

33.26 (3) purchase copy, office, and printing paper which has not been dyed with colors,
 33.27 excluding pastel colors;

33.28 (4) purchase recycled content copy, office, and printing paper that is manufactured
 33.29 using little or no chlorine bleach or chlorine derivatives;

33.30 ~~(5) use no more than two colored inks, standard or processed, except in formats~~
 33.31 ~~where they are necessary to convey meaning;~~

33.32 ~~(6)~~ (5) use reusable binding materials or staples and bind documents by methods
 33.33 that do not use glue;

33.34 ~~(7)~~ (6) use soy-based inks;

34.1 ~~(8)~~ (7) produce reports, publications, and periodicals that are readily recyclable
 34.2 ~~within the state resource recovery program; and~~

34.3 ~~(9)~~ (8) purchase paper which has been made on a paper machine located in Minnesota.

34.4 (b) Paragraph (a), clause (1), does not apply to coated paper that is made with at
 34.5 least 50 percent postconsumer material.

34.6 (c) A public entity shall print documents on both sides of the paper where commonly
 34.7 accepted publishing practices allow.

34.8 ~~(d) Notwithstanding paragraph (a), clause (2), and section 16C.0725, copier paper~~
 34.9 ~~purchased by a state agency must contain at least ten percent postconsumer material by~~
 34.10 ~~fiber content.~~

34.11 Sec. 3. Minnesota Statutes 2014, section 84.415, subdivision 7, is amended to read:

34.12 Subd. 7. ~~Existing road right-of-way; Fee exemption.~~ (a) A utility license for
 34.13 crossing public lands or public waters is exempt from all application fees specified in this
 34.14 section and in rules adopted under this section ~~when the utility crossing is on an existing~~
 34.15 ~~right-of-way of a public road.~~

34.16 (b) This subdivision applies to telephone lines and to electric power lines, cables,
 34.17 or conduits under 100 kilovolts.

34.18 (c) This subdivision does not apply to electric power lines, cables, or conduits 100
 34.19 kilovolts or greater or to mains or pipelines for gas, liquids, or solids in suspension.

34.20 EFFECTIVE DATE. This section is effective retroactively from July 1, 2014, and
 34.21 does not authorize the retroactive collection of fees.

34.22 Sec. 4. [84.69] NATURAL RESOURCES CONSERVATION EASEMENT
 34.23 STEWARDSHIP ACCOUNT.

34.24 Subdivision 1. Account established; sources. The natural resources conservation
 34.25 easement stewardship account is created in the special revenue fund. The account consists
 34.26 of money credited to the account and interest and other earnings on money in the account.
 34.27 The State Board of Investment must manage the account to maximize long-term gain. The
 34.28 following revenue must be deposited in the natural resources conservation easement
 34.29 stewardship account:

34.30 (1) contributions to the account or specified for any purpose of the account;

34.31 (2) contributions under subdivision 3; section 84.66, subdivision 11; or other
 34.32 applicable law;

34.33 (3) money appropriated for any of the purposes described in subdivision 2;

35.1 (4) money appropriated for monitoring and enforcement of easements and earnings
35.2 on the money appropriated that revert to the state under section 97A.056, subdivision
35.3 17, or other applicable law; and

35.4 (5) gifts under section 84.085 for conservation easement stewardship.

35.5 Subd. 2. **Appropriation; purposes of account.** Five percent of the balance on
35.6 July 1 of each year in the natural resources conservation easement stewardship account
35.7 is annually appropriated to the commissioner of natural resources and may be spent
35.8 only to cover the costs of managing conservation easements held by the Department
35.9 of Natural Resources, including costs associated with monitoring, landowner contacts,
35.10 records storage and management, processing landowner notices, requests for approval
35.11 or amendments, enforcement, and legal services associated with conservation easement
35.12 management activities.

35.13 Subd. 3. **Financial contributions.** The commissioner shall seek a financial
35.14 contribution to the natural resources conservation easement stewardship account for each
35.15 conservation easement acquired by or assigned to the Department of Natural Resources.
35.16 Unless otherwise provided by law, the commissioner shall determine the amount of the
35.17 contribution, which must be an amount calculated to earn sufficient money to meet
35.18 the costs of managing the conservation easement at a level that neither significantly
35.19 overrecovers nor underrecovers the costs. In determining the amount of the financial
35.20 contribution, the commissioner shall consider:

35.21 (1) the estimated annual staff hours needed to manage the conservation easement,
35.22 taking into consideration factors such as easement type, size, location, and complexity;

35.23 (2) the average hourly wages for the class or classes of employees expected to
35.24 manage the conservation easement;

35.25 (3) the estimated annual travel expenses to manage the conservation easement;

35.26 (4) the estimated annual miscellaneous costs to manage the conservation easement,
35.27 including supplies and equipment, information technology support, and aerial flyovers;

35.28 (5) the estimated annualized cost of legal services, including the cost to enforce the
35.29 easement in the event of a violation; and

35.30 (6) the expected rate of return on investments in the account.

35.31 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day
35.32 following final enactment. Subdivision 3 of this section is effective for conservation
35.33 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions
35.34 of conservation easements by gift that are initiated on or after July 1, 2015.

35.35 Sec. 5. Minnesota Statutes 2014, section 84.788, subdivision 5, is amended to read:

36.1 Subd. 5. **Report of ownership transfers; fee.** ~~A person who sells or transfers (a)~~
36.2 Application for transfer of ownership of an off-highway motorcycle registered under
36.3 this section shall report the sale or transfer must be made to the commissioner within
36.4 15 days of the date of transfer.

36.5 (b) An application for transfer must be executed by the registered owner and the
36.6 buyer on a form prescribed by the commissioner with the owner's registration certificate,
36.7 purchaser using a bill of sale, and a \$4 fee that includes the vehicle serial number.

36.8 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
36.9 purchaser fails to apply for transfer of ownership as provided under this subdivision.

36.10 **EFFECTIVE DATE.** This section is effective January 1, 2016.

36.11 Sec. 6. Minnesota Statutes 2014, section 84.788, is amended by adding a subdivision
36.12 to read:

36.13 Subd. 5a. **Report of registration transfers.** (a) Application for transfer of
36.14 registration under this section must be made to the commissioner within 15 days of the
36.15 date of transfer.

36.16 (b) An application for transfer must be executed by the registered owner and the
36.17 purchaser using a bill of sale that includes the vehicle serial number.

36.18 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
36.19 purchaser fails to apply for transfer of registration as provided under this subdivision.

36.20 **EFFECTIVE DATE.** This section is effective January 1, 2016.

36.21 Sec. 7. **[84.8031] GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

36.22 The commissioner must review an off-road vehicle grant-in-aid application and, if
36.23 approved, commence public review of the application within 60 days after the application
36.24 has been locally approved and submitted to an area parks and trails office. If the
36.25 commissioner fails to approve or deny the application within 60 days after submission,
36.26 the application is deemed approved and the commissioner must provide for a 30-day
36.27 public review period.

36.28 Sec. 8. Minnesota Statutes 2014, section 84.82, subdivision 6, is amended to read:

36.29 Subd. 6. **Exemptions.** Registration is not required under this section for:

36.30 (1) a snowmobile owned and used by the United States, an Indian tribal government,
36.31 another state, or a political subdivision thereof;

37.1 (2) a snowmobile registered in a country other than the United States temporarily
37.2 used within this state;

37.3 (3) a snowmobile that is covered by a valid license of another state and has not been
37.4 within this state for more than 30 consecutive days or that is registered by an Indian tribal
37.5 government to a tribal member and has not been outside the tribal reservation boundary
37.6 for more than 30 consecutive days;

37.7 (4) a snowmobile used exclusively in organized track racing events;

37.8 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

37.9 (6) a snowmobile at least 15 years old in transit by an individual for use only on
37.10 land owned or leased by the individual; ~~or~~

37.11 (7) a snowmobile while being used to groom a state or grant-in-aid trail; or

37.12 (8) a snowmobile with an engine displacement that is less than 125 cubic centimeters
37.13 provided the snowmobile is not operated on state or grant-in-aid snowmobile trails.

37.14 Sec. 9. Minnesota Statutes 2014, section 84.84, is amended to read:

37.15 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

37.16 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a
37.17 security interest, or the destruction or abandonment of any snowmobile, written notice
37.18 thereof of the transfer or destruction or abandonment shall be given to the commissioner
37.19 in such form as the commissioner shall prescribe.

37.20 (b) An application for transfer must be executed by the registered owner and the
37.21 purchaser using a bill of sale that includes the vehicle serial number.

37.22 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser
37.23 fails to apply for transfer of ownership as provided under this subdivision. Every owner
37.24 or part owner of a snowmobile shall, upon failure to give ~~such~~ notice of destruction or
37.25 abandonment, be subject to the penalties imposed by ~~Laws 1967, chapter 876~~ section 84.88.

37.26 **EFFECTIVE DATE.** This section is effective July 1, 2016.

37.27 Sec. 10. Minnesota Statutes 2014, section 84.92, subdivision 8, is amended to read:

37.28 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means
37.29 a motorized vehicle ~~of~~ with: (1) not less than three, but not more than six low pressure
37.30 or non-pneumatic tires, ~~that is limited in engine displacement of less than 1,000 cubic~~
37.31 ~~centimeters and;~~ (2) a total dry weight of 2,000 pounds or less; and (3) a total width
37.32 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle
37.33 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does

38.1 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used
38.2 specifically for lawn maintenance, agriculture, logging, or mining purposes.

38.3 Sec. 11. Minnesota Statutes 2014, section 84.92, subdivision 9, is amended to read:

38.4 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
38.5 all-terrain vehicle that has a total ~~dry weight of less than 1,200 pounds~~ width from outside
38.6 of tire rim to outside of tire rim that is 50 inches or less.

38.7 Sec. 12. Minnesota Statutes 2014, section 84.92, subdivision 10, is amended to read:

38.8 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
38.9 all-terrain vehicle that has a total ~~dry weight of 1,200 to 1,800 pounds~~ width from outside
38.10 of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

38.11 Sec. 13. Minnesota Statutes 2014, section 84.922, subdivision 4, is amended to read:

38.12 Subd. 4. **Report of transfers.** ~~A person who sells or transfers ownership of a~~
38.13 ~~vehicle registered under this section shall report the sale or~~ (a) Application for transfer of
38.14 ownership must be made to the commissioner within 15 days of the date of transfer.

38.15 (b) An application for transfer must be executed by the registered owner and
38.16 the purchaser on a form prescribed by the commissioner with the owner's registration
38.17 certificate, using a bill of sale and a \$4 fee that includes the vehicle serial number.

38.18 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
38.19 purchaser fails to apply for transfer of ownership as provided under this subdivision.

38.20 **EFFECTIVE DATE.** This section is effective January 1, 2016.

38.21 Sec. 14. Minnesota Statutes 2014, section 84.925, subdivision 5, is amended to read:

38.22 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,
38.23 1987, and who is 16 years of age or older, must successfully complete the independent
38.24 study course component of all-terrain vehicle safety training before operating an all-terrain
38.25 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

38.26 (b) An individual who is convicted of violating a law related to the operation of an
38.27 all-terrain vehicle must successfully complete the independent study course component of
38.28 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

38.29 (c) An individual who is convicted for a second or subsequent excess speed, trespass,
38.30 or wetland violation in an all-terrain vehicle season, or any conviction for careless or
38.31 reckless operation of an all-terrain vehicle, must successfully complete the independent

39.1 study and the testing and operating course components of all-terrain vehicle safety training
39.2 before continuing operation of an all-terrain vehicle.

39.3 (d) An individual who receives three or more citations and convictions for violating a
39.4 law related to the operation of an all-terrain vehicle in a two-year period must successfully
39.5 complete the independent study and the testing and operating course components of
39.6 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

39.7 (e) An individual must present evidence of compliance with this subdivision before
39.8 an all-terrain vehicle registration is issued or renewed. A person may use the following as
39.9 evidence of meeting all-terrain vehicle safety certificate requirements:

39.10 (1) a valid all-terrain vehicle safety certificate issued by the commissioner;

39.11 (2) a driver's license that has a valid all-terrain vehicle safety certificate indicator
39.12 issued under section 171.07, subdivision 18; or

39.13 (3) an identification card that has a valid all-terrain vehicle safety certificate indicator
39.14 issued under section 171.07, subdivision 18.

39.15 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new
39.16 driver and vehicle services information technology system is implemented, whichever
39.17 comes later.

39.18 Sec. 15. Minnesota Statutes 2014, section 84.9256, subdivision 1, is amended to read:

39.19 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on
39.20 public road rights-of-way that is permitted under section 84.928 and as provided under
39.21 paragraph (j), a driver's license issued by the state or another state is required to operate an
39.22 all-terrain vehicle along or on a public road right-of-way.

39.23 (b) A person under 12 years of age shall not:

39.24 (1) make a direct crossing of a public road right-of-way;

39.25 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

39.26 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
39.27 paragraph (f).

39.28 (c) Except for public road rights-of-way of interstate highways, a person 12 years
39.29 of age but less than 16 years may make a direct crossing of a public road right-of-way
39.30 of a trunk, county state-aid, or county highway or operate on public lands and waters or
39.31 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety
39.32 certificate issued by the commissioner and is accompanied by a person 18 years of age or
39.33 older who holds a valid driver's license.

39.34 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years
39.35 old, but less than 16 years old, must:

40.1 (1) successfully complete the safety education and training program under section
40.2 84.925, subdivision 1, including a riding component; and

40.3 (2) be able to properly reach and control the handle bars and reach the foot pegs
40.4 while sitting upright on the seat of the all-terrain vehicle.

40.5 (e) A person at least 11 years of age may take the safety education and training
40.6 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
40.7 the certificate is not valid until the person reaches age 12.

40.8 (f) A person at least ten years of age but under 12 years of age may operate an
40.9 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if
40.10 accompanied by a parent or legal guardian.

40.11 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

40.12 (h) A person under the age of 16 may not operate an all-terrain vehicle on public
40.13 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and
40.14 control the handle bars and reach the foot pegs while sitting upright on the seat of the
40.15 all-terrain vehicle.

40.16 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
40.17 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county
40.18 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
40.19 or state or grant-in-aid trails if:

40.20 (1) the nonresident youth has in possession evidence of completing an all-terrain
40.21 safety course offered by the ATV Safety Institute or another state as provided in section
40.22 84.925, subdivision 3; and

40.23 (2) the nonresident youth is accompanied by a person 18 years of age or older who
40.24 holds a valid driver's license.

40.25 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
40.26 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
40.27 under section 84.928 if the person:

40.28 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
40.29 and

40.30 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

40.31 Sec. 16. Minnesota Statutes 2014, section 84.928, subdivision 1, is amended to read:

40.32 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
40.33 allowed in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall
40.34 not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside
40.35 bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

41.1 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside
41.2 bank or slope of a trunk, county state-aid, or county highway unless prohibited under
41.3 paragraph (d) or (f).

41.4 (c) A person may operate a class 1 all-terrain vehicle designed by the manufacturer
41.5 for off-road use to be driven by a steering wheel and equipped with operator and passenger
41.6 seat belts and a roll-over protective structure or a class 2 all-terrain vehicle:

41.7 (1) within the public road right-of-way of a county state-aid or county highway on
41.8 the right shoulder or the extreme right-hand side of the road and left turns may be made
41.9 from any part of the road if it is safe to do so under the prevailing conditions, unless
41.10 prohibited under paragraph (d) or (f);

41.11 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county
41.12 state-aid, or county highway but only to access businesses or make trail connections, and
41.13 left turns may be made from any part of the road if it is safe to do so under the prevailing
41.14 conditions, unless prohibited under paragraph (d) or (f); and

41.15 (3) on the bank or ditch of a public road right-of-way on a designated class 2
41.16 all-terrain vehicle trail.

41.17 (d) A road authority as defined under section 160.02, subdivision 25, may after a
41.18 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under
41.19 its jurisdiction.

41.20 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
41.21 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside
41.22 bank or slope of a trunk, interstate, county state-aid, or county highway:

41.23 (1) that is part of a funded grant-in-aid trail; or

41.24 (2) when the all-terrain vehicle is owned by or operated under contract with:

41.25 (i) a road authority as defined under section 160.02, subdivision 25; or

41.26 (ii) a publicly or privately owned utility or pipeline company and used for work
41.27 on utilities or pipelines.

41.28 (f) The commissioner may limit the use of a right-of-way for a period of time if the
41.29 commissioner determines that use of the right-of-way causes:

41.30 (1) degradation of vegetation on adjacent public property;

41.31 (2) siltation of waters of the state;

41.32 (3) impairment or enhancement to the act of taking game; or

41.33 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
41.34 property.

41.35 The commissioner must notify the road authority as soon as it is known that a closure
41.36 will be ordered. The notice must state the reasons and duration of the closure.

42.1 (g) A person may operate an all-terrain vehicle registered for private use and used
 42.2 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or
 42.3 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand
 42.4 side of the road, and left turns may be made from any part of the road if it is safe to do so
 42.5 under the prevailing conditions.

42.6 (h) A person shall not operate an all-terrain vehicle within the public road
 42.7 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in
 42.8 the agricultural zone unless the vehicle is being used exclusively as transportation to and
 42.9 from work on agricultural lands. This paragraph does not apply to an agent or employee
 42.10 of a road authority, as defined in section 160.02, subdivision 25, or the Department of
 42.11 Natural Resources when performing or exercising official duties or powers.

42.12 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way
 42.13 of a trunk, county state-aid, or county highway between the hours of one-half hour after
 42.14 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way
 42.15 and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

42.16 (j) A person shall not operate an all-terrain vehicle at any time within the
 42.17 right-of-way of an interstate highway or freeway within this state.

42.18 (k) A county, city, or town, acting through its governing body, may by ordinance
 42.19 allow a person to operate an all-terrain vehicle on a public road or street under its
 42.20 jurisdiction to access businesses and residences and to make trail connections.

42.21 **EFFECTIVE DATE.** The amendments to paragraph (e) of this section are effective
 42.22 the day following final enactment.

42.23 Sec. 17. Minnesota Statutes 2014, section 84D.01, is amended by adding a subdivision
 42.24 to read:

42.25 Subd. 1a. **Aquatic invasive species affirmation.** "Aquatic invasive species
 42.26 affirmation" means an affirmation of the summary of the aquatic invasive species laws of
 42.27 this chapter that is part of watercraft licenses and nonresident fishing licenses, as provided
 42.28 in section 84D.106.

42.29 **EFFECTIVE DATE.** This section is effective January 1, 2016.

42.30 Sec. 18. Minnesota Statutes 2014, section 84D.01, subdivision 13, is amended to read:

42.31 **Subd. 13. **Prohibited invasive species.**** "Prohibited invasive species" means a
 42.32 nonnative species that has been ~~listed~~ designated as a prohibited invasive species in a rule
 42.33 adopted by the commissioner under section 84D.12.

43.1 Sec. 19. Minnesota Statutes 2014, section 84D.01, subdivision 15, is amended to read:

43.2 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a
43.3 nonnative species that has been ~~listed~~ designated as a regulated invasive species in a rule
43.4 adopted by the commissioner under section 84D.12.

43.5 Sec. 20. Minnesota Statutes 2014, section 84D.01, subdivision 17, is amended to read:

43.6 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a
43.7 nonnative species that has not been ~~listed~~ designated as a prohibited invasive species, a
43.8 regulated invasive species, or an unregulated nonnative species in a rule adopted by the
43.9 commissioner under section 84D.12.

43.10 Sec. 21. Minnesota Statutes 2014, section 84D.01, subdivision 18, is amended to read:

43.11 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means
43.12 a nonnative species that has been ~~listed~~ designated as an unregulated nonnative species in
43.13 a rule adopted by the commissioner under section 84D.12.

43.14 Sec. 22. Minnesota Statutes 2014, section 84D.06, is amended to read:

43.15 **84D.06 UNLISTED NONNATIVE SPECIES.**

43.16 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic
43.17 plant or wild animal species unless:

43.18 (1) the person has notified the commissioner in a manner and form prescribed by
43.19 the commissioner;

43.20 (2) the commissioner has made the classification determination required in
43.21 subdivision 2 and ~~listed~~ designated the species as appropriate; and

43.22 (3) the introduction is allowed under the applicable provisions of this chapter.

43.23 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which
43.24 a notification is received under subdivision 1 should be classified as a prohibited invasive
43.25 species, the commissioner shall:

43.26 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species
43.27 as a prohibited invasive species; and

43.28 (2) notify the person from which the notification was received that the species is
43.29 subject to section 84D.04.

43.30 (b) If the commissioner determines that a species for which a notification is
43.31 received under subdivision 1 should be classified as an unregulated nonnative species,
43.32 the commissioner shall:

44.1 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species
44.2 as an unregulated nonnative species; and

44.3 (2) notify the person from which the notification was received that the species is not
44.4 subject to regulation under this chapter.

44.5 (c) If the commissioner determines that a species for which a notification is received
44.6 under subdivision 1 should be classified as a regulated invasive species, the commissioner
44.7 shall notify the applicant that the species is subject to the requirements in section 84D.07.

44.8 Sec. 23. Minnesota Statutes 2014, section 84D.10, subdivision 3, is amended to read:

44.9 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed
44.10 peace officer may order:

44.11 (1) the removal of aquatic macrophytes or prohibited invasive species from
44.12 water-related equipment, including decontamination using hot water or high pressure
44.13 equipment when available on site, before ~~it~~ the water-related equipment is transported or
44.14 before it is placed into waters of the state;

44.15 (2) confinement of the water-related equipment at a mooring, dock, or other location
44.16 until the water-related equipment is removed from the water;

44.17 (3) removal of water-related equipment from waters of the state to remove prohibited
44.18 invasive species if the water has not been listed by the commissioner as being infested
44.19 with that species; ~~and~~

44.20 (4) a prohibition on placing water-related equipment into waters of the state when
44.21 the water-related equipment has aquatic macrophytes or prohibited invasive species
44.22 attached in violation of subdivision 1 or when water has not been drained or the drain plug
44.23 has not been removed in violation of subdivision 4-; and

44.24 (5) decontamination of water-related equipment when available on site.

44.25 (b) An order for removal of prohibited invasive species under paragraph (a), clause
44.26 (1), or decontamination of water-related equipment under paragraph (a), clause (5),
44.27 may include tagging the water-related equipment and issuing a notice that specifies
44.28 a time frame for completing the removal or decontamination and reinspection of the
44.29 water-related equipment.

44.30 ~~(b)~~ (c) An inspector who is not a licensed peace officer may issue orders under
44.31 paragraph (a), clauses (1), (3), ~~and~~ (4), and (5).

44.32 Sec. 24. **[84D.106] AQUATIC INVASIVE SPECIES AFFIRMATION.**

44.33 Aquatic invasive species affirmation is required for all:

44.34 (1) watercraft licenses issued under section 86B.401; and

45.1 (2) all nonresident fishing licenses, as provided in section 97C.301, subdivision 2a.

45.2 **EFFECTIVE DATE.** Clause (1) of this section is effective January 1, 2016, and
45.3 clause (2) of this section is effective March 1, 2016.

45.4 Sec. 25. Minnesota Statutes 2014, section 84D.11, subdivision 1, is amended to read:

45.5 Subdivision 1. **Prohibited invasive species.** The commissioner may issue a permit
45.6 for the propagation, possession, importation, purchase, or transport of a prohibited invasive
45.7 species for the purposes of disposal, decontamination, control, research, or education.

45.8 Sec. 26. Minnesota Statutes 2014, section 84D.12, subdivision 1, is amended to read:

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

45.10 (1) ~~listing~~ designating prohibited invasive species, regulated invasive species, and
45.11 unregulated nonnative species of aquatic plants and wild animals;

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

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

45.15 Sec. 27. Minnesota Statutes 2014, section 84D.12, subdivision 3, is amended to read:

45.16 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,
45.17 subdivision 13, that ~~list~~ designate:

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

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

45.20 (3) unregulated nonnative species of aquatic plants and wild animals.

45.21 Sec. 28. Minnesota Statutes 2014, section 84D.13, subdivision 5, is amended to read:

45.22 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose
45.23 the following penalty amounts:

45.24 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

45.25 (2) for placing or attempting to place into waters of the state water-related equipment
45.26 that has aquatic macrophytes attached, \$200;

45.27 (3) for unlawfully possessing or transporting a prohibited invasive species other
45.28 than an aquatic macrophyte, \$500;

45.29 (4) for placing or attempting to place into waters of the state water-related equipment
45.30 that has prohibited invasive species attached when the waters are not listed by the
45.31 commissioner as being infested with that invasive species, \$500;

46.1 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
46.2 prescribed by rule, Eurasian water milfoil, \$100;

46.3 (6) for failing to have drain plugs or similar devices removed or opened while
46.4 transporting water-related equipment or for failing to remove plugs, open valves, and
46.5 drain water from water-related equipment, other than marine sanitary systems, before
46.6 leaving waters of the state, \$100; ~~and~~

46.7 (7) for transporting infested water off riparian property without a permit as required
46.8 by rule, \$200; and

46.9 (8) for failing to have aquatic invasive species affirmation displayed or available for
46.10 inspection as provided in sections 86B.401 and 97C.301, subdivision 2a, \$25.

46.11 (b) A civil citation that is issued to a person who has one or more prior convictions
46.12 or final orders for violations of this chapter is subject to twice the penalty amounts listed
46.13 in paragraph (a).

46.14 Sec. 29. Minnesota Statutes 2014, section 84D.15, subdivision 3, is amended to read:

46.15 Subd. 3. **Use of money in account.** Money credited to the invasive species account
46.16 in subdivision 2 shall be used for management of invasive species and implementation of
46.17 this chapter as it pertains to invasive species, including control, public awareness, law
46.18 enforcement, assessment and monitoring, management planning, habitat improvements,
46.19 and research.

46.20 Sec. 30. **[84D.16] COUNTY AQUATIC INVASIVE SPECIES PREVENTION**
46.21 **GRANTS.**

46.22 Subdivision 1. **Definitions.** (a) When used in this section, the following terms
46.23 have the meanings given them.

46.24 (b) "Aquatic invasive species" means nonnative aquatic organisms that invade water
46.25 beyond their natural and historic range.

46.26 (c) "Watercraft trailer launch" means any public water access site designed for
46.27 launching watercraft.

46.28 (d) "Watercraft trailer parking space" means a parking space designated for a boat
46.29 trailer at any public water access site designed for launching watercraft.

46.30 Subd. 2. **Grants.** (a) The commissioner shall award aquatic invasive species
46.31 prevention grants to all counties in the state as follows: 50 percent based on each county's
46.32 share of watercraft trailer launches and 50 percent based on each county's share of
46.33 watercraft trailer parking spaces.

47.1 (b) The commissioner must compute the amount of each county's aquatic invasive
47.2 species prevention grant under this section for the next fiscal year based upon available
47.3 funds by August 1, 2015, and by August 1 each year thereafter, and notify each county of
47.4 the amount of the grant. Beginning November 1, 2015, and each November 1 thereafter, the
47.5 county proposed to receive a grant under this section must submit a copy of its guidelines
47.6 for use of the grant to the commissioner or notify the commissioner of the county's intent
47.7 to refuse the grant. Any refused funds are available in the next fiscal year for allocation to
47.8 counties as provided in this subdivision. The commissioner shall award grants to counties
47.9 in two payments to occur on July 20 and December 26 of the following calendar year.

47.10 Subd. 3. **Use of proceeds.** A county that receives a grant under this section must use
47.11 the proceeds solely to prevent the introduction or limit the spread of aquatic invasive species
47.12 at all access sites within the county. The county must establish, by resolution or through
47.13 adoption of a plan, guidelines for the use of the proceeds. The guidelines set by the county
47.14 board may include but are not limited to providing for site-level management, countywide
47.15 awareness, and other procedures that the county finds necessary to achieve compliance.
47.16 The county may appropriate the proceeds directly or may use any portion of the proceeds
47.17 to provide funding for a joint powers board or cooperative agreement with another political
47.18 subdivision, a soil and water conservation district in the county, a watershed district in the
47.19 county, or a lake association located in the county. Any money appropriated by the county
47.20 to a different entity or political subdivision must be used as required under this section.

47.21 **EFFECTIVE DATE.** Subdivision 2, paragraph (a), of this section is effective
47.22 July 1, 2016.

47.23 Sec. 31. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision
47.24 to read:

47.25 Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under
47.26 this section may include connections to state parks or recreation areas that generally lie in
47.27 between or within the vicinity of the waymarks specifically named in the designation.

47.28 Sec. 32. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

47.29 Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison**
47.30 **Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at
47.31 the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park
47.32 westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then
47.33 easterly along the south side of Camp Ripley across to the east side of the Mississippi
47.34 River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment

48.1 of the trail shall be established that shall extend in a southerly direction and in close
48.2 proximity to the Mississippi River from the southeasterly portion of the first segment of
48.3 the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison
48.4 County. Separation of motorized and nonmotorized corridors is acceptable as needed.

48.5 Sec. 33. **[85.0506] LAKE VERMILION-SOUDAN UNDERGROUND MINE**
48.6 **STATE PARK; HOISTS.**

48.7 The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is
48.8 exempt from sections 326B.163 to 326B.191. The federal mine code for hoists that lift
48.9 people under Code of Federal Regulations, title 30, part 57, subpart R, applies to the
48.10 Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall
48.11 employ a hoist safety expert to conduct an annual inspection of the hoist system at the
48.12 Lake Vermilion-Soudan Underground Mine State Park.

48.13 Sec. 34. Minnesota Statutes 2014, section 85.054, subdivision 12, is amended to read:

48.14 Subd. 12. **Lake Vermilion-Soudan Underground Mine State Park.** A state park
48.15 permit is not required and a fee may not be charged for motor vehicle entry or parking
48.16 at the visitor parking area of Soudan Underground Mine ~~State Park~~ and the Stuntz Bay
48.17 boat house area.

48.18 Sec. 35. Minnesota Statutes 2014, section 85.32, subdivision 1, is amended to read:

48.19 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized
48.20 in cooperation with local units of government and private individuals and groups when
48.21 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,
48.22 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,
48.23 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,
48.24 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in
48.25 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,
48.26 Blue Earth, Cedar, Shell Rock, and Crow Rivers which have historic and scenic values
48.27 and to mark appropriately points of interest, portages, camp sites, and all dams, rapids,
48.28 waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak,
48.29 and watercraft travelers.

48.30 Sec. 36. Minnesota Statutes 2014, section 86B.401, subdivision 3, is amended to read:

48.31 Subd. 3. **Licensing.** (a) The license agent shall register the watercraft on receiving
48.32 an application and the license fee. A license and registration sticker with a registration

49.1 number shall be issued and must be affixed to the watercraft as prescribed by the
49.2 commissioner of natural resources.

49.3 (b) A license includes aquatic invasive species affirmation as provided in section
49.4 84D.106. The aquatic invasive species affirmation portion of the license must be displayed
49.5 with the signed license certificate. The aquatic invasive species affirmation will be
49.6 provided with an application for a new, transfer, duplicate, or renewal watercraft license.

49.7 (c) The license is not valid unless signed by at least one owner.

49.8 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is
49.9 subject to the penalty prescribed in section 84D.13, subdivision 5.

49.10 **EFFECTIVE DATE.** This section is effective January 1, 2016.

49.11 Sec. 37. Minnesota Statutes 2014, section 88.17, subdivision 3, is amended to read:

49.12 Subd. 3. **Special permits.** The following special permits are required at all times,
49.13 including when the ground is snow-covered:

49.14 (a) **Fire training.** A permit to start a fire for the instruction and training of
49.15 firefighters, including liquid fuels training, may be given by the commissioner or agent of
49.16 the commissioner. Except for owners or operators conducting fire training in specialized
49.17 industrial settings pursuant to applicable federal, state, or local standards, owners
49.18 or operators conducting open burning for the purpose of instruction and training of
49.19 firefighters with regard to structures must ~~follow the techniques described in a document~~
49.20 ~~entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~
49.21 use only fuel materials as outlined in the current edition of National Fire Protection
49.22 Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable
49.23 live burn documents in accordance with the current edition of the Board of Firefighter
49.24 Training and Education's live burn plan established according to section 299N.02,
49.25 subdivision 3, clause (2).

49.26 (b) **Permanent tree and brush open burning sites.** A permit for the operation of
49.27 a permanent tree and brush burning site may be given by the commissioner or agent of
49.28 the commissioner. Applicants for a permanent open burning site permit shall submit a
49.29 complete application on a form provided by the commissioner. Existing permanent tree
49.30 and brush open burning sites must submit for a permit within 90 days of the passage of
49.31 this statute for a burning permit. New site applications must be submitted at least 90
49.32 days before the date of the proposed operation of the permanent open burning site. The
49.33 application must be submitted to the commissioner and must contain:

49.34 (1) the name, address, and telephone number of all owners of the site proposed for
49.35 use as the permanent open burning site;

50.1 (2) if the operator for the proposed permanent open burning site is different from the
50.2 owner, the name, address, and telephone number of the operator;

50.3 (3) a general description of the materials to be burned, including the source and
50.4 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,
50.5 and provisions for smoke management; and

50.6 (4) a topographic or similarly detailed map of the site and surrounding area within
50.7 a one-mile circumference showing all structures that might be affected by the operation
50.8 of the site.

50.9 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative
50.10 method such as chipping, composting, or other method shall be permitted to be burned
50.11 at a permanent open burning site. A permanent tree and brush open burning site must
50.12 be located and operated so as not to create a nuisance or endanger water quality. The
50.13 commissioner shall revoke the permit or order actions to mitigate threats to public health,
50.14 safety, and the environment in the event that permit conditions are violated.

50.15 Sec. 38. Minnesota Statutes 2014, section 88.49, subdivision 3, is amended to read:

50.16 Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.**

50.17 ~~The commissioner shall submit such contract in recordable form to the owner of the land~~
50.18 ~~covered thereby. If the owner shall indicate to the commissioner an unwillingness to~~
50.19 ~~execute the same, or if the owner or any of the persons having an interest therein or lien~~
50.20 ~~thereon fail to execute it within 60 days from the time of its submission to the owner, all~~
50.21 ~~proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

50.22 ~~When the contract shall have been executed it shall forthwith be recorded in the~~
50.23 ~~office of the county recorder at the expense of the owner or, if the title to the land be~~
50.24 ~~registered, with the registrar of titles. At the time the contract is recorded with the county~~
50.25 ~~recorder for record the owner, at the owner's expense, shall record with the county recorder~~
50.26 ~~a certificate from the county attorney to the effect that no change in record title thereof has~~
50.27 ~~occurred, that no liens or other encumbrances have been placed thereon, and that no taxes~~
50.28 ~~have accrued thereon since the making of the previous certificate. It shall be the duty of~~
50.29 ~~the county attorney to furnish this certificate without further compensation.~~

50.30 All the provisions of the a recorded contract shall be for an auxiliary forest are deemed
50.31 covenants running with the land from the date of the filing of the contract for record.

50.32 Sec. 39. Minnesota Statutes 2014, section 88.49, subdivision 4, is amended to read:

50.33 Subd. 4. **Effect.** Upon the filing of the contract for record, the land therein described
50.34 in the contract shall become, and, during the life of the contract, remain ~~and be~~, an

51.1 auxiliary forest entitled to all the benefits and subject to all the restrictions of sections
 51.2 ~~88.47~~ 88.49 to 88.53, ~~all of which shall be deemed a.~~ These sections are part of the
 51.3 obligation of the contract and ~~shall be~~ are inviolate, subject only to the police power of the
 51.4 state, to the power of eminent domain, and to ~~the right of the parties thereto by mutual~~
 51.5 ~~agreement to make applicable to the contract any~~ laws of the state enacted subsequent to its
 51.6 ~~the execution and filing. This provision shall not be so construed as to prevent amendatory~~
 51.7 ~~or supplementary legislation which does~~ of the contract. Laws enacted subsequent to
 51.8 the date of execution of the contract are applicable to the contract, so long as the laws
 51.9 do not impair these the contract rights of the parties thereto, or as to prevent amendatory
 51.10 ~~or supplementary legislation in respect of the culture, care, or management of the lands~~
 51.11 ~~included in any such contract~~ signatories of the contract or their successors or assigns.

51.12 Sec. 40. Minnesota Statutes 2014, section 88.49, subdivision 5, is amended to read:

51.13 Subd. 5. **Cancellation.** ~~Upon the failure of (a) If the owner fails to faithfully to~~
 51.14 fulfill and perform ~~such the contract or,~~ any provision thereof of the contract, or any
 51.15 requirement of sections ~~88.47~~ 88.49 to 88.53, or any rule ~~adopted by the commissioner~~
 51.16 ~~thereunder~~ adopts under those sections, the commissioner may cancel the contract ~~in~~
 51.17 ~~the manner herein provided. The commissioner shall give to the owner, in the manner~~
 51.18 ~~prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which~~
 51.19 the owner may appear and show cause, if any, why the contract should not be canceled.
 51.20 The commissioner shall ~~thereupon then~~ determine whether the contract should be canceled
 51.21 and make an order to that effect. ~~Notice of the commissioner's determination and the~~
 51.22 ~~making of the order shall be given to~~ The commissioner shall give the owner in the manner
 51.23 provided in section 88.48, subdivision 4 notice of the commissioner's determination and
 51.24 order. On determining If the commissioner determines that the contract should be canceled
 51.25 and no appeal therefrom be taken the owner does not appeal the determination as provided
 51.26 in subdivision 7, the commissioner shall send notice thereof of the cancellation to the
 51.27 auditor of the county and to the town clerk of the town affected and file with the recorder a
 51.28 certified copy of the order, ~~who.~~ The recorder shall forthwith note the cancellation upon
 51.29 the record ~~thereof, and thereupon~~ the land ~~therein~~ described in the contract shall cease to
 51.30 be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable
 51.31 ~~to for~~ all taxes and assessments that ~~otherwise~~ would have been levied against ~~it had it~~
 51.32 ~~never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any~~
 51.33 notwithstanding provisions of the statutes of limitation to the contrary ~~notwithstanding,~~
 51.34 ~~less.~~ The amount of taxes paid under ~~the provisions of~~ section 88.51, subdivision 1,

52.1 together with interest on such taxes and assessments at six percent per annum, but without
 52.2 penalties, must be subtracted from the tax owed by the owner.

52.3 (b) The commissioner may ~~in like manner and with like effect~~ cancel the contract
 52.4 upon written application of the owner.

52.5 (c) The commissioner shall cancel ~~any the~~ contract if the owner has ~~made successful~~
 52.6 ~~application~~ successfully applied under ~~sections 290C.01 to 290C.11,~~ the Sustainable Forest
 52.7 Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax
 52.8 difference between the amount ~~which that~~ would have been paid had the land under contract
 52.9 been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive
 52.10 Act from the date of the recording of the contract and the amount actually paid under
 52.11 section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51,
 52.12 subdivision 2. ~~This tax difference must be calculated based on the years the lands would~~
 52.13 ~~have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~
 52.14 The sustainable forest tax difference is net of the incentive payment of section 290C.07.
 52.15 If the amount ~~which that~~ would have been paid, ~~had if~~ the land under contract had been
 52.16 under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from
 52.17 the date ~~of the filing of~~ the contract, was filed is less than the amount actually paid under
 52.18 the contract, the cancellation shall be made without further payment by the owner.

52.19 ~~When~~ (d) If the execution of ~~any the~~ contract creating an auxiliary forest ~~shall have~~
 52.20 ~~been~~ is procured through fraud or deception ~~practiced upon~~ on the county board ~~or,~~ the
 52.21 commissioner, or any other person or body representing the state, it may ~~be canceled~~
 52.22 cancel it upon suit brought by the attorney general at the direction of the commissioner.
 52.23 This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the
 52.24 commissioner.

52.25 Sec. 41. Minnesota Statutes 2014, section 88.49, subdivision 6, is amended to read:

52.26 Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying ~~such~~ taxes,
 52.27 the county auditor shall, immediately upon ~~receipt of~~ receiving notice of the cancellation
 52.28 of ~~any a~~ contract creating an auxiliary forest, direct the local assessor to assess the lands
 52.29 within the forest, excluding the value of merchantable timber and minerals and other
 52.30 things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51,
 52.31 subdivision 2, ~~as of for~~ for each of the years ~~during which~~ the lands ~~have been~~ were included
 52.32 within the auxiliary forest. The local assessor shall ~~forthwith~~ make the assessment and
 52.33 certify the same to the county auditor. The county auditor shall ~~thereupon~~ levy a tax on the
 52.34 assessable value of the land ~~as,~~ fixed by section 273.13, for each of the years ~~during which~~
 52.35 the land ~~has been~~ was within an auxiliary forest, at the rate at which other real estate

53.1 within the taxing district was taxed in those years. The tax ~~so assessed and levied against~~
 53.2 ~~any land shall be~~ is a first and prior lien upon the land and upon all timber and forest
 53.3 products growing, grown, or cut ~~thereon~~ on the land and removed ~~therefrom~~ from the land.
 53.4 These taxes ~~shall~~ must be enforced in the same manner as other taxes on real estate are
 53.5 enforced and, ~~in addition thereto,~~ the lien of the tax on forest products cut or removed
 53.6 from this land ~~shall~~ must be enforced by the seizure and sale of the forest products.

53.7 (b) No person shall, after the mailing by the commissioner, as provided in subdivision
 53.8 5, of notice of hearing on the cancellation of a the contract making ~~any~~ lands an auxiliary
 53.9 forest, cut or remove from these lands any timber or forest products growing, grown, or
 53.10 cut thereon until all taxes levied under this subdivision ~~shall have been~~ are paid, or, ~~in the~~
 53.11 ~~event such~~ if the levy ~~shall~~ is not ~~have been~~ completed, until the owner ~~shall have~~ has given
 53.12 a bond payable to the county, with sureties approved by the county auditor, in ~~such~~ the
 53.13 amount ~~as~~ the county auditor ~~shall deem~~ deems ample for the payment of all taxes that may
 53.14 be levied ~~thereon~~ under this subdivision, conditioned for the payment of ~~such~~ the taxes.

53.15 (c) Any person who ~~shall violate any of the provisions of~~ violates this subdivision
 53.16 ~~shall be~~ is guilty of a felony.

53.17 Sec. 42. Minnesota Statutes 2014, section 88.49, subdivision 7, is amended to read:

53.18 Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the
 53.19 commissioner to the district court of the county ~~wherein~~ where the land is ~~situate,~~ located
 53.20 by serving notice of appeal on the commissioner and filing the same with the court
 53.21 administrator of the district court within 30 days after the date of mailing ~~of~~ notice
 53.22 of such order.

53.23 (b) The appeal ~~shall~~ must be tried between the state of Minnesota and the owner by
 53.24 the court as a suit for the rescission of a contract is tried, and the judgment of the court
 53.25 ~~shall be~~ is substituted for the cancellation order of the commissioner, and ~~shall be~~ is final.

53.26 Sec. 43. Minnesota Statutes 2014, section 88.49, subdivision 8, is amended to read:

53.27 Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of ~~any a~~
 53.28 contract ~~shall exist~~ exists, the commissioner may, in lieu of canceling ~~such~~ the contract,
 53.29 perform the terms and conditions, ~~other than the payment of~~ that the owner was required
 53.30 to perform, except that the commissioner may not pay any taxes; that the owner was
 53.31 required, by the contract or by law or by the rules of the commissioner, to be performed by
 53.32 the owner, and may for that purpose to have paid by law. The commissioner may use any
 53.33 available moneys appropriated for the maintenance of the commissioner's division and
 53.34 any other lawful means to perform all other terms and conditions required to maintain the

54.1 auxiliary forest status. The commissioner shall, on December 1 each year, certify to the
 54.2 auditor of each county the amount of moneys ~~thus~~ expended on and the value of services
 54.3 ~~thus rendered in respect of any lands therein~~ for land in the county since December 1 of
 54.4 the preceding year. The county auditor shall ~~forthwith~~ assess and levy the amount shown
 54.5 by this certificate against the lands described ~~therein~~. This amount ~~shall bear~~ bears interest
 54.6 at the rate of six percent per annum and ~~shall be~~ is a lien upon the lands described ~~therein~~;
 54.7 ~~and~~. The collection thereof of the tax must be enforced in the same manner as taxes
 54.8 levied under section 88.52, subdivision 1 $\frac{1}{2}$; and, if ~~such~~ the tax be is not sooner paid, it
 54.9 ~~shall~~ must be added to, and the payment thereof enforced with, the yield tax imposed
 54.10 under section 88.52, subdivision 2.

54.11 Sec. 44. Minnesota Statutes 2014, section 88.49, subdivision 9, is amended to read:

54.12 Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other
 54.13 purposes may be withdrawn from an auxiliary forest as herein provided. The owner may
 54.14 submit a verified application therefor in a form prescribed by the commissioner of natural
 54.15 resources may be made by the owner to the county board of the county in which the land is
 54.16 situated, describing the land and stating the purpose of withdrawal. Like proceedings shall
 54.17 be had upon the application as upon an application for the establishment of an auxiliary
 54.18 forest, except that consideration need be given only to the questions to be determined as
 54.19 provided in this subdivision. The county board shall consider the application and hear any
 54.20 matter offered in support of or in opposition to the application. The county board shall
 54.21 make proper record of its action upon the application. If the application is rejected, the
 54.22 county board shall prepare a written statement stating the reasons for the rejection within
 54.23 30 days of the date of rejection. If the application is rejected, the county auditor shall,
 54.24 within 30 days of the rejection, endorse the rejection on the application and return it,
 54.25 together with a copy of the written statement prepared by the county board stating the
 54.26 reasons for rejection to the applicant. The rejected application and written statement must
 54.27 be sent to the owner by certified mail at the address given in the application.

54.28 (b) If the application is disapproved as to only a part of the lands described, the
 54.29 county auditor shall notify the applicant in the same manner as if the application were
 54.30 rejected. The applicant may amend the application within 60 days after the notice is
 54.31 mailed. If it is not amended, the application is deemed rejected.

54.32 (c) If the county board shall determine determines that the land proposed to be
 54.33 withdrawn is needed and is suitable for the purposes set forth in the application, and
 54.34 that the remaining land in the auxiliary forest is suitable and sufficient for the purposes
 54.35 thereof of the auxiliary forest as provided by law, the board may, in its discretion, grant

55.1 the application, subject to the approval of the commissioner. Upon such approval a
 55.2 ~~supplemental contract evidencing the withdrawal shall be executed, filed, and recorded~~
 55.3 ~~or registered as the case may require, in like manner as an original auxiliary forest~~
 55.4 ~~contract. Thereupon~~ by both the county board and the commissioner, the county auditor
 55.5 shall notify the applicant and the commissioner. Upon notice from the county auditor,
 55.6 the commissioner shall cause to be prepared a supplemental contract executed by the
 55.7 commissioner on behalf of the state and by the owner of the fee title or the holder of
 55.8 a state deed and by all other persons having any liens on the land and witnessed and
 55.9 acknowledged as provided by law for the execution of recordable deeds of conveyance.
 55.10 Notices sent by certified mail to the owner in fee at the address given in the application
 55.11 is deemed notice to all persons executing the supplemental contract. The supplemental
 55.12 contract must be prepared by the director of the Division of Forestry on a recordable
 55.13 form approved by an attorney appointed by the commissioner. Every supplemental
 55.14 contract must be approved by the Executive Council. The commissioner shall submit the
 55.15 supplemental contract to the owner of the land. If the owner indicates to the commissioner
 55.16 an unwillingness to execute the supplemental contract, or if the owner or any of the
 55.17 persons with an interest in the land or a lien upon the land fail to execute the contract
 55.18 within 60 days from the time of submission of the contract to the owner for execution, all
 55.19 proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at
 55.20 an end. When the supplemental contract is executed, it must be recorded in the office of
 55.21 the county recorder at the expense of the owner or, if the title to the land is registered, the
 55.22 supplemental contract must be recorded with the registrar of titles. At the time the contract
 55.23 is recorded with the county recorder, the owner, at the owner's expense, shall record with
 55.24 the county recorder a certificate from the county attorney to the effect that no change in
 55.25 record title to the land has occurred, that no liens or other encumbrances have been placed
 55.26 on the land, and that no taxes have accrued on the land since the making of the previous
 55.27 certificate. The county attorney must furnish this certificate without further compensation.
 55.28 Upon execution and recording of the supplemental contract, the land described in the
 55.29 supplemental contract shall cease that is to be withdrawn from the auxiliary forest ceases
 55.30 to be part of the auxiliary forest, and, together with the timber thereon, shall be the owner
 55.31 is liable to taxes and assessments of the withdrawn portion together with the timber on the
 55.32 withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

55.33 Sec. 45. Minnesota Statutes 2014, section 88.49, subdivision 11, is amended to read:

55.34 Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to
 55.35 the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer

56.1 in the same manner as the title to other real estate, subject to the auxiliary forest contract
 56.2 ~~therefor~~ and to applicable provisions of law. ~~In case~~ If the ownership of ~~such a~~ an auxiliary
 56.3 forest is divided into two or more parts by any transfer or transfers of title and the owners
 56.4 of all ~~such~~ the parts desire to have the ~~same~~ parts made separate auxiliary forests, ~~they~~ the
 56.5 owners may join in a verified application ~~therefor~~ to the county board of the county in
 56.6 which the forest is situated in a form prescribed by the commissioner of natural resources.
 56.7 If the county board determines that each of the parts into which the forest has been divided
 56.8 is suitable and sufficient for a separate auxiliary forest as provided by law, it may, ~~in~~
 56.9 ~~its discretion~~, grant the application, subject to the approval of the commissioner. Upon
 56.10 ~~such~~ approval, the commissioner shall prepare a new auxiliary forest contract for each
 56.11 part transferred, with like provisions and for the remainder of the same term as the prior
 56.12 contract in force for the entire forest at the time of the transfer, and shall also prepare a
 56.13 modification of ~~such~~ the prior contract, eliminating ~~therefrom~~ the part or parts of the land
 56.14 transferred but otherwise leaving the remaining land subject to all the provisions of ~~such~~
 56.15 the contract. The new contract or contracts and modification of the prior contract ~~shall~~
 56.16 must be executed and otherwise dealt with in like manner as provided for ~~an original~~ a
 56.17 supplemental auxiliary forest contract in subdivision 9, but no such instrument ~~shall~~ must
 56.18 take effect until all of them, ~~covering together all parts of the forest existing before the~~
 56.19 ~~transfer~~, have been executed, filed, and recorded or registered, ~~as the case may require~~.
 56.20 ~~Upon the taking effect of~~ When all ~~such~~ the instruments take effect, the owner of the
 56.21 forest prior to the transfer ~~shall be~~ is divested of all rights and relieved from all liabilities
 56.22 under the contract then in force with respect to the parts transferred except ~~such~~ those as
 56.23 may have existed or accrued at the time of the taking effect of such instruments, and
 56.24 thereafter the several tracts into which the forest has been divided and the respective
 56.25 owners thereof ~~shall be~~ are subject to the new contract or contracts or the modified prior
 56.26 contract relating thereto, as the case may be, as provided for an original auxiliary forest
 56.27 contract. The provisions of this subdivision shall not supersede or affect the application
 56.28 of any other provision of law to any auxiliary forest which is divided by transfer of title
 56.29 unless the procedure herein authorized is fully consummated.

56.30 Sec. 46. Minnesota Statutes 2014, section 88.491, subdivision 2, is amended to read:

56.31 Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire,
 56.32 or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the
 56.33 appropriate county office, the lands previously covered by an auxiliary forest contract
 56.34 automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive
 56.35 Act; provided that when such lands are included in the Sustainable Forest Incentive Act

57.1 prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as
 57.2 provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable
 57.3 forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to
 57.4 the difference between:

57.5 (1) the sum of:

57.6 (i) the amount which would have been paid from the date of the recording of the
 57.7 contract had the land under contract been subject to the Minnesota Tree Growth Tax
 57.8 Law; plus

57.9 (ii) beginning with taxes payable in 2003, the taxes that would have been paid if the
 57.10 land had been enrolled in the sustainable forest incentive program; and

57.11 (2) the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and
 57.12 Minnesota Statutes 2014, section 88.51, subdivision 2.

57.13 Sec. 47. Minnesota Statutes 2014, section 88.50, is amended to read:

57.14 **88.50 TAXATION.**

57.15 Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent~~
 57.16 ~~hereinafter provided~~ according to sections 88.49 to 88.53 and not otherwise. Except as
 57.17 expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed
 57.18 for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for
 57.19 the payment of, any tax or assessment, general or special, or any bond, certificate of
 57.20 indebtedness, or other public obligation of any name or kind, made, issued, or created
 57.21 subsequent to the filing of the contract creating the auxiliary forest, provided that
 57.22 temporary buildings, structures, or other fixtures ~~of whatsoever kind~~ located upon land
 57.23 within an auxiliary forest shall be valued and assessed as personal property and classified
 57.24 as class 3 under the general system of ad valorem taxation. In any proceeding for the
 57.25 making of a special improvement under the laws of this state by which any auxiliary forest
 57.26 will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in
 57.27 the manner provided by law, by filing the owner's written consent ~~in writing~~ to the ~~making~~
 57.28 ~~of the~~ assessment in the tribunal in which the proceeding is pending, ~~whereupon~~. The lands
 57.29 shall for the purposes of the improvement and assessment not be treated as lands ~~not~~ in an
 57.30 auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest ~~shall~~
 57.31 ~~be~~ is subject to the provisions of the contract creating the auxiliary forest and subordinate
 57.32 to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

57.33 Sec. 48. Minnesota Statutes 2014, section 88.51, subdivision 1, is amended to read:

58.1 Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the
 58.2 contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53
 58.3 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the
 58.4 land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed
 58.5 annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and
 58.6 the payment ~~thereof~~ of the tax, with penalties and interest, enforced in the same manner as
 58.7 other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts
 58.8 affected in the proportion of their interest in the taxes on this land if it had not been so
 58.9 made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May
 58.10 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause
 58.11 for cancellation of the contract.

58.12 (b) The levy upon the land of the taxes provided for by section 88.49, subdivision 5,
 58.13 upon the cancellation of a contract, ~~shall discharge and annul~~ discharges and annuls all
 58.14 unpaid taxes levied or assessed ~~thereon~~ on the land.

58.15 Sec. 49. Minnesota Statutes 2014, section 88.51, subdivision 3, is amended to read:

58.16 Subd. 3. **Determination of estimated market value.** In determining the net tax
 58.17 capacity of property within any taxing district, the value of the surface of lands within any
 58.18 auxiliary forest ~~therein~~ in the taxing district, as determined by the county board ~~under the~~
 58.19 ~~provisions of section 88.48, subdivision 3~~, shall, for all purposes except the levying of
 58.20 taxes on lands within any such forest, be deemed the estimated market value ~~thereof~~ of
 58.21 those surface lands.

58.22 Sec. 50. Minnesota Statutes 2014, section 88.52, subdivision 2, is amended to read:

58.23 Subd. 2. **Examination, report.** When any timber growing or standing in any
 58.24 auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the
 58.25 commissioner shall, at the written request of the owner, a copy of which shall at the time be
 58.26 filed in the office of the county auditor, make an examination of the timber and designate
 58.27 for the owner the kind and number of trees most suitable to be cut ~~if~~ in the judgment of
 58.28 the commissioner ~~there be any, and~~. The cutting and removal of ~~these~~ designated trees ~~so~~
 58.29 ~~designated~~ shall must be in accordance with the instructions of the commissioner. The
 58.30 commissioner shall inspect the cutting or removal and determine whether it or the manner
 58.31 of its performance constitute a violation of the terms of the contract creating the auxiliary
 58.32 forest or of the ~~laws~~ laws applicable ~~thereto~~ laws, or of the instructions of the commissioner
 58.33 relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation
 58.34 of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in

59.1 force for the remainder of the period ~~therein~~ stated in the contract, regardless of the cutting
59.2 and removal. Within 90 days after the completion of any cutting or removal operation,
59.3 the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the
59.4 report to the county auditor and the surveyor general.

59.5 Sec. 51. Minnesota Statutes 2014, section 88.52, subdivision 3, is amended to read:

59.6 Subd. 3. **Kinds, permit, scale report, assessment and payment of tax.** (a) Upon
59.7 ~~the filing of the owner's written request of the owner~~ as provided in subdivision 2, the
59.8 director of ~~lands and~~ forestry, with the county board or the county land commissioner,
59.9 shall determine within 30 days the kinds, quantities, and value on the stump of the timber
59.10 proposed to be cut.

59.11 Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the
59.12 county auditor a report showing the kinds, quantities, and value of the timber proposed to
59.13 be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within
59.14 two years after the date of approval of the report by the director of ~~lands and~~ forestry. The
59.15 county auditor shall assess and levy the estimated yield tax thereon, make proper record
59.16 of this assessment and levy in the auditor's office, and notify the owner of the auxiliary
59.17 forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or
59.18 removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof~~, a deposit in
59.19 cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not
59.20 less than 150 percent of the amount of the levy, conditioned for the payment of all taxes on
59.21 the timber to be cut or removed. Upon receipt of notification from the county auditor that
59.22 the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will
59.23 issue a cutting permit in accordance with the report. The owner shall keep an accurate
59.24 count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following
59.25 issuance of ~~such~~ the cutting permit, and on or before ~~the fifteenth day of April 15~~ of each
59.26 succeeding year in which any merchantable wood products were cut on auxiliary forest
59.27 lands prior to the termination of ~~such~~ the permit, the owner of the timber covered by the
59.28 permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in
59.29 duplicate, on a form prepared by the director of ~~lands and~~ forestry, one copy of which
59.30 ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each
59.31 variety of timber and kind of product cut during the preceding year ending on March 31,
59.32 as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or
59.33 loaded as the case may be. If no such scale or measurement ~~shall have been~~ was made on
59.34 the ground, an estimate ~~thereof shall~~ must be made and ~~such estimate~~ corrected by the first
59.35 scale or measurement, made in the due course of business, ~~and such~~. The correction must

60.1 at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to
60.2 the county auditor. On or before ~~the fifteenth day of~~ May 15 following the filing of the
60.3 sworn statement covering the quantity and value of timber cut under an authorized permit,
60.4 the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes
60.5 2014, section 88.51, subdivision 2, of the timber cut during the year ending on ~~the~~ March
60.6 ~~31st~~ 31 preceding the date of assessing and levying this tax. This tax is payable and must
60.7 be paid to the county treasurer on or before the following May 31 ~~next following~~. Copies
60.8 of the yield (severance) tax assessment and of the yield (severance) tax payment ~~shall~~ must
60.9 be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise
60.10 provided, all yield (severance) taxes herein provided for ~~shall~~ must be levied and collected,
60.11 and payment thereof, with penalties and interest, enforced in the same manner as taxes
60.12 imposed under ~~the provisions of~~ section 88.51, subdivision 1, and ~~shall~~ must be credited to
60.13 the funds of the taxing districts affected in the proportion of their interests in the taxes on
60.14 the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the
60.15 director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within
60.16 an auxiliary forest and ~~also~~ may require the owner of the auxiliary forest to produce for
60.17 inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to
60.18 timber cutting operations within an auxiliary forest for the purpose of determining the
60.19 accuracy of scale or measurement reports, and if intentional error in scale or measurement
60.20 reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the
60.21 stumpage value of the timber cut in excess of the quantity and value reported.

60.22 (b) The following alternative method of assessing and paying annually the yield tax
60.23 on an auxiliary forest is to be available to an auxiliary forest owner upon application and
60.24 upon approval of the county board of the county within which the auxiliary forest is located.

60.25 For auxiliary forests entered under this ~~subdivision~~ paragraph, the county auditor
60.26 shall assess and levy the yield tax by multiplying the acreage of each legal description
60.27 included within the auxiliary forest by the acre quantity of the annual growth by species,
60.28 calculated in cords, or in thousands of feet board measure Minnesota standard log scale
60.29 rule, whichever is more reasonably usable, for the major species found in each type by
60.30 the from year-to-year appraised stumpage prices for each of these species, used by the
60.31 Division of ~~Lands and~~ Forestry, Department of Natural Resources, in selling trust fund
60.32 timber located within the district in which the auxiliary forest is located. The assessed
60.33 value of the annual growth of the auxiliary forest, thus determined, ~~shall be~~ is subject to
60.34 a ten percent of stumpage value yield tax, payable annually on or before May 31. In all
60.35 other respects the assessment, levying and collection of the yield tax, as provided for in
60.36 this subdivision ~~shall~~ must follow the procedures specified in ~~clause~~ paragraph (a).

61.1 Forest owners operating under this ~~subdivision shall be~~ paragraph are subject to all
 61.2 other provisions of the auxiliary forest law except ~~such~~ the provisions of ~~elause~~ paragraph
 61.3 (a) ~~as that~~ are in conflict with this ~~subdivision~~ paragraph. Penalties for intentional failure
 61.4 by the owner to report properly the quantity and value of the annual growth upon an
 61.5 auxiliary forest entered under this ~~subdivision~~ paragraph and for failure to pay the yield
 61.6 tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this
 61.7 law for like failure to abide by its provisions.

61.8 To qualify for the assessment and levying of the yield tax by this method, the
 61.9 owner of the forest requesting this method of taxation must submit a map or maps
 61.10 and a tabulation in acres and in quantity of growth by legal descriptions showing the
 61.11 division of the area covered by the auxiliary forest for which this method of taxation is
 61.12 requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine;
 61.13 aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods;
 61.14 lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush
 61.15 (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant
 61.16 swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the
 61.17 average rate or rates of growth (in cords or thousand feet, board measure, Minnesota
 61.18 standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of
 61.19 them) ~~shall~~ must be made by the director of the Division of ~~Lands and~~ Forestry, Minnesota
 61.20 Department of Natural Resources, with the advice and assistance of the land commissioner
 61.21 of the county in which the auxiliary forest is located; the director of the United States
 61.22 Forest Service's North Central Forest Experiment Station; and the director of the School of
 61.23 Forestry, University of Minnesota. Before the approval of the application of the owner of
 61.24 an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions
 61.25 of this ~~subdivision~~ paragraph is submitted to the county board, the distribution between
 61.26 types of the area as shown on the maps and in the tabulations submitted by the owner of the
 61.27 auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined
 61.28 by the director of the Division of ~~Lands and~~ Forestry, Department of Natural Resources,
 61.29 with the assistance of the county board of the county in which the auxiliary forest is located.

61.30 During the life of the auxiliary forest, contract timber cutting operations within the
 61.31 various types shown upon the type map accepted as a part of the approved auxiliary forest
 61.32 application ~~shall~~ do not bring about a reclassification of the forest types shown upon that
 61.33 map or those maps until after the passage of ten years following the termination of ~~said~~ the
 61.34 timber cutting operations and then only upon proof of a change in type.

61.35 Sec. 52. Minnesota Statutes 2014, section 88.52, subdivision 4, is amended to read:

62.1 Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield
 62.2 tax is assessed and levied as provided in this section may, within 15 days after mailing
 62.3 of notice of the amount of the tax, file with the county auditor a demand for hearing
 62.4 ~~thereon on the tax~~ before the county board. The county auditor shall thereupon fix a date
 62.5 of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and
 62.6 mail to the owner notice of the time and place of the hearing. The owner may appear at
 62.7 the meeting and present evidence and argument as to the amount of the tax and as to any
 62.8 related matter relating thereto. The county board shall ~~thereupon~~ determine whether the
 62.9 tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall
 62.10 ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or
 62.11 reduced by the order, the county auditor shall make a supplemental assessment and levy
 62.12 ~~thereof~~, as in this subdivision provided.

62.13 Sec. 53. Minnesota Statutes 2014, section 88.52, subdivision 5, is amended to read:

62.14 Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~such~~ auxiliary forest,
 62.15 the ~~yield tax~~ accruing ~~thereon shall constitute and be~~ yield tax constitutes and is a first and
 62.16 prior lien upon all the merchantable timber and forest products growing or grown thereon;
 62.17 and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as
 62.18 otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to
 62.19 be a lien upon the timber and forest products ~~and every part and parcel thereof wherever~~
 62.20 ~~the same may be or~~ however much changed in form or otherwise improved until the yield
 62.21 tax is fully paid. ~~Such~~ The lien may be foreclosed and the property subject ~~thereto~~ to
 62.22 the lien dealt with by action in the name of the state, brought by the county attorney at
 62.23 the request of the county auditor.

62.24 Sec. 54. Minnesota Statutes 2014, section 88.52, subdivision 6, is amended to read:

62.25 Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest
 62.26 by an owner and used by the owner for fuel, fencing, or building on land occupied by the
 62.27 owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt
 62.28 from the yield tax, and, as to timber so cut and used, the requirements of subdivisions
 62.29 1 and 2 ~~shall do not be applicable and in lieu thereof apply~~. The owner shall, prior to
 62.30 cutting, file with the county auditor, on a form prepared by the commissioner, a statement
 62.31 showing the quantity of each kind of forest products proposed to be cut and the purposes
 62.32 for which the ~~same~~ the products will be used.

63.1 Sec. 55. Minnesota Statutes 2014, section 88.523, is amended to read:

63.2 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL**
63.3 **AGREEMENTS.**

63.4 Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter~~
63.5 ~~executed~~ may be made subject to any provisions of law enacted subsequent to the execution
63.6 of the contract and in force at the time of application, so far as not already applicable, with
63.7 the approval of the county board and the commissioner of natural resources. ~~As evidence~~
63.8 ~~thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved
63.9 by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state
63.10 and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in
63.11 like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and
63.12 ~~shall thereupon take~~ takes effect upon filing and recording.

63.13 Sec. 56. Minnesota Statutes 2014, section 88.53, subdivision 1, is amended to read:

63.14 Subdivision 1. **Time for disposal.** ~~Any corporation, association, or organization~~
63.15 ~~may acquire and hold any amount of land without restriction and without limit as to~~
63.16 ~~acreage or quantity for the purpose of including same within and holding same as an~~
63.17 ~~auxiliary forest under the provisions of sections 88.47 to 88.53.~~ When the same shall
63.18 ~~cease~~ land ceases to be an auxiliary forest, the owners ~~shall~~ have five years within which
63.19 to dispose of the land, any provisions of general law to the contrary notwithstanding.

63.20 Sec. 57. Minnesota Statutes 2014, section 88.53, subdivision 2, is amended to read:

63.21 Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms
63.22 and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47~~
63.23 88.49 to 88.53; and the director and every county board, county recorder, registrar of titles,
63.24 assessor, tax collector, and every other person in official authority having any duties to
63.25 perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested
63.26 with full power and authority to enforce such rules, employ help and assistance, acquire
63.27 and use equipment and supplies, or do any other act or thing reasonably necessary to the
63.28 proper performance of duties under or arising from the administration and enforcement of
63.29 sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of~~ The director ~~to~~ must cause periodic
63.30 inspections to be made of all auxiliary forests for the purpose of determining whether
63.31 relative contract and statutory provisions ~~relative thereto~~ are being complied with.

63.32 Sec. 58. Minnesota Statutes 2014, section 88.6435, subdivision 4, is amended to read:

64.1 Subd. 4. **Forest bough account; disposition of fees.** (a) The forest bough account
64.2 is established in the state treasury within the natural resources fund.

64.3 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state
64.4 treasury and credited to the forest bough account and, except for the electronic licensing
64.5 system commission established by the commissioner under section 84.027, subdivision
64.6 15, are annually appropriated to the commissioner of natural resources for costs associated
64.7 with ~~balsam bough educational~~ special forest product information and education programs
64.8 for harvesters and buyers.

64.9 Sec. 59. Minnesota Statutes 2014, section 90.14, is amended to read:

64.10 **90.14 AUCTION SALE PROCEDURE.**

64.11 (a) All state timber shall be offered and sold by the same unit of measurement as it
64.12 was appraised. No tract shall be sold to any person other than the purchaser in whose name
64.13 the bid was made. The commissioner may refuse to approve any and all bids received and
64.14 cancel a sale of state timber for good and sufficient reasons.

64.15 (b) The purchaser at any sale of timber shall, immediately upon the approval of the
64.16 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section
64.17 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
64.18 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
64.19 liable therefor to the state in a civil action, and the commissioner may reoffer the timber for
64.20 sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

64.21 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
64.22 timber may, at the time of payment by the purchaser to the commissioner of 15 percent
64.23 of the appraised value, elect in writing on a form prescribed by the attorney general to
64.24 purchase a permit based solely on the appraiser's estimate of the volume of timber described
64.25 in the permit, provided that the commissioner has expressly designated the availability of
64.26 such option for that tract on the list of tracts available for sale as required under section
64.27 90.101. A purchaser who elects in writing on a form prescribed by the attorney general
64.28 to purchase a permit based solely on the appraiser's estimate of the volume of timber
64.29 described on the permit does not have recourse to the provisions of section 90.281.

64.30 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall
64.31 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15
64.32 percent of the appraised value that must be received or postmarked within 14 days of
64.33 the date of the sealed bid opening. If a purchaser fails to make the down payment, the
64.34 purchaser is liable for the down payment to the state and the commissioner may offer the
64.35 timber for sale to the next highest bidder as though no higher bid had been made.

65.1 (e) Except as otherwise provided by law, at the time the purchaser signs a permit
65.2 issued under section 90.151, the commissioner shall require the purchaser to make a bid
65.3 guarantee payment to the commissioner in an amount equal to 15 percent of the total
65.4 purchase price of the permit less the down payment amount required by paragraph (b)
65.5 for any bid increase in excess of ~~\$5,000~~ \$10,000 of the appraised value. If a required bid
65.6 guarantee payment is not submitted with the signed permit, no harvesting may occur, the
65.7 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee
65.8 payment forfeits to the state if the purchaser and successors in interest fail to execute
65.9 an effective permit.

65.10 **EFFECTIVE DATE.** This section is effective June 1, 2015, and applies to permits
65.11 sold on or after that date.

65.12 Sec. 60. Minnesota Statutes 2014, section 90.193, is amended to read:

65.13 **90.193 EXTENSION OF TIMBER PERMITS.**

65.14 The commissioner may, in the case of an exceptional circumstance beyond the
65.15 control of the timber permit holder which makes it unreasonable, impractical, and not
65.16 feasible to complete cutting and removal under the permit within the time allowed, grant
65.17 one regular extension for one year. A written request for the regular extension must be
65.18 received by the commissioner before the permit expires. The request must state the reason
65.19 the extension is necessary and be signed by the permit holder. An interest rate of eight
65.20 five percent may be charged for the period of extension.

65.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

65.22 Sec. 61. **[92.83] CONDEMNATION OF SCHOOL TRUST LAND.**

65.23 Subdivision 1. Purpose. The purpose of this section is to extinguish the school trust
65.24 interest in school trust lands where long-term economic return is prohibited by designation
65.25 or policy while producing economic benefits for Minnesota's public schools. For the
65.26 purposes of satisfying the Minnesota Constitution, article XI, section 8, which limits the
65.27 sale of school trust lands to a public sale, the commissioner of natural resources shall
65.28 acquire school trust lands through condemnation, as provided in subdivision 2.

65.29 Subd. 2. Commencement of condemnation proceedings. When the commissioner
65.30 of natural resources has determined sufficient money is available to acquire any of the
65.31 lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner
65.32 shall proceed to extinguish the school trust interest by condemnation action. When

66.1 requested by the commissioner, the attorney general shall commence condemnation of
66.2 the identified school trust lands.

66.3 Subd. 3. **Payment.** The portion of the payment of the award and judgment that
66.4 is for the value of the land shall be deposited into the permanent school fund. The
66.5 remainder of the award and judgment payment shall first be remitted for reimbursement
66.6 to the accounts from which expenses were paid, with any remainder deposited into the
66.7 permanent school fund.

66.8 Subd. 4. **Account.** The school trust lands account is created in the state treasury.
66.9 Money credited to the account is appropriated to the commissioner of natural resources
66.10 for the purposes of this section.

66.11 Sec. 62. Minnesota Statutes 2014, section 94.10, subdivision 2, is amended to read:

66.12 Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and
66.13 before any public sale of surplus state-owned land is made and at least 30 days before
66.14 the sale, the commissioner of natural resources shall publish a notice of the sale in a
66.15 newspaper of general distribution in the county in which the real property to be sold is
66.16 situated. The notice shall specify the time and place at which the sale will commence, a
66.17 general description of the lots or tracts to be offered, and a general statement of the terms
66.18 of sale. The commissioner shall also provide electronic notice of sale.

66.19 (b) The minimum bid for a parcel of land must include the estimated value or
66.20 appraised value of the land and any improvements and, if any of the land is valuable for
66.21 merchantable timber, the value of the merchantable timber. The minimum bid may include
66.22 expenses incurred by the commissioner in rendering the property salable, including
66.23 survey, appraisal, legal, advertising, and other expenses.

66.24 (c) Except as provided under paragraph (d), parcels remaining unsold after the
66.25 offering may be sold to anyone agreeing to pay at least 75 percent of the appraised
66.26 value. The sale shall continue until all parcels are sold or until the commissioner orders a
66.27 reappraisal or withdraws the remaining parcels from sale.

66.28 (d) The commissioner may retain the services of a licensed real estate broker to find
66.29 a buyer for parcels remaining unsold after the offering. The sale price may be negotiated
66.30 by the broker, but must not be less than 90 percent of the appraised value as determined by
66.31 the commissioner. The broker's fee must be established by prior agreement between the
66.32 commissioner and the broker and must not exceed ten percent of the sale price for sales of
66.33 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

66.34 Sec. 63. Minnesota Statutes 2014, section 94.16, subdivision 2, is amended to read:

67.1 Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal
 67.2 in amount to the survey, appraisal, legal, advertising, real estate broker fee, and other
 67.3 expenses incurred by the commissioner of natural resources in rendering the property
 67.4 salable and sold shall be remitted to the account from which the expenses were paid,
 67.5 and are appropriated and immediately available for expenditure in the same manner as
 67.6 other money in the account.

67.7 Sec. 64. Minnesota Statutes 2014, section 94.16, subdivision 3, is amended to read:

67.8 Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in
 67.9 ~~paragraph~~ paragraphs (b) and (c), the remainder of the proceeds from the sale of lands
 67.10 classified as a unit of the outdoor recreation system under section 86A.05 that were under
 67.11 the control and supervision of the commissioner of natural resources shall be credited to
 67.12 the land acquisition account in the natural resources fund.

67.13 (b) The remainder of the proceeds from the sale of administrative sites under the
 67.14 control and supervision of the commissioner of natural resources shall be credited to the
 67.15 facilities management account established under section 84.0857 and used to acquire
 67.16 facilities or renovate existing buildings for administrative use or to acquire land for,
 67.17 design, and construct administrative buildings for the Department of Natural Resources.

67.18 (c) The remainder of the proceeds from the sale of land not within a unit of the
 67.19 outdoor recreation system under section 86A.05 and not an administrative site, but under
 67.20 the control and supervision of the commissioner of natural resources, shall be credited to
 67.21 the school trust lands account established under section 92.83.

67.22 Sec. 65. Minnesota Statutes 2014, section 97B.668, is amended to read:

67.23 **97B.668 CANADA GEESE GAME BIRDS CAUSING DAMAGE.**

67.24 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or
 67.25 agent of that person on lands and nonpublic waters owned or operated by the person
 67.26 may nonlethally scare, haze, chase, or harass Canada geese game birds that are causing
 67.27 property damage from March 11 to August 31 or to protect a disease risk at any time or
 67.28 place that a hunting season for the game birds is not open. This section does not apply to
 67.29 public waters as defined under section 103G.005, subdivision 15, ~~or~~. This section does not
 67.30 apply to migratory waterfowl on nests and other federally protected game birds on nests,
 67.31 except ducks and geese on nests unless when a permit is obtained under section 97A.401.

67.32 Sec. 66. Minnesota Statutes 2014, section 97C.005, subdivision 1, is amended to read:

68.1 Subdivision 1. **Definition; designation.** (a) Special management waters are waters
68.2 that:

68.3 (1) have been subject to special regulations that have been evaluated and proven
68.4 effective under an experimental waters designation under section 97C.001; or

68.5 (2) are classified by the commissioner for primary use as trophy lakes, family fishing
68.6 lakes, designated trout lakes, designated trout streams, special species management lakes,
68.7 and other designated uses.

68.8 (b) Except as provided under subdivision 4, the commissioner may designate any
68.9 waters of the state, including experimental waters, as special management waters. The
68.10 commissioner shall by rule establish methods and criteria for public participation in the
68.11 evaluation and designation of waters as special management waters.

68.12 (c) Designation of special management waters under this section is not subject
68.13 to chapter 14.

68.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

68.15 Sec. 67. Minnesota Statutes 2014, section 97C.005, is amended by adding a
68.16 subdivision to read:

68.17 **Subd. 4. Trout streams; legislative approval.** The commissioner shall not
68.18 designate a man-made stream as a trout stream. The commissioner shall not designate a
68.19 stream as a trout stream unless the legislature approves the designation.

68.20 **EFFECTIVE DATE.** This section is effective the day following final enactment
68.21 and applies to designations made on or after that date.

68.22 Sec. 68. Minnesota Statutes 2014, section 97C.301, is amended by adding a
68.23 subdivision to read:

68.24 **Subd. 2a. Aquatic invasive species affirmation.** (a) A nonresident license to
68.25 take fish issued under section 97A.475, subdivision 7, includes aquatic invasive species
68.26 affirmation as provided in section 84D.106.

68.27 (b) The aquatic invasive species affirmation portion of the license must be displayed
68.28 with the signed nonresident license to take fish issued under section 97A.475, subdivision
68.29 7. The aquatic invasive species affirmation will be provided at the time of purchase of a
68.30 new or duplicate nonresident license.

68.31 (c) If a license is purchased online, the aquatic invasive species affirmation may be
68.32 completed electronically as part of the online sales process, and the electronic record of
68.33 the license sale is sufficient for documenting the affirmation.

69.1 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is
69.2 subject to the penalty prescribed in section 84D.13, subdivision 5.

69.3 **EFFECTIVE DATE.** This section is effective March 1, 2016.

69.4 Sec. 69. Minnesota Statutes 2014, section 103B.101, is amended by adding a
69.5 subdivision to read:

69.6 **Subd. 16. Wetland stakeholder coordination.** The board shall work with
69.7 wetland stakeholders to foster mutual understanding and provide recommendations for
69.8 improvements to the management of wetlands and related land and water resources,
69.9 including recommendations for updating the Wetland Conservation Act, developing
69.10 an in-lieu fee program as defined in section 103G.005, subdivision 10g, and related
69.11 provisions. The board may convene informal working groups or work teams to provide
69.12 information and education and to develop recommendations.

69.13 Sec. 70. **[103B.103] EASEMENT STEWARDSHIP ACCOUNTS.**

69.14 **Subdivision 1. Accounts established; sources.** (a) The water and soil conservation
69.15 easement stewardship account and the mitigation easement stewardship account are
69.16 created in the special revenue fund. The accounts consist of money credited to the
69.17 accounts and interest and other earnings on money in the accounts. The State Board of
69.18 Investment must manage the accounts to maximize long-term gain.

69.19 (b) Revenue from contributions and money appropriated for any purposes of the
69.20 account as described in subdivision 2 must be deposited in the water and soil conservation
69.21 easement stewardship account. Revenue from contributions, wetland banking fees
69.22 designated for stewardship purposes by the board, easement stewardship payments
69.23 authorized under subdivision 3, and money appropriated for any purposes of the account
69.24 as described in subdivision 2 must be deposited in the mitigation easement stewardship
69.25 account.

69.26 **Subd. 2. Appropriation; purposes of accounts.** Five percent of the balance on
69.27 July 1 each year in the water and soil conservation easement stewardship account and
69.28 five percent of the balance on July 1 each year in the mitigation easement stewardship
69.29 account are annually appropriated to the board and may be spent only to cover the costs
69.30 of managing easements held by the board, including costs associated with monitoring,
69.31 landowner contacts, records storage and management, processing landowner notices,
69.32 requests for approval or amendments, enforcement, and legal services associated with
69.33 easement management activities.

70.1 Subd. 3. **Financial contributions.** The board shall seek a financial contribution
 70.2 to the water and soil conservation easement stewardship account for each conservation
 70.3 easement acquired by the board. The board shall seek a financial contribution or assess an
 70.4 easement stewardship payment to the mitigation easement stewardship account for each
 70.5 wetland banking easement acquired by the board. Unless otherwise provided by law,
 70.6 the board shall determine the amount of the contribution or payment, which must be an
 70.7 amount calculated to earn sufficient money to meet the costs of managing the easement at
 70.8 a level that neither significantly overrecovers nor underrecovers the costs. In determining
 70.9 the amount of the financial contribution, the board shall consider:

70.10 (1) the estimated annual staff hours needed to manage the conservation easement,
 70.11 taking into consideration factors such as easement type, size, location, and complexity;

70.12 (2) the average hourly wages for the class or classes of state and local employees
 70.13 expected to manage the easement;

70.14 (3) the estimated annual travel expenses to manage the easement;

70.15 (4) the estimated annual miscellaneous costs to manage the easement, including
 70.16 supplies and equipment, information technology support, and aerial flyovers;

70.17 (5) the estimated annualized costs of legal services, including the cost to enforce the
 70.18 easement in the event of a violation; and

70.19 (6) the expected rate of return on investments in the account.

70.20 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day
 70.21 following final enactment. Subdivision 3 of this section is effective for conservation
 70.22 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions
 70.23 of conservation easements by gift or as a condition of approval for wetland mitigation as
 70.24 provided in Minnesota Rules, chapter 8420, that are initiated on or after July 1, 2015.

70.25 Sec. 71. Minnesota Statutes 2014, section 103B.3355, is amended to read:

70.26 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**
 70.27 **VALUES.**

70.28 (a) The public values of wetlands must be determined based upon the functions of
 70.29 wetlands for:

70.30 (1) water quality, including filtering of pollutants to surface and groundwater,
 70.31 utilization of nutrients that would otherwise pollute public waters, trapping of sediments,
 70.32 shoreline protection, and utilization of the wetland as a recharge area for groundwater;

71.1 (2) floodwater and storm water retention, including the potential for flooding in
71.2 the watershed, the value of property subject to flooding, and the reduction in potential
71.3 flooding by the wetland;

71.4 (3) public recreation and education, including hunting and fishing areas, wildlife
71.5 viewing areas, and nature areas;

71.6 (4) commercial uses, including wild rice and cranberry growing and harvesting
71.7 and aquaculture;

71.8 (5) fish, wildlife, native plant habitats;

71.9 (6) low-flow augmentation;

71.10 (7) carbon sequestration; and

71.11 (8) other public uses.

71.12 (b) The Board of Water and Soil Resources, in consultation with the commissioners of
71.13 natural resources and agriculture and local government units, shall adopt rules establishing:

71.14 (1) scientific methodologies for determining the functions of wetlands; and

71.15 (2) criteria for determining the resulting public values of wetlands.

71.16 (c) The methodologies and criteria established under this section or other
71.17 methodologies and criteria that include the functions in paragraph (a) and are approved
71.18 by the board, in consultation with the commissioners of natural resources and agriculture
71.19 and local government units, must be used to determine the functions and resulting public
71.20 values of wetlands in the state. The functions listed in paragraph (a) are not listed in
71.21 order of priority.

71.22 (d) Public value criteria established or approved by the board under this section do
71.23 not apply in areas subject to local comprehensive wetland protection and management
71.24 plans established under section 103G.2243.

71.25 (e) The Board of Water and Soil Resources, in consultation with the commissioners
71.26 of natural resources and agriculture and local government units, ~~may~~ must identify ~~regions~~
71.27 areas of the state where preservation, enhancement, restoration, and establishment
71.28 of wetlands would have high public value. The board, in consultation with the
71.29 commissioners, ~~may~~ must identify high priority ~~wetland regions~~ areas for wetland
71.30 replacement using available information relating to the factors listed in paragraph
71.31 (a), the historic loss and abundance of wetlands, current applicable state and local
71.32 government water management and natural resource plans, and studies using a watershed
71.33 approach to identify current and future watershed needs. The board shall notify local
71.34 units of government with water planning authority of these high priority ~~regions~~ areas.
71.35 Designation of high priority areas is exempt from the rulemaking requirements of chapter

72.1 14, and section 14.386 does not apply. Designation of high priority areas is not effective
 72.2 until 30 days after publication in the State Register.

72.3 (f) Local units of government, as part of a state-approved comprehensive local
 72.4 water management plan as defined in section 103B.3363, subdivision 3, a state-approved
 72.5 comprehensive watershed management plan as defined in section 103B.3363, subdivision
 72.6 3a, or a state-approved local comprehensive wetland protection and management plan
 72.7 under section 103G.2243, may identify priority areas for wetland replacement and provide
 72.8 them for consideration under paragraph (e).

72.9 Sec. 72. Minnesota Statutes 2014, section 103F.612, subdivision 2, is amended to read:

72.10 Subd. 2. **Application.** (a) A wetland owner may apply to the county where a
 72.11 wetland is located for designation of a wetland preservation area in a high priority wetland
 72.12 area ~~identified in a comprehensive local water plan, as defined in section 103B.3363,~~
 72.13 ~~subdivision 3, and located within a high priority wetland region~~ designated by the Board
 72.14 of Water and Soil Resources, if the county chooses to accept wetland preservation area
 72.15 applications. The application must be made on forms provided by the board. If a wetland
 72.16 is located in more than one county, the application must be submitted to the county where
 72.17 the majority of the wetland is located.

72.18 (b) The application shall be executed and acknowledged in the manner required
 72.19 by law to execute and acknowledge a deed and must contain at least the following
 72.20 information and other information the Board of Water and Soil Resources requires:

72.21 (1) legal description of the area to be approved, which must include an upland strip
 72.22 at least 16-1/2 feet in width around the perimeter of wetlands within the area and may
 72.23 include total upland area of up to four acres for each acre of wetland;

72.24 (2) parcel identification numbers where designated by the county auditor;

72.25 (3) name and address of the owner;

72.26 (4) a statement by the owner covenanting that the land will be preserved as a wetland
 72.27 and will only be used in accordance with conditions prescribed by the Board of Water and
 72.28 Soil Resources and providing that the restrictive covenant will be binding on the owner
 72.29 and the owner's successors or assigns, and will run with the land.

72.30 (c) The upland strip required in paragraph (b), clause (1), must be planted with
 72.31 permanent vegetation other than a noxious weed.

72.32 Sec. 73. Minnesota Statutes 2014, section 103G.005, is amended by adding a
 72.33 subdivision to read:

73.1 Subd. 10g. **In-lieu fee program.** "In-lieu fee program" means a program in which
 73.2 wetland replacement requirements of section 103G.222 are satisfied through payment of
 73.3 money to the board or a board-approved sponsor to develop replacement credits according
 73.4 to section 103G.2242, subdivision 12.

73.5 Sec. 74. Minnesota Statutes 2014, section 103G.222, subdivision 1, is amended to read:

73.6 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
 73.7 partially, unless replaced by ~~restoring or creating wetland areas of~~ actions that provide
 73.8 at least equal public value under a replacement plan approved as provided in section
 73.9 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland
 73.10 protection and management plan approved by the board under section 103G.2243, or, if a
 73.11 permit to mine is required under section 93.481, under a mining reclamation plan approved
 73.12 by the commissioner under the permit to mine. For project-specific wetland replacement
 73.13 completed prior to wetland impacts authorized or conducted under a permit to mine within
 73.14 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
 73.15 watershed for purposes of determining wetland replacement ratios. Mining reclamation
 73.16 plans shall apply the same principles and standards for replacing wetlands ~~by restoration~~
 73.17 ~~or creation of wetland areas~~ that are applicable to mitigation plans approved as provided
 73.18 in section 103G.2242. Public value must be determined in accordance with section
 73.19 103B.3355 or a comprehensive wetland protection and management plan established
 73.20 under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in
 73.21 permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

73.22 (b) Replacement must be guided by the following principles in descending order
 73.23 of priority:

73.24 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
 73.25 the wetland;

73.26 (2) minimizing the impact by limiting the degree or magnitude of the wetland
 73.27 activity and its implementation;

73.28 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected
 73.29 wetland environment;

73.30 (4) reducing or eliminating the impact over time by preservation and maintenance
 73.31 operations during the life of the activity;

73.32 (5) compensating for the impact by restoring a wetland; and

73.33 (6) compensating for the impact by replacing or providing substitute wetland
 73.34 resources or environments.

74.1 For a project involving the draining or filling of wetlands in an amount not exceeding
74.2 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
74.3 paragraph (a), the local government unit may make an on-site sequencing determination
74.4 without a written alternatives analysis from the applicant.

74.5 (c) If a wetland is located in a cultivated field, then replacement must be accomplished
74.6 through restoration only without regard to the priority order in paragraph (b), provided
74.7 that the altered wetland is not converted to a nonagricultural use for at least ten years.

74.8 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,
74.9 subdivision 2, paragraph (b) or (e), the local government unit may require a deed
74.10 restriction that prohibits nonagricultural use for at least ten years. The local government
74.11 unit may require the deed restriction if it determines the wetland area drained is at risk of
74.12 conversion to a nonagricultural use within ten years based on the zoning classification,
74.13 proximity to a municipality or full service road, or other criteria as determined by the
74.14 local government unit.

74.15 (e) Restoration and replacement of wetlands must be accomplished in accordance
74.16 with the ecology of the landscape area affected and ponds that are created primarily to
74.17 fulfill storm water management, and water quality treatment requirements may not be
74.18 used to satisfy replacement requirements under this chapter unless the design includes
74.19 pretreatment of runoff and the pond is functioning as a wetland.

74.20 (f) Except as provided in paragraph (g), for a wetland or public waters wetland
74.21 located on nonagricultural land, replacement must be in the ratio of two acres of replaced
74.22 wetland for each acre of drained or filled wetland.

74.23 (g) For a wetland or public waters wetland located on agricultural land or in a greater
74.24 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland
74.25 for each acre of drained or filled wetland.

74.26 (h) Wetlands that are restored or created as a result of an approved replacement plan
74.27 are subject to the provisions of this section for any subsequent drainage or filling.

74.28 (i) Except in a greater than 80 percent area, only wetlands that have been
74.29 restored from previously drained or filled wetlands, wetlands created by excavation in
74.30 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,
74.31 or wetlands created by dikes or dams associated with the restoration of previously
74.32 drained or filled wetlands may be used ~~in a statewide banking program established in for~~
74.33 wetland replacement according to rules adopted under section 103G.2242, subdivision 1.
74.34 Modification or conversion of nondegraded naturally occurring wetlands from one type to
74.35 another are not eligible for ~~enrollment in a statewide wetlands bank~~ wetland replacement.

75.1 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
75.2 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
75.3 characteristics of soils, vegetation, and hydrology before recommending that the wetland
75.4 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
75.5 to believe that the wetland characteristics may change substantially, the panel shall
75.6 postpone its recommendation until the wetland has stabilized.

75.7 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365
75.8 apply to the state and its departments and agencies.

75.9 (l) For projects involving draining or filling of wetlands associated with a new public
75.10 transportation project, and for projects expanded solely for additional traffic capacity,
75.11 public transportation authorities may purchase credits from the board at the cost to the
75.12 board to establish credits. Proceeds from the sale of credits provided under this paragraph
75.13 are appropriated to the board for the purposes of this paragraph. For the purposes of this
75.14 paragraph, "transportation project" does not include an airport project.

75.15 (m) A replacement plan for wetlands is not required for individual projects that
75.16 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,
75.17 or replacement of a currently serviceable existing state, city, county, or town public road
75.18 necessary, as determined by the public transportation authority, to meet state or federal
75.19 design or safety standards or requirements, excluding new roads or roads expanded solely
75.20 for additional traffic capacity lanes. This paragraph only applies to authorities for public
75.21 transportation projects that:

75.22 (1) minimize the amount of wetland filling or draining associated with the project
75.23 and consider mitigating important site-specific wetland functions on site;

75.24 (2) except as provided in clause (3), submit project-specific reports to the board, the
75.25 Technical Evaluation Panel, the commissioner of natural resources, and members of the
75.26 public requesting a copy at least 30 days prior to construction that indicate the location,
75.27 amount, and type of wetlands to be filled or drained by the project or, alternatively,
75.28 convene an annual meeting of the parties required to receive notice to review projects to
75.29 be commenced during the upcoming year; and

75.30 (3) for minor and emergency maintenance work impacting less than 10,000 square
75.31 feet, submit project-specific reports, within 30 days of commencing the activity, to the board
75.32 that indicate the location, amount, and type of wetlands that have been filled or drained.

75.33 Those required to receive notice of public transportation projects may appeal
75.34 minimization, delineation, and on-site mitigation decisions made by the public
75.35 transportation authority to the board according to the provisions of section 103G.2242,
75.36 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation

76.1 decisions made by the public transportation authority and provide recommendations
76.2 regarding on-site mitigation if requested to do so by the local government unit, a
76.3 contiguous landowner, or a member of the Technical Evaluation Panel.

76.4 Except for state public transportation projects, for which the state Department of
76.5 Transportation is responsible, the board must replace the wetlands, and wetland areas of
76.6 public waters if authorized by the commissioner or a delegated authority, drained or filled
76.7 by public transportation projects on existing roads.

76.8 Public transportation authorities at their discretion may deviate from federal and
76.9 state design standards on existing road projects when practical and reasonable to avoid
76.10 wetland filling or draining, provided that public safety is not unreasonably compromised.
76.11 The local road authority and its officers and employees are exempt from liability for
76.12 any tort claim for injury to persons or property arising from travel on the highway and
76.13 related to the deviation from the design standards for construction or reconstruction under
76.14 this paragraph. This paragraph does not preclude an action for damages arising from
76.15 negligence in construction or maintenance on a highway.

76.16 (n) If a landowner seeks approval of a replacement plan after the proposed project
76.17 has already affected the wetland, the local government unit may require the landowner to
76.18 replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise
76.19 required.

76.20 (o) A local government unit may request the board to reclassify a county or
76.21 watershed on the basis of its percentage of presettlement wetlands remaining. After
76.22 receipt of satisfactory documentation from the local government, the board shall change
76.23 the classification of a county or watershed. If requested by the local government unit,
76.24 the board must assist in developing the documentation. Within 30 days of its action to
76.25 approve a change of wetland classifications, the board shall publish a notice of the change
76.26 in the Environmental Quality Board Monitor.

76.27 (p) One hundred citizens who reside within the jurisdiction of the local government
76.28 unit may request the local government unit to reclassify a county or watershed on the basis
76.29 of its percentage of presettlement wetlands remaining. In support of their petition, the
76.30 citizens shall provide satisfactory documentation to the local government unit. The local
76.31 government unit shall consider the petition and forward the request to the board under
76.32 paragraph (o) or provide a reason why the petition is denied.

76.33 Sec. 75. Minnesota Statutes 2014, section 103G.222, subdivision 3, is amended to read:

76.34 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent
76.35 area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted

77.1 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.

77.2 All wetland replacement must follow this priority order:

77.3 (1) on site or in the same minor watershed as the impacted wetland;

77.4 (2) in the same watershed as the impacted wetland;

77.5 (3) in the same county or wetland bank service area as the impacted wetland; and

77.6 (4) in another wetland bank service area; and

77.7 ~~(5) statewide for public transportation projects, except that wetlands impacted in~~

77.8 ~~less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands~~

77.9 ~~impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in:~~

77.10 ~~(i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one~~

77.11 ~~of the major watersheds that are wholly or partially within the seven-county metropolitan~~

77.12 ~~area, but at least one to one must be replaced within the seven-county metropolitan area.~~

77.13 ~~(b) The exception in paragraph (a), clause (5), does not apply to replacement~~

77.14 ~~completed using wetland banking credits established by a person who submitted a~~

77.15 ~~complete wetland banking application to a local government unit by April 1, 1996.~~

77.16 (b) Notwithstanding paragraph (a), wetland banking credits approved according to

77.17 a complete wetland banking application submitted to a local government unit by April

77.18 1, 1996, may be used to replace wetland impacts resulting from public transportation

77.19 projects statewide.

77.20 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for

77.21 replacement by wetland banking begins at paragraph (a), clause (3), according to rules

77.22 adopted under section 103G.2242, subdivision 1.

77.23 ~~(e) (d)~~ When reasonable, practicable, and environmentally beneficial replacement

77.24 opportunities are not available in siting priorities listed in paragraph (a), the applicant

77.25 may seek opportunities at the next level.

77.26 ~~(d) (e)~~ For the purposes of this section, "reasonable, practicable, and environmentally

77.27 beneficial replacement opportunities" are defined as opportunities that:

77.28 (1) take advantage of naturally occurring hydrogeomorphological conditions and

77.29 require minimal landscape alteration;

77.30 (2) have a high likelihood of becoming a functional wetland that will continue

77.31 in perpetuity;

77.32 (3) do not adversely affect other habitat types or ecological communities that are

77.33 important in maintaining the overall biological diversity of the area; and

77.34 (4) are available and capable of being done after taking into consideration cost,

77.35 existing technology, and logistics consistent with overall project purposes.

78.1 ~~(e) Applicants and local government units shall rely on board-approved~~
78.2 ~~comprehensive inventories of replacement opportunities and watershed conditions,~~
78.3 ~~including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January~~
78.4 ~~2010), in determining whether reasonable, practicable, and environmentally beneficial~~
78.5 ~~replacement opportunities are available.~~

78.6 (f) Regulatory agencies, local government units, and other entities involved in
78.7 wetland restoration shall collaborate to identify potential replacement opportunities within
78.8 their jurisdictional areas.

78.9 (g) The board must establish wetland replacement ratios and wetland bank service
78.10 area priorities to implement the siting and targeting of wetland replacement and encourage
78.11 the use of high priority areas for wetland replacement.

78.12 Sec. 76. Minnesota Statutes 2014, section 103G.2242, subdivision 1, is amended to
78.13 read:

78.14 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall
78.15 adopt rules governing the approval of wetland value replacement plans under this section
78.16 and public waters work permits affecting public waters wetlands under section 103G.245.
78.17 These rules must address the criteria, procedure, timing, and location of acceptable
78.18 replacement of wetland values; and may address the state establishment and administration
78.19 of a wetland banking program for public and private projects, ~~which may include~~ including
78.20 provisions allowing monetary payment to the wetland banking program for alteration of
78.21 wetlands on agricultural land for an in-lieu fee program; the administrative, monitoring, and
78.22 enforcement procedures to be used; and a procedure for the review and appeal of decisions
78.23 under this section. In the case of peatlands, the replacement plan rules must consider the
78.24 impact on carbon balance ~~described in the report required by Laws 1990, chapter 587, and~~
78.25 ~~include the planting of trees or shrubs.~~ Any in-lieu fee program established by the board
78.26 must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

78.27 (b) After the adoption of the rules, a replacement plan must be approved by a
78.28 resolution of the governing body of the local government unit, consistent with the
78.29 provisions of the rules or a comprehensive wetland protection and management plan
78.30 approved under section 103G.2243.

78.31 (c) If the local government unit fails to apply the rules, or fails to implement a
78.32 local comprehensive wetland protection and management plan established under section
78.33 103G.2243, the government unit is subject to penalty as determined by the board.

79.1 Sec. 77. Minnesota Statutes 2014, section 103G.2242, subdivision 2, is amended to
79.2 read:

79.3 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,
79.4 or type of a wetland shall be submitted to and determined by a Technical Evaluation
79.5 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of
79.6 a technical professional employee of the board, a technical professional employee of
79.7 the local soil and water conservation district or districts, a technical professional with
79.8 expertise in water resources management appointed by the local government unit, and
79.9 a technical professional employee of the Department of Natural Resources for projects
79.10 affecting public waters or wetlands adjacent to public waters. The panel shall use the
79.11 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),
79.12 including updates, supplementary guidance, and replacements, if any, "Wetlands of
79.13 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),
79.14 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979
79.15 edition). The panel shall provide the wetland determination and recommendations on
79.16 other technical matters to the local government unit that must approve a replacement
79.17 plan, wetland banking plan, exemption determination, no-loss determination, or wetland
79.18 boundary or type determination and may recommend approval or denial of the plan. The
79.19 authority must consider and include the decision of the Technical Evaluation Panel in their
79.20 approval or denial of a plan or determination.

79.21 (b) Persons conducting wetland or public waters boundary delineations or type
79.22 determinations are exempt from the requirements of chapter 326. The board may develop
79.23 a professional wetland delineator certification program.

79.24 (c) The board must establish an interagency team to assist in identifying and
79.25 evaluating potential wetland replacement sites. The team must consist of members
79.26 of the Technical Evaluation Panel and representatives from the Department of Natural
79.27 Resources; the Pollution Control Agency; the United States Army Corps of Engineers, St.
79.28 Paul district; and other organizations as determined by the board.

79.29 Sec. 78. Minnesota Statutes 2014, section 103G.2242, subdivision 3, is amended to
79.30 read:

79.31 Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be
79.32 completed prior to or concurrent with the actual draining or filling of a wetland, unless:

79.33 (1) an irrevocable bank letter of credit or other security financial assurance
79.34 acceptable to the local government unit or the board is given to the local government unit
79.35 or the board to guarantee the successful completion of the replacement; or

80.1 (2) the replacement is approved under an in-lieu fee program according to rules
80.2 adopted under subdivision 1. In the case of an in-lieu fee program established by a
80.3 board-approved sponsor, the board may require that a financial assurance in an amount
80.4 and method acceptable to the board be given to the board to ensure the approved sponsor
80.5 fulfills the sponsor's obligation to complete the required wetland replacement.

80.6 ~~The board may establish, sponsor, or administer a wetland banking program, which~~
80.7 ~~may include provisions allowing monetary payment to the wetland bank for impacts to~~
80.8 ~~wetlands on agricultural land, for impacts that occur in greater than 80 percent areas, and~~
80.9 ~~for public road projects. (b) The board may acquire land in fee title, purchase or accept~~
80.10 ~~easements, enter into agreements, and purchase existing wetland replacement credits to~~
80.11 ~~facilitate the wetland banking program. The board may establish in-lieu fee payment~~
80.12 ~~amounts and hold money in an account in the special revenue fund, which is appropriated~~
80.13 ~~to the board to be used solely for establishing replacement wetlands and administering the~~
80.14 ~~wetland banking program.~~

80.15 (c) The board shall coordinate the establishment and operation of a wetland bank
80.16 with the United States Army Corps of Engineers, the Natural Resources Conservation
80.17 Service of the United States Department of Agriculture, and the commissioners of natural
80.18 resources, agriculture, and the Pollution Control Agency.

80.19 Sec. 79. Minnesota Statutes 2014, section 103G.2242, subdivision 4, is amended to
80.20 read:

80.21 Subd. 4. **Decision.** Upon receiving and considering all required data, the local
80.22 government unit reviewing replacement plan applications, ~~banking plan sequencing~~
80.23 applications, and exemption or no-loss determination requests must act on all replacement
80.24 plan applications, ~~banking plan sequencing~~ applications, and exemption or no-loss
80.25 determination requests in compliance with section 15.99.

80.26 Sec. 80. Minnesota Statutes 2014, section 103G.2242, subdivision 12, is amended to
80.27 read:

80.28 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,
80.29 enhancement, or construction may be allowed for replacement unless specifically
80.30 designated for replacement and paid for by the individual or organization performing the
80.31 wetland restoration, enhancement, or construction, ~~and is completed prior to any draining~~
80.32 ~~or filling of the wetland.~~

80.33 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with
80.34 interest the individual or organization restoring, enhancing, or constructing the wetland.

81.1 (c) Notwithstanding section 103G.222, subdivision 1, paragraph (i), the following
 81.2 actions, and others established in rule, that are consistent with criteria in rules adopted by
 81.3 the board in conjunction with the commissioners of natural resources and agriculture, are
 81.4 eligible for replacement credit as determined by the local government unit or the board,
 81.5 including enrollment in a statewide wetlands bank:

81.6 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland
 81.7 on agricultural land that was planted with annually seeded crops, was in a crop rotation
 81.8 seeding of pasture grasses or legumes, or was in a land retirement program during the
 81.9 past ten years;

81.10 (2) buffer areas of permanent native, noninvasive vegetative cover established or
 81.11 preserved on upland adjacent to replacement wetlands;

81.12 (3) wetlands restored for conservation purposes under terminated easements or
 81.13 contracts; ~~and~~

81.14 (4) water quality treatment ponds constructed to pretreat storm water runoff prior
 81.15 to discharge to wetlands, public waters, or other water bodies, provided that the water
 81.16 quality treatment ponds must be associated with an ongoing or proposed project that
 81.17 will impact a wetland and replacement credit for the treatment ponds is based on the
 81.18 replacement of wetland functions and on an approved storm water management plan for
 81.19 the local government; and

81.20 (5) in a greater than 80 percent area, restoration and protection of streams and
 81.21 riparian buffers that are important to the functions and sustainability of aquatic resources.

81.22 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs (f) and (g), the
 81.23 board may establish by rule different replacement ratios for restoration projects with
 81.24 exceptional natural resource value.

81.25 Sec. 81. Minnesota Statutes 2014, section 103G.2242, subdivision 14, is amended to
 81.26 read:

81.27 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank
 81.28 accounts and transactions as follows:

81.29 (1) account maintenance annual fee: one percent of the value of credits not to
 81.30 exceed \$500;

81.31 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not
 81.32 to exceed \$1,000 per establishment, deposit, or transfer; and

81.33 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

81.34 (b) The board may establish fees at or below the amounts in paragraph (a) for
 81.35 single-user or other dedicated wetland banking accounts.

82.1 (c) Fees for single-user or other dedicated wetland banking accounts established
 82.2 pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment
 82.3 of a wetland banking account and are assessed at the rate of 6.5 percent of the value of
 82.4 the credits not to exceed \$1,000.

82.5 (d) The board may assess a fee to pay the costs associated with establishing
 82.6 conservation easements, or other long-term protection mechanisms prescribed in the rules
 82.7 adopted under subdivision 1, on property used for wetland replacement.

82.8 Sec. 82. Minnesota Statutes 2014, section 103G.2251, is amended to read:

82.9 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**
 82.10 **CREDIT.**

82.11 In greater than 80 percent areas, preservation of wetlands, riparian buffers, and
 82.12 watershed areas essential to maintaining important functions and sustainability of aquatic
 82.13 resources in the watershed that are protected by a permanent conservation easement
 82.14 as defined under section 84C.01 and held by the board may be eligible for wetland
 82.15 replacement or mitigation credits, according to rules adopted by the board. To be eligible
 82.16 for credit under this section, a conservation easement must be established after May 24,
 82.17 2008, and approved by the board. Wetland areas on private lands preserved under this
 82.18 section are not eligible for replacement or mitigation credit if the area has been protected
 82.19 using public conservation funds.

82.20 Sec. 83. Minnesota Statutes 2014, section 103G.245, subdivision 2, is amended to read:

82.21 Subd. 2. **Exceptions.** A public waters work permit is not required for:

82.22 (1) work in altered natural watercourses that are part of drainage systems established
 82.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
 82.24 103D or 103E; ~~or~~

82.25 (2) a drainage project for a drainage system established under chapter 103E that does
 82.26 not substantially affect public waters; or

82.27 (3) culvert restoration or replacement.

82.28 Sec. 84. Minnesota Statutes 2014, section 103G.271, subdivision 3, is amended to read:

82.29 Subd. 3. **Permit restriction during summer months.** The commissioner must not
 82.30 modify or restrict the amount of appropriation from a groundwater source authorized in a
 82.31 water use permit issued to irrigate agricultural land between May 1 and October 1, or, for
 82.32 agricultural land with a crop, until November 15, unless the commissioner determines the
 82.33 authorized amount of appropriation endangers a domestic water supply.

83.1 Sec. 85. Minnesota Statutes 2014, section 103G.271, subdivision 5, is amended to read:

83.2 Subd. 5. **Prohibition on once-through water use permits.** (a) Except as provided
83.3 in paragraph (c), the commissioner may not issue a water use permit to increase the
83.4 volume of appropriation from a groundwater source for a once-through cooling system.

83.5 (b) Except as provided in paragraph (c), once-through system water use permits
83.6 using in excess of 5,000,000 gallons annually must be terminated by the commissioner,
83.7 unless the discharge is into a public water basin within a nature preserve approved by the
83.8 commissioner and established prior to January 1, 2001. The commissioner may issue a
83.9 permit for a system in existence prior to January 1, 2015, for up to 5,000,000 gallons
83.10 annually. Existing once-through systems must not be expanded and are required to convert
83.11 to water efficient alternatives within the design life of existing equipment.

83.12 (c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of
83.13 the commissioners of health and the Pollution Control Agency, may issue once-through
83.14 system water use permits on an annual basis for groundwater thermal exchange devices
83.15 or aquifer storage and recovery systems that return all once-through system water to the
83.16 source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply
83.17 to all water withdrawals under this paragraph, including any reuse of water returned to
83.18 the source aquifer.

83.19 Sec. 86. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

83.20 Subd. 6a. **Payment of fees for past unpermitted appropriations.** An entity that
83.21 appropriates water without a required permit under subdivision 1 must pay the applicable
83.22 water use permit processing fee specified in subdivision 6 for the period during which the
83.23 unpermitted appropriation occurred. The fees for unpermitted appropriations are required
83.24 for the previous seven calendar years after being notified of the need for a permit. This
83.25 fee is in addition to any other fee or penalty assessed. The commissioner may waive
83.26 payment of fees for past unpermitted appropriations for a residential system permitted
83.27 under subdivision 5, paragraph (b).

83.28 Sec. 87. Minnesota Statutes 2014, section 103G.287, subdivision 1, is amended to read:

83.29 Subdivision 1. **Applications for groundwater appropriations; preliminary well**
83.30 **construction approval.** (a) Groundwater use permit applications are not complete until
83.31 the applicant has supplied:

83.32 (1) a water well record as required by section 103I.205, subdivision 9, information
83.33 on the subsurface geologic formations penetrated by the well and the formation or aquifer

84.1 that will serve as the water source, and geologic information from test holes drilled to
84.2 locate the site of the production well;

84.3 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being
84.4 requested;

84.5 (3) information on groundwater quality in terms of the measures of quality
84.6 commonly specified for the proposed water use and details on water treatment necessary
84.7 for the proposed use;

84.8 ~~(4) an inventory of existing wells within 1-1/2 miles of the proposed production well~~
84.9 ~~or within the area of influence, as determined by the commissioner. The inventory must~~
84.10 ~~include information on well locations, depths, geologic formations, depth of the pump or~~
84.11 ~~intake, pumping and nonpumping water levels, and details of well construction;~~

84.12 ~~(5)~~ (4) the results of an aquifer test completed according to specifications approved
84.13 by the commissioner. The test must be conducted at the maximum pumping rate requested
84.14 in the application and for a length of time adequate to assess or predict impacts to other
84.15 wells and surface water and groundwater resources. The permit applicant is responsible
84.16 for all costs related to the aquifer test, including the construction of groundwater and
84.17 surface water monitoring installations, and water level readings before, during, and after
84.18 the aquifer test; and

84.19 ~~(6)~~ (5) the results of any assessments conducted by the commissioner under
84.20 paragraph (c).

84.21 (b) The commissioner may waive an application requirement in this subdivision
84.22 if the information provided with the application is adequate to determine whether the
84.23 proposed appropriation and use of water is sustainable and will protect ecosystems, water
84.24 quality, and the ability of future generations to meet their own needs.

84.25 (c) The commissioner shall provide an assessment of a proposed well needing a
84.26 groundwater appropriation permit. The commissioner shall evaluate the information
84.27 submitted as required under section 103I.205, subdivision 1, paragraph (f), and determine
84.28 whether the anticipated appropriation request is likely to meet the applicable requirements
84.29 of this chapter. If the appropriation request is likely to meet applicable requirements, the
84.30 commissioner shall provide the person submitting the information with a letter providing
84.31 preliminary approval to construct the well.

84.32 Sec. 88. Minnesota Statutes 2014, section 103G.287, subdivision 2, is amended to read:

84.33 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations
84.34 that will have substantial negative impacts to surface waters as determined by the
84.35 commissioner are subject to applicable provisions in section 103G.285. For the purposes

85.1 of this subdivision, when applicable to streams, "substantial negative impacts" means
85.2 a 20 percent harmful effect in low flow.

85.3 **Sec. 89. [103G.289] WELL INTERFERENCE; WELL SEALING.**

85.4 The commissioner shall not validate a well interference claim if the affected well has
85.5 been sealed prior to the completion of the commissioner's investigation of the complaint.
85.6 If the well is sealed prior to completion of the investigation, the commissioner must
85.7 dismiss the complaint.

85.8 Sec. 90. Minnesota Statutes 2014, section 103G.291, subdivision 3, is amended to read:

85.9 **Subd. 3. Water supply plans; demand reduction.** (a) Every public water supplier
85.10 serving more than 1,000 people must submit a water supply plan to the commissioner
85.11 for approval by January 1, 1996. In accordance with guidelines developed by the
85.12 commissioner, the plan must address projected demands, adequacy of the water supply
85.13 system and planned improvements, existing and future water sources, natural resource
85.14 impacts or limitations, emergency preparedness, water conservation, supply and demand
85.15 reduction measures, and allocation priorities that are consistent with section 103G.261.
85.16 Public water suppliers must update their plan and, upon notification, submit it to the
85.17 commissioner for approval every ten years.

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

85.24 (c) Public water suppliers serving more than 1,000 people must encourage
85.25 water conservation by employing water use demand reduction measures, as defined in
85.26 subdivision 4, paragraph (a), before requesting approval from the commissioner of health
85.27 under section 144.383, paragraph (a), to construct a public water supply well or requesting
85.28 an increase in the authorized volume of appropriation. The commissioner of natural
85.29 resources and the water supplier shall use a collaborative process to achieve demand
85.30 reduction measures as a part of a water supply plan review process.

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

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

86.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.4 Sec. 91. Minnesota Statutes 2014, section 103G.301, subdivision 5a, is amended to read:

86.5 Subd. 5a. **Town fees ~~limited~~ exemption.** Notwithstanding this section or any
86.6 other law, no permit application, general permit notification, or field inspection fee shall
86.7 be charged to a town in connection with the construction or alteration of a town road,
86.8 bridge, or culvert ~~shall exceed \$100.~~

86.9 Sec. 92. **[114C.40] VOLUNTARY SELF REPORTING OF VIOLATIONS.**

86.10 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
86.11 have the meaning given.

86.12 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

86.13 (c) "Environmental requirement" means a requirement in a law administered by the
86.14 agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement
86.15 entered into with the agency, or a court order issued pursuant to any of the foregoing.

86.16 (d) "Regulated entity" means a public or private organization that is subject to
86.17 environmental requirements.

86.18 Subd. 2. **Enforcement delay.** The commissioner must defer for at least 90 days
86.19 enforcement of an environmental requirement against a regulated entity if:

86.20 (1) violation of the environmental requirement was first identified by the regulated
86.21 entity or an employee of or person contracted by the regulated entity;

86.22 (2) the regulated entity notified the commissioner of the violation within two
86.23 business days of it coming to the regulated entity's attention;

86.24 (3) the regulated entity has not been subject to an enforcement action within the past
86.25 two years from the date of the notification under clause (2); and

86.26 (4) the regulated entity has committed, in writing, to correct the violation as
86.27 expeditiously as possible under the circumstances.

86.28 Subd. 3. **Penalties waived.** The commissioner must not impose or bring an action
86.29 for any administrative, civil, or criminal penalties against a regulated entity if, after the
86.30 90-day delay provided under subdivision 2, the regulated entity has corrected the violation
86.31 or has a schedule to correct the violation approved by the commissioner.

86.32 Subd. 4. **Exceptions.** Notwithstanding subdivisions 2 and 3, the commissioner
86.33 may, at any time, bring:

87.1 (1) a criminal enforcement action against any person who commits a violation
 87.2 under section 609.671;

87.3 (2) a civil or administrative enforcement action, which may include a penalty, under
 87.4 section 115.071 or 116.072, against the regulated entity if:

87.5 (i) a violation caused serious harm to, or presents an imminent and substantial
 87.6 endangerment to, human health or the environment;

87.7 (ii) a violation is of the specific terms of an administrative order, a judicial order or
 87.8 consent decree, a stipulation agreement, or a schedule of compliance;

87.9 (iii) a violation has resulted in a substantial economic benefit which gives the
 87.10 regulated entity a clear advantage over its business competitors; or

87.11 (iv) a violation is identified through a legally mandated monitoring or sampling
 87.12 requirement prescribed by statute, regulation, permit, judicial or administrative order,
 87.13 or consent agreement; or

87.14 (3) an enforcement action against a regulated entity to enjoin an imminent and
 87.15 substantial danger under section 116.11.

87.16 Subd. 5. **Reporting required by law.** Nothing in this section alters the obligation of
 87.17 any regulated entity to report releases, violations, or other matters that are required to be
 87.18 reported by state or federal law, rule, permit, or enforcement action.

87.19 Sec. 93. Minnesota Statutes 2014, section 115.03, is amended by adding a subdivision
 87.20 to read:

87.21 Subd. 12. **Legislative approval.** (a) The commissioner of the Pollution Control
 87.22 Agency must submit a water quality standard or other water quality rule change developed
 87.23 under this chapter or chapter 116 to the legislature for approval if the standard or rule
 87.24 change is estimated to have a financial impact to:

87.25 (1) affected permittees of \$50,000,000 or more, in total, within the first five years of
 87.26 implementation; or

87.27 (2) a single affected permittee of \$5,000,000 or more within the first five years
 87.28 of implementation.

87.29 (b) The standard or rule change must be approved by the legislature prior to
 87.30 implementation.

87.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

87.32 Sec. 94. **[115.035] INDEPENDENT PEER REVIEW OF WATER QUALITY**
 87.33 **STUDIES AND STANDARDS; LEGISLATIVE APPROVAL.**

87.34 (a) For the purposes of this section:

88.1 (1) "independent peer review" means a peer review conducted by an expert in an
 88.2 area related to the work being reviewed who was not directly or indirectly involved with
 88.3 the work conducted or contracted by the agency and who is not currently employed by
 88.4 the agency;

88.5 (2) "proposal" means a proposal to change water quality standards or other regulatory
 88.6 guidance, including reinterpretations of water quality standards and other changes that will
 88.7 impact national pollutant discharge elimination system permits or storm water permits; and

88.8 (3) "study" means a study, an analysis, or other technical or scientific work that was
 88.9 conducted, contracted, or otherwise relied upon by the agency and that is or will be used
 88.10 to support or otherwise inform a regulatory decision-making process.

88.11 (b) The commissioner of the Pollution Control Agency shall ensure that a water
 88.12 quality study or proposal is subject to an independent peer review if the study or proposal:

88.13 (1) supports or proposes a change with an estimated financial impact to affected
 88.14 permittees of \$50,000,000 or more, in total, within the first five years of implementation;

88.15 (2) supports or proposes a significant new precedent, model, or methodology;

88.16 (3) addresses a significant controversial issue;

88.17 (4) supports or proposes a change that would significantly impact another state
 88.18 agency; or

88.19 (5) has the potential to significantly impact the agency's resources.

88.20 (c) The commissioner shall notify the chairs and ranking minority members of the
 88.21 house of representatives and senate committees and divisions with jurisdiction over the
 88.22 environment and natural resources when an independent peer review is required under this
 88.23 section and the factors listed in paragraph (b) that require the independent peer review.

88.24 (d) The commissioner shall ensure that a study or proposal subject to an independent
 88.25 peer review under this section is peer reviewed in accordance with the guidance contained
 88.26 in the United States Environmental Protection Agency's Peer Review Handbook. As part
 88.27 of the independent peer review process, the commissioner shall allow for public comment,
 88.28 including written and oral public comments, on the study or proposal.

88.29 (e) This section applies to proposals and studies developed under the authority and
 88.30 duties prescribed under this chapter and, with respect to the pollution of waters of the
 88.31 state, chapter 116.

88.32 Sec. 95. Minnesota Statutes 2014, section 115.073, is amended to read:

88.33 **115.073 ENFORCEMENT FUNDING.**

88.34 ~~Except as provided in section 115C.05,~~ All money recovered by the state under this
 88.35 chapter and chapters 115A and 116, including civil penalties and money paid under an

89.1 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,
89.2 must be deposited in the state treasury and credited to the ~~environmental~~ general fund.

89.3 Sec. 96. Minnesota Statutes 2014, section 115.55, subdivision 1, is amended to read:

89.4 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections
89.5 115.55 to 115.56.

89.6 (b) "Advisory committee" means the Advisory Committee on Subsurface Sewage
89.7 Treatment Systems established under the subsurface sewage treatment system rules. The
89.8 advisory committee must be appointed to ensure geographic representation of the state
89.9 and include elected public officials.

89.10 (c) "Applicable requirements" means:

89.11 (1) local ordinances that comply with the subsurface sewage treatment system rules,
89.12 as required in subdivision 2; or

89.13 (2) in areas without compliant ordinances described in clause (1), the subsurface
89.14 sewage treatment system rules.

89.15 (d) "Building sewer connected to a subsurface sewage treatment system" means the
89.16 pipe that connects a structure to a subsurface sewage treatment system. Building sewers
89.17 connected to subsurface sewage treatment systems are codefined as both plumbing and
89.18 subsurface sewage treatment system components.

89.19 ~~(d)~~ (e) "City" means a statutory or home rule charter city.

89.20 ~~(e)~~ (f) "Commissioner" means the commissioner of the Pollution Control Agency.

89.21 ~~(f)~~ (g) "Dwelling" means a building or place used or intended to be used by human
89.22 occupants as a single-family or two-family unit.

89.23 ~~(g)~~ (h) "Subsurface sewage treatment system" or "system" means a sewage treatment
89.24 system, or part thereof, that uses subsurface soil treatment and disposal, or a holding tank,
89.25 serving a dwelling, other establishment, or a group thereof, and that does not require a
89.26 state permit. Subsurface sewage treatment system includes a building sewer connected
89.27 to a subsurface sewage treatment system.

89.28 ~~(h)~~ (i) "Subsurface sewage treatment system professional" means an inspector,
89.29 installer, designer, service provider, or maintainer.

89.30 ~~(i)~~ (j) "Subsurface sewage treatment system rules" means rules adopted by the
89.31 agency that establish minimum standards and criteria for the design, location, installation,
89.32 use, maintenance, and closure of subsurface sewage treatment systems.

89.33 ~~(j)~~ (k) "Inspector" means a person who inspects subsurface sewage treatment
89.34 systems for compliance with the applicable requirements.

90.1 ~~(k)~~ (l) "Installer" means a person who constructs or repairs subsurface sewage
 90.2 treatment systems.

90.3 ~~(j)~~ (m) "Local unit of government" means a township, city, or county.

90.4 ~~(m)~~ (n) "Performance-based system" means a system that is designed specifically
 90.5 for environmental conditions on a site and is designed to adequately protect the public
 90.6 health and the environment and provide consistent, reliable, long-term performance. At a
 90.7 minimum, a performance based system must ensure that applicable water quality standards
 90.8 are met in both ground and surface water that ultimately receive the treated sewage.

90.9 ~~(n)~~ (o) "Maintainer " means a person who removes solids and liquids from and
 90.10 maintains and repairs components of subsurface sewage treatment systems including, but
 90.11 not limited to, sewage, aerobic, and holding tanks.

90.12 ~~(o)~~ (p) "Seasonal dwelling" means a dwelling that is occupied or used for less than
 90.13 180 days per year and less than 120 consecutive days.

90.14 ~~(p)~~ (q) "Septic system tank" means any covered receptacle designed, constructed,
 90.15 and installed as part of a subsurface sewage treatment system.

90.16 ~~(q)~~ (r) "Designer" means a person who:

90.17 (1) investigates soils and site characteristics to determine suitability, limitations, and
 90.18 sizing requirements; and

90.19 (2) designs subsurface sewage treatment systems.

90.20 ~~(r)~~ (s) "Straight-pipe system" means a sewage disposal system that transports raw or
 90.21 partially treated sewage directly to a lake, a stream, a drainage system, or ground surface.

90.22 Sec. 97. Minnesota Statutes 2014, section 115.55, subdivision 3, is amended to read:

90.23 Subd. 3. **Rules.** (a) The agency shall adopt rules containing minimum standards and
 90.24 criteria for the design, location, installation, use, maintenance, and closure of subsurface
 90.25 sewage treatment systems. The rules must include:

90.26 (1) how the agency will ensure compliance under subdivision 2;

90.27 (2) how local units of government shall enforce ordinances under subdivision 2,
 90.28 including requirements for permits and inspection programs;

90.29 (3) how the advisory committee will participate in review and implementation of
 90.30 the rules;

90.31 (4) provisions for nonstandard systems and performance-based systems;

90.32 (5) provisions for handling and disposal of effluent;

90.33 (6) provisions for system abandonment; and

90.34 (7) procedures for variances, including the consideration of variances based on cost
 90.35 and variances that take into account proximity of a system to other systems.

91.1 (b) The agency shall consult with the advisory committee before adopting rules
91.2 under this subdivision.

91.3 (c) The rules required in paragraph (a) must also address the following:

91.4 (1) a definition of redoximorphic features and other criteria that can be used by
91.5 system designers and inspectors;

91.6 (2) direction on the interpretation of observed soil features that may be
91.7 redoximorphic and their relation to zones of periodic saturation; and

91.8 (3) procedures on how to resolve professional disagreements on periodically
91.9 saturated soils.

91.10 (d) A state disposal system permit is not required for an existing subsurface sewage
91.11 treatment facility at a seasonal campground that is open for 180 days or less each year,
91.12 unless the average maximum seven-day measured flow for the subsurface sewage
91.13 treatment facility at the campground is greater than 10,000 gallons per day.

91.14 Sec. 98. Minnesota Statutes 2014, section 115.56, subdivision 2, is amended to read:

91.15 Subd. 2. **License required.** (a) Except as provided in paragraph (b), a person may
91.16 not design, install, maintain, pump, inspect, or provide service to a subsurface sewage
91.17 treatment system without a license issued by the commissioner. Licenses issued under this
91.18 section allow work on subsurface sewage treatment systems that do not require a state
91.19 permit using prescriptive designs and design guidances provided by the agency. Licensees
91.20 who design systems using these prescriptive designs and design guidances are not subject
91.21 to the additional licensing requirements of section 326.03.

91.22 (b) A license is not required for a person who complies with the applicable
91.23 requirements if the person is:

91.24 (1) a qualified employee of state or local government who is a certified professional;

91.25 (2) an individual who constructs a subsurface sewage treatment system on land that
91.26 is owned or leased by the individual and functions solely as the individual's dwelling or
91.27 seasonal dwelling, unless specifically disallowed in local ordinance. A person constructing
91.28 a subsurface sewage treatment system under this clause must comply with all local
91.29 administrative and technical requirements. In addition, the system must be inspected
91.30 before being covered and a compliance report must be provided to the local unit of
91.31 government after the inspection;

91.32 (3) a farmer who pumps and disposes of sewage waste from subsurface sewage
91.33 treatment systems, holding tanks, and privies on land that is owned or leased by the
91.34 farmer; or

92.1 (4) an individual who performs labor or services for a licensed business under this
92.2 section in connection with the design, installation, operation, pumping, or inspection of a
92.3 subsurface sewage treatment system at the direction and under the personal supervision of
92.4 a person certified under this section.

92.5 (c) The commissioner, in conjunction with the University of Minnesota Extension
92.6 Service or another higher education institution, shall ensure adequate training and design
92.7 guidance exists for subsurface sewage treatment system certified professionals.

92.8 (d) The commissioner shall conduct examinations to test the knowledge of applicants
92.9 for certification and shall issue documentation of certification.

92.10 (e) Licenses may be issued only upon submission of general liability insurance, a
92.11 corporate surety bond in the amount of at least ~~\$10,000~~ \$25,000, and the name of the
92.12 individual who will be the designated certified individual for that business. The bond may
92.13 be for both plumbing work and subsurface sewage treatment work if the bond complies
92.14 with the requirements of this section and satisfies the requirements and references
92.15 identified in section 326B.46, subdivision 2.

92.16 (f) Local units of government may not require additional local licenses for
92.17 subsurface sewage treatment system businesses.

92.18 (g) No other professional license under section 326.03 is required to design, install,
92.19 maintain, inspect, or provide service for a subsurface sewage treatment system that does
92.20 not require a state permit using prescriptive designs and design guidances provided by
92.21 the agency if the system designer, installer, maintainer, inspector, or service provider
92.22 is licensed under this subdivision and the local unit of government has not adopted
92.23 additional requirements.

92.24 Sec. 99. Minnesota Statutes 2014, section 115A.03, subdivision 25a, is amended to read:

92.25 Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are
92.26 separated from mixed municipal solid waste for the purpose of recycling or composting,
92.27 including paper, glass, plastics, metals, automobile oil, batteries, ~~and~~ source-separated
92.28 compostable materials, and sole source food waste streams that are managed through
92.29 biodegradative processes. Refuse-derived fuel or other material that is destroyed by
92.30 incineration is not a recyclable material.

92.31 Sec. 100. Minnesota Statutes 2014, section 115A.551, subdivision 2a, is amended to
92.32 read:

92.33 Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will
92.34 have as a goal to recycle the following amounts:

93.1 (1) for a county outside of the metropolitan area, 35 percent by weight of total
93.2 solid waste generation; and

93.3 (2) for a metropolitan county, 75 percent by weight of total solid waste generation.

93.4 (b) Each county will develop and implement or require political subdivisions within
93.5 the county to develop and implement programs, practices, or methods designed to meet its
93.6 recycling goal. Nothing in this section or in any other law may be construed to prohibit a
93.7 county from establishing a higher recycling goal.

93.8 (c) Any quantified recyclable materials that meet the definition in subdivision 1,
93.9 paragraph (a), or section 115A.03, subdivision 25a, are eligible to be counted toward a
93.10 county's recycling goal under this subdivision.

93.11 Sec. 101. Minnesota Statutes 2014, section 115A.557, subdivision 2, is amended to read:

93.12 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money
93.13 distributed by the commissioner under this section may use the money only for the
93.14 development and implementation of programs to:

93.15 (1) reduce the amount of solid waste generated;

93.16 (2) recycle the maximum amount of solid waste technically feasible;

93.17 (3) create and support markets for recycled products;

93.18 (4) remove problem materials from the solid waste stream and develop proper
93.19 disposal options for them;

93.20 (5) inform and educate all sectors of the public about proper solid waste management
93.21 procedures;

93.22 (6) provide technical assistance to public and private entities to ensure proper solid
93.23 waste management;

93.24 (7) provide educational, technical, and financial assistance for litter prevention;

93.25 (8) process mixed municipal solid waste generated in the county at a resource
93.26 recovery facility located in Minnesota; ~~and~~

93.27 (9) compost source-separated compostable materials, including the provision of
93.28 receptacles for residential composting;

93.29 (10) prevent food waste or collect and transport food donated to humans or to be
93.30 fed to animals; and

93.31 (11) process source-separated compostable materials that are to be used to produce
93.32 Class I or Class II compost, as defined in Minnesota Rules, part 7035.2836, after being
93.33 processed in an anaerobic digester, but not to construct any buildings or acquire any
93.34 equipment.

94.1 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed
 94.2 by the commissioner under this section to a metropolitan county, as defined in section
 94.3 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under
 94.4 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in
 94.5 paragraph (a), ~~elause clauses~~ clauses (9) to (11); and (2) the remainder must be expended on
 94.6 activities in paragraph (a), clauses (1) to (7) and (9) to (11) that advance the county toward
 94.7 achieving its recycling goal under section 115A.551.

94.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

94.9 Sec. 102. **[115A.565] RECYCLING COMPETITIVE GRANT PROGRAM.**

94.10 **Subdivision 1. Grant program established.** The commissioner shall make
 94.11 competitive grants to political subdivisions to establish curbside recycling or composting,
 94.12 increase recycling or composting, reduce the amount of recyclable materials entering
 94.13 disposal facilities, or reduce the costs associated with hauling waste by locating collection
 94.14 sites as close as possible to the site where the waste is generated. To be eligible for grants
 94.15 under this section, a political subdivision must be located outside the seven-county
 94.16 metropolitan area and a city must have a population of less than 45,000.

94.17 **Subd. 2. Application.** (a) The commissioner must develop forms and procedures
 94.18 for soliciting and reviewing applications for grants under this section.

94.19 (b) The determination of whether to make a grant under this section is within the
 94.20 discretion of the commissioner, subject to subdivision 4. The commissioner's decisions
 94.21 are not subject to judicial review, except for abuse of discretion.

94.22 **Subd. 3. Priorities; eligible projects.** (a) If applications for grants exceed the
 94.23 available appropriations, grants must be made for projects that, in the commissioner's
 94.24 judgment, provide the highest return in public benefits.

94.25 (b) To be eligible to receive a grant, a project must:

94.26 (1) be locally administered;

94.27 (2) have an educational component and measurable outcomes;

94.28 (3) request \$250,000 or less;

94.29 (4) demonstrate local direct and indirect matching support of at least a quarter
 94.30 amount of the grant request; and

94.31 (5) include at least one of the following elements:

94.32 (i) transition to residential recycling through curbside or centrally located collection
 94.33 sites;

94.34 (ii) development of local recycling systems to support curbside recycling; or

95.1 (iii) development or expansion of local recycling systems to support recycling bulk
95.2 materials, including, but not limited to, electronic waste.

95.3 Subd. 4. **Cancellation of grant.** If a grant is awarded under this section and
95.4 funds are not encumbered for the grant within four years after the award date, the grant
95.5 must be canceled.

95.6 Sec. 103. Minnesota Statutes 2014, section 115A.93, subdivision 1, is amended to read:

95.7 Subdivision 1. **License and registration required; reporting.** (a) A person may
95.8 not collect mixed municipal solid waste for hire without a license from the jurisdiction
95.9 where the mixed municipal solid waste is collected. The local licensing entity shall submit
95.10 a list of licensed collectors to the agency.

95.11 (b) A person may not collect recyclable materials for hire unless registered with the
95.12 agency. If a person is licensed under paragraph (a), the person need not register with
95.13 the agency under this paragraph.

95.14 (c) The agency, in consultation with the Solid Waste Management Coordinating
95.15 Board, the Association of Minnesota Counties, the Minnesota Solid Waste Administrators
95.16 Association, and representatives from the waste industry shall, by July 1, 2016, develop
95.17 uniform short and long reporting forms that will reduce duplicative reporting to
95.18 governmental units by collectors of solid waste and recyclable materials.

95.19 (d) A collector of mixed municipal solid waste or recyclable materials shall separately
95.20 report to the agency on an annual basis information including, but not limited to, the
95.21 quantity of mixed municipal solid waste and the quantity of recyclable materials collected:

95.22 (1) from commercial customers;

95.23 (2) from residential customers;

95.24 (3) by county of origin; and

95.25 (4) by destination of the material.

95.26 Sec. 104. Minnesota Statutes 2014, section 115B.34, subdivision 2, is amended to read:

95.27 Subd. 2. **Property damage losses.** (a) Losses compensable by the fund for property
95.28 damage are limited to the following losses caused by damage to the principal residence of
95.29 the claimant:

95.30 (1) the reasonable cost of replacing or decontaminating the primary source of
95.31 drinking water for the property not to exceed the amount actually expended by the
95.32 claimant or assessed by a local taxing authority, if the Department of Health has confirmed
95.33 that the remedy provides safe drinking water and advised that the water not be used for

96.1 drinking or determined that the replacement or decontamination of the source of drinking
 96.2 water was necessary, up to a maximum of \$25,000;

96.3 (2) the reasonable cost to install a mitigation system for the claimant's principal
 96.4 residence, not to exceed the amount actually expended by the claimant, if the agency has
 96.5 recommended such installation to protect human health due to soil vapor intrusion into
 96.6 the residence from releases of harmful substances. Reimbursement of eligible claims
 96.7 shall not exceed \$25,000;

96.8 ~~(2)~~ (3) losses incurred as a result of a bona fide sale of the property at less than
 96.9 the appraised market value under circumstances that constitute a hardship to the owner,
 96.10 limited to 75 percent of the difference between the appraised market value and the selling
 96.11 price, but not to exceed \$25,000; and

96.12 ~~(3)~~ (4) losses incurred as a result of the inability of an owner in hardship circumstances
 96.13 to sell the property due to the presence of harmful substances, limited to the increase in
 96.14 costs associated with the need to maintain two residences, but not to exceed \$25,000.

96.15 (b) In computation of the loss under paragraph (a), clause ~~(3)~~ (4), the agency shall
 96.16 offset the loss by the amount of any income received by the claimant from the rental
 96.17 of the property.

96.18 (c) For purposes of paragraph (a), the following definitions apply:

96.19 (1) "appraised market value" means an appraisal of the market value of the property
 96.20 disregarding any decrease in value caused by the presence of a harmful substance in
 96.21 or on the property; and

96.22 (2) "hardship" means an urgent need to sell the property based on a special
 96.23 circumstance of the owner including catastrophic medical expenses, inability of the owner
 96.24 to physically maintain the property due to a physical or mental condition, and change of
 96.25 employment of the owner or other member of the owner's household requiring the owner
 96.26 to move to a different location.

96.27 (d) Appraisals are subject to agency approval. The agency may adopt rules
 96.28 governing approval of appraisals, criteria for establishing a hardship, and other matters
 96.29 necessary to administer this subdivision.

96.30 Sec. 105. Minnesota Statutes 2014, section 115C.05, is amended to read:

96.31 **115C.05 CIVIL PENALTY.**

96.32 The agency may enforce section 115C.03 using the actions and remedies authorized
 96.33 under sections 115.071, subdivision 3, and 116.072. ~~The civil penalties recovered by the~~
 96.34 ~~state must be credited to the fund.~~

97.1 Sec. 106. Minnesota Statutes 2014, section 116.02, is amended to read:

97.2 **116.02 POLLUTION CONTROL AGENCY, CREATION AND POWERS.**

97.3 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota
 97.4 Pollution Control Agency, is and the Minnesota Pollution Control Agency Citizens' Board
 97.5 are hereby created. The ~~agency~~ Minnesota Pollution Control Agency Citizens' Board shall
 97.6 consist of the commissioner and eight members appointed by the governor, by and with the
 97.7 advice and consent of the senate. ~~One of such members shall be a person knowledgeable~~
 97.8 ~~in the field of agriculture and one shall be representative of organized labor.~~

97.9 Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms,
 97.10 compensation, removal of members, and filling of vacancies on the ~~agency~~ Minnesota
 97.11 Pollution Control Agency Citizens' Board shall be as provided in section 15.0575.

97.12 Subd. 3. **Membership.** The membership of the Minnesota Pollution Control Agency
 97.13 Citizens' Board shall be broadly representative of the skills and experience necessary to
 97.14 effectuate the policy of sections 116.01 to 116.075, except that no member other than the
 97.15 commissioner shall be an officer or employee of the state or federal government. Only two
 97.16 members at one time may be officials or employees of a municipality or any governmental
 97.17 subdivision, but neither may be a member ex officio or otherwise on the management
 97.18 board of a municipal sanitary sewage disposal system. One of the members shall have
 97.19 expertise in agriculture, one of the members shall have expertise in forestry, one of the
 97.20 members shall have expertise in mining, and one of the members shall be a representative
 97.21 of organized labor. No more than one-half of the Minnesota Pollution Control Agency
 97.22 Citizens' Board membership may reside in the metropolitan area, as defined in section
 97.23 473.121, subdivision 2.

97.24 Subd. 4. **Chair.** The commissioner shall serve as chair of the ~~agency~~ Minnesota
 97.25 Pollution Control Agency Citizens' Board. The ~~agency~~ Minnesota Pollution Control
 97.26 Agency Citizens' Board shall elect ~~such~~ other officers as it deems necessary.

97.27 Subd. 5. **Agency is successor to commission.** The Pollution Control Agency is
 97.28 the successor of the Water Pollution Control Commission, and all powers and duties
 97.29 now vested in or imposed upon said commission by chapter 115, or any act amendatory
 97.30 thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested
 97.31 in the Minnesota Pollution Control Agency, except as to those matters pending before
 97.32 the commission in which hearings have been held and evidence has been adduced. The
 97.33 Water Pollution Commission shall complete its action in such pending matters not later
 97.34 than six months from May 26, 1967. The Water Pollution Control Commission, as
 97.35 heretofore constituted, is hereby abolished, (a) effective upon completion of its action in

98.1 the pending cases, as hereinbefore provided for; or (b) six months from May 26, 1967,
 98.2 whichever is the earlier.

98.3 Subd. 6. ~~Required decisions~~ Duties of the board. The agency Minnesota Pollution
 98.4 Control Agency Citizens' Board shall ~~make final decisions on the following matters:~~

98.5 (1) ~~a petition for the preparation of an environmental assessment worksheet, if the~~
 98.6 ~~project proposer or a person commenting on the proposal requests that the decision be~~
 98.7 ~~made by the agency and the agency requests that it make the decision under subdivision 8;~~

98.8 (2) ~~the need for an environmental impact statement following preparation of an~~
 98.9 ~~environmental assessment worksheet under applicable rules, if:~~

98.10 (i) ~~the agency has received a request for an environmental impact statement;~~

98.11 (ii) ~~the project proposer or a person commenting on the proposal requests that the~~
 98.12 ~~declaration be made by the agency and the agency requests that it make the decision~~
 98.13 ~~under subdivision 8; or~~

98.14 (iii) ~~the commissioner is recommending preparation of an environmental impact~~
 98.15 ~~statement;~~

98.16 (3) ~~the scope and adequacy of environmental impact statements;~~

98.17 (4) ~~issuance, reissuance, modification, or revocation of a permit if:~~

98.18 (i) ~~a variance is sought in the permit application or a contested case hearing request~~
 98.19 ~~is pending; or~~

98.20 (ii) ~~the permit applicant, the permittee, or a person commenting on the permit action~~
 98.21 ~~requests that the decision be made by the agency and the agency requests that it make~~
 98.22 ~~the decision under subdivision 8;~~

98.23 (5) (1) make final decisions on adoption or amendment of agency rules for which a
 98.24 public hearing is required under section 14.25 or for which the commissioner decides to
 98.25 proceed directly to a public hearing under section 14.14, subdivision 1;

98.26 (6) ~~approval or denial of an application for a variance from an agency rule if:~~

98.27 (i) ~~granting the variance request would change an air, soil, or water quality standard;~~

98.28 (ii) ~~the commissioner has determined that granting the variance would have a~~
 98.29 ~~significant environmental impact; or~~

98.30 (iii) ~~the applicant or a person commenting on the variance request requests that the~~
 98.31 ~~decision be made by the agency and the agency requests that it make the decision under~~
 98.32 ~~subdivision 8~~ (2) provide advice to the commissioner upon request of the commissioner;

98.33 and

98.34 (7) ~~whether to reopen, rescind, or reverse a decision of the agency~~ (3) conduct public
 98.35 meetings and prepare comments as provided under subdivision 11.

99.1 Subd. 7. **Additional decisions.** ~~The commissioner may request that the agency~~
 99.2 ~~make additional decisions or provide advice to the commissioner.~~

99.3 Subd. 8. **Other actions.** ~~Any other action not specifically within the authority of the~~
 99.4 ~~commissioner shall be made by the agency if:~~

99.5 (1) ~~prior to the commissioner's final decision on the action, one or more members~~
 99.6 ~~of the agency notify the commissioner of their request that the decision be made by the~~
 99.7 ~~agency; or~~

99.8 (2) ~~any person submits a petition to the commissioner requesting that the decision be~~
 99.9 ~~made by the agency and the commissioner grants the petition.~~

99.10 ~~If the commissioner denies a petition submitted under clause (2), the commissioner~~
 99.11 ~~shall advise the agency and the petitioner of the reasons for the denial.~~

99.12 Subd. 9. **Informing public.** The commissioner shall inform interested persons as
 99.13 appropriate in public notices and other public documents of their right to request the
 99.14 agency Minnesota Pollution Control Agency Citizens' Board to ~~make decisions in hold~~
 99.15 public information hearings on specific matters as provided in subdivision 6 ~~and the~~
 99.16 ~~right of agency members to request that decisions be made by the agency as provided in~~
 99.17 ~~subdivision 8~~ 11. The commissioner shall also regularly inform the agency Minnesota
 99.18 Pollution Control Agency Citizens' Board of activities that have broad policy implications
 99.19 or potential environmental significance and of activities in which the public has exhibited
 99.20 substantial interest.

99.21 Subd. 10. **Changing decisions.** (a) ~~The agency must not reopen, rescind, or reverse~~
 99.22 ~~a decision of the agency except upon:~~

99.23 (1) ~~the affirmative vote of two-thirds of the agency; or~~

99.24 (2) ~~a finding that there was an irregularity in a hearing related to the decision, an~~
 99.25 ~~error of law, or a newly discovered material issue of fact.~~

99.26 (b) ~~The requirements in paragraph (a) are minimum requirements and do not limit~~
 99.27 ~~the agency's authority under sections 14.06 and 116.07, subdivision 3, to adopt rules:~~

99.28 (1) ~~applying the requirement in paragraph (a), clause (1) or (2), to certain decisions~~
 99.29 ~~of the agency; or~~

99.30 (2) ~~establishing additional or more stringent requirements for reopening, rescinding,~~
 99.31 ~~or reversing decisions of the agency.~~

99.32 Subd. 11. **Petition for public hearing.** (a) A person may request that the Minnesota
 99.33 Pollution Control Agency Citizens' Board hold a public hearing by filing a petition that
 99.34 contains the signatures and mailing addresses of at least 25 individuals who reside or own
 99.35 property in the state on the following agency matters:

99.36 (1) a petition for the preparation of an environmental assessment worksheet;

- 100.1 (2) the need for an environmental impact statement following completion of an
 100.2 environmental assessment worksheet;
- 100.3 (3) the scope and adequacy of an environmental impact statement;
- 100.4 (4) issuance, reissuance, modification, or revocation of a permit if a variance is
 100.5 sought in the permit application or a contested case hearing request is pending; and
- 100.6 (5) approval or denial of an application for a variance from an agency rule if:
- 100.7 (i) granting the variance request would change an air, soil, or water quality standard;
 100.8 or
- 100.9 (ii) the commissioner has determined that granting the variance would have a
 100.10 significant environmental impact.
- 100.11 (b) A petition filed under this subdivision must be submitted to the Minnesota
 100.12 Pollution Control Agency Citizens' Board within 30 days of the agency providing public
 100.13 notice of the matter.
- 100.14 (c) The Minnesota Pollution Control Agency Citizens' Board shall hold a public
 100.15 hearing within 30 days of receiving a petition under this subdivision. The board may
 100.16 address more than one petition at a public hearing. The commissioner shall prepare a
 100.17 notice of the public hearing and publish the notice in a newspaper of general circulation in
 100.18 the geographical area or areas affected and notify local governments and other interested
 100.19 parties as determined by the commissioner. Following the hearing, the board shall compile
 100.20 and submit comments received during the hearing to the commissioner for review.

100.21 Sec. 107. Minnesota Statutes 2014, section 116.03, subdivision 1, is amended to read:

100.22 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control
 100.23 Agency is created and is under the supervision and control of the commissioner, who is
 100.24 appointed by the governor under the provisions of section 15.06.

100.25 (b) The commissioner may appoint a deputy commissioner and assistant
 100.26 commissioners who shall be in the unclassified service.

100.27 (c) The commissioner shall make all decisions on behalf of the agency ~~that are~~
 100.28 ~~not required to be made by the agency~~ except for rulemaking decisions made by the
 100.29 Minnesota Pollution Control Agency Citizens' Board under section 116.02.

100.30 Sec. 108. Minnesota Statutes 2014, section 116.07, subdivision 4d, is amended to read:

100.31 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
 100.32 than those necessary to cover the reasonable costs of developing, reviewing, and acting
 100.33 upon applications for agency permits and implementing and enforcing the conditions of
 100.34 the permits pursuant to agency rules. Permit fees shall not include the costs of litigation.

101.1 The fee schedule must reflect reasonable and routine direct and indirect costs associated
101.2 with permitting, implementation, and enforcement. The agency may impose an additional
101.3 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
101.4 of implementing and enforcing the conditions of a permit under the rules of the agency.
101.5 Any money collected under this paragraph shall be deposited in the environmental fund.

101.6 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from
101.7 the owner or operator of all stationary sources, emission facilities, emissions units, air
101.8 contaminant treatment facilities, treatment facilities, potential air contaminant storage
101.9 facilities, or storage facilities subject to ~~the requirement to obtain a permit a notification,~~
101.10 permit, or license requirement under subchapter this chapter, subchapters I and V of
101.11 the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or section
101.12 ~~116.081~~ or rules adopted thereunder. The annual fee shall be used to pay for all direct
101.13 and indirect reasonable costs, including ~~attorney general~~ legal costs, required to develop
101.14 and administer the notification, permit, or license program requirements of ~~subchapter~~
101.15 this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title
101.16 42, section 7401 et seq., and sections of this chapter and the or rules adopted under
101.17 ~~this chapter related to air contamination and noise~~ thereunder. Those costs include the
101.18 reasonable costs of reviewing and acting upon an application for a permit; implementing
101.19 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,
101.20 and deposition monitoring; preparing generally applicable regulations; responding to
101.21 federal guidance; modeling, analyses, and demonstrations; preparing inventories and
101.22 tracking emissions; and providing information to the public about these activities.

101.23 (c) The agency shall set fees that:

101.24 (1) will result in the collection, in the aggregate, from the sources listed in paragraph
101.25 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant
101.26 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112
101.27 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a
101.28 national primary ambient air quality standard has been promulgated;

101.29 (2) may result in the collection, in the aggregate, from the sources listed in paragraph
101.30 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is
101.31 regulated under this chapter or air quality rules adopted under this chapter; and

101.32 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the
101.33 amount needed to match grant funds received by the state under United States Code, title
101.34 42, section 7405 (section 105 of the federal Clean Air Act).

101.35 The agency must not include in the calculation of the aggregate amount to be collected
101.36 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant

102.1 from a source. The increase in air permit fees to match federal grant funds shall be a
102.2 surcharge on existing fees. The commissioner may not collect the surcharge after the grant
102.3 funds become unavailable. In addition, the commissioner shall use nonfee funds to the
102.4 extent practical to match the grant funds so that the fee surcharge is minimized.

102.5 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
102.6 in the rules promulgated under paragraph (c) for an increase in the fee collected in each year
102.7 by the percentage, if any, by which the Consumer Price Index for the most recent calendar
102.8 year ending before the beginning of the year the fee is collected exceeds the Consumer Price
102.9 Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index
102.10 for any calendar year is the average of the Consumer Price Index for all-urban consumers
102.11 published by the United States Department of Labor, as of the close of the 12-month period
102.12 ending on August 31 of each calendar year. The revision of the Consumer Price Index that
102.13 is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

102.14 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
102.15 environmental fund and must be used solely for the activities listed in paragraph (b).

102.16 (f) Permit applicants who wish to construct, reconstruct, or modify a facility may
102.17 offer to reimburse the agency for the costs of staff time or consultant services needed to
102.18 expedite the permit development process, including the analysis of environmental review
102.19 documents. The reimbursement shall be in addition to permit application fees imposed by
102.20 law. When the agency determines that it needs additional resources to develop the permit
102.21 application in an expedited manner, and that expediting the development is consistent with
102.22 permitting program priorities, the agency may accept the reimbursement. Reimbursements
102.23 accepted by the agency are appropriated to the agency for the purpose of developing
102.24 the permit or analyzing environmental review documents. Reimbursement by a permit
102.25 applicant shall precede and not be contingent upon issuance of a permit; shall not affect
102.26 the agency's decision on whether to issue or deny a permit, what conditions are included
102.27 in a permit, or the application of state and federal statutes and rules governing permit
102.28 determinations; and shall not affect final decisions regarding environmental review.

102.29 (g) The fees under this subdivision are exempt from section 16A.1285.

102.30 Sec. 109. Minnesota Statutes 2014, section 116.07, subdivision 4j, is amended to read:

102.31 Subd. 4j. **Permits; solid waste facilities.** (a) The agency may not issue a permit
102.32 for new or additional capacity for a mixed municipal solid waste resource recovery or
102.33 disposal facility as defined in section 115A.03 unless each county using or projected in
102.34 the permit to use the facility has in place a solid waste management plan approved under
102.35 section 115A.46 or 473.803 and amended as required by section 115A.96, subdivision 6.

103.1 The agency shall issue the permit only if the capacity of the facility is consistent with the
 103.2 needs for resource recovery or disposal capacity identified in the approved plan or plans.
 103.3 Consistency must be determined by the Pollution Control Agency. Plans approved before
 103.4 January 1, 1990, need not be revised if the capacity sought in the permit is consistent
 103.5 with the approved plan or plans.

103.6 (b) The agency shall require as part of the permit application for a waste incineration
 103.7 facility identification of preliminary plans for ash management and ash leachate treatment
 103.8 or ash utilization. The permit issued by the agency must include requirements for ash
 103.9 management and ash leachate treatment.

103.10 (c) Within 180 days of receipt of a completed application, the agency shall approve,
 103.11 disapprove, or delay decision on the application, with reasons for the delay, in writing.

103.12 (d) The agency may not issue a permit for a new disposal facility, as defined in
 103.13 section 115A.03, subdivision 10, or a permit to expand an existing disposal facility unless:

103.14 (1) all local units of government in which the facility is to be sited and exercising
 103.15 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have
 103.16 granted approval for the new or expanded facility prior to the issuance of the permit;

103.17 (2) all local units of government in which the facility is to be sited and exercising
 103.18 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have
 103.19 authorized the permit to be issued prior to or concurrent with the required approval by
 103.20 the local unit of government; or

103.21 (3) the new or expanded facility is part of and will be sited on land already identified
 103.22 in an approved solid waste management plan as described in paragraph (a).

103.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

103.24 Sec. 110. Minnesota Statutes 2014, section 116.07, subdivision 7, is amended to read:

103.25 Subd. 7. **Counties; processing of applications for animal lot permits.** Any
 103.26 Minnesota county board may, by resolution, with approval of the Pollution Control
 103.27 Agency, assume responsibility for processing applications for permits required by the
 103.28 Pollution Control Agency under this section for livestock feedlots, poultry lots or other
 103.29 animal lots. The responsibility for permit application processing, if assumed by a county,
 103.30 may be delegated by the county board to any appropriate county officer or employee.

103.31 (a) For the purposes of this subdivision, the term "processing" includes:

103.32 (1) the distribution to applicants of forms provided by the Pollution Control Agency;

103.33 (2) the receipt and examination of completed application forms, and the certification,
 103.34 in writing, to the Pollution Control Agency either that the animal lot facility for which a
 103.35 permit is sought by an applicant will comply with applicable rules and standards, or, if

104.1 the facility will not comply, the respects in which a variance would be required for the
104.2 issuance of a permit; and

104.3 (3) rendering to applicants, upon request, assistance necessary for the proper
104.4 completion of an application.

104.5 (b) For the purposes of this subdivision, the term "processing" may include, at the
104.6 option of the county board, issuing, denying, modifying, imposing conditions upon, or
104.7 revoking permits pursuant to the provisions of this section or rules promulgated pursuant
104.8 to it, subject to review, suspension, and reversal by the Pollution Control Agency. The
104.9 Pollution Control Agency shall, after written notification, have 15 days to review, suspend,
104.10 modify, or reverse the issuance of the permit. After this period, the action of the county
104.11 board is final, subject to appeal as provided in chapter 14. For permit applications filed
104.12 after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a
104.13 county pursuant to this subdivision.

104.14 (c) For the purpose of administration of rules adopted under this subdivision, the
104.15 commissioner and the agency may provide exceptions for cases where the owner of a
104.16 feedlot has specific written plans to close the feedlot within five years. These exceptions
104.17 include waiving requirements for major capital improvements.

104.18 (d) For purposes of this subdivision, a discharge caused by an extraordinary natural
104.19 event such as a precipitation event of greater magnitude than the 25-year, 24-hour event,
104.20 tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

104.21 (e) In adopting and enforcing rules under this subdivision, the commissioner shall
104.22 cooperate closely with other governmental agencies.

104.23 (f) The Pollution Control Agency shall work with the Minnesota Extension Service,
104.24 the Department of Agriculture, the Board of Water and Soil Resources, producer groups,
104.25 local units of government, as well as with appropriate federal agencies such as the Natural
104.26 Resources Conservation Service and the Farm Service Agency, to notify and educate
104.27 producers of rules under this subdivision at the time the rules are being developed and
104.28 adopted and at least every two years thereafter.

104.29 (g) The Pollution Control Agency shall adopt rules governing the issuance and
104.30 denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this
104.31 section. Pastures are exempt from the rules authorized under this paragraph. A feedlot
104.32 permit is not required for livestock feedlots with more than ten but less than 50 animal
104.33 units; provided they are not in shoreland areas. A livestock feedlot permit does not
104.34 become required solely because of a change in the ownership of the buildings, grounds,
104.35 or feedlot. These rules apply both to permits issued by counties and to permits issued
104.36 by the Pollution Control Agency directly.

105.1 (h) The Pollution Control Agency shall exercise supervising authority with respect
105.2 to the processing of animal lot permit applications by a county.

105.3 (i) Any new rules or amendments to existing rules proposed under the authority
105.4 granted in this subdivision, or to implement new fees on animal feedlots, must be
105.5 submitted to the members of legislative policy and finance committees with jurisdiction
105.6 over agriculture and the environment prior to final adoption. The rules must not become
105.7 effective until 90 days after the proposed rules are submitted to the members.

105.8 (j) Until new rules are adopted that provide for plans for manure storage structures,
105.9 any plans for a liquid manure storage structure must be prepared or approved by a
105.10 registered professional engineer or a United States Department of Agriculture, Natural
105.11 Resources Conservation Service employee.

105.12 (k) A county may adopt by ordinance standards for animal feedlots that are more
105.13 stringent than standards in Pollution Control Agency rules.

105.14 (l) After January 1, 2001, a county that has not accepted delegation of the feedlot
105.15 permit program must hold a public meeting prior to the agency issuing a feedlot permit
105.16 for a feedlot facility with 300 or more animal units, unless another public meeting has
105.17 been held with regard to the feedlot facility to be permitted.

105.18 (m) After the proposed rules published in the State Register, volume 24, number 25,
105.19 are finally adopted, the agency may not impose additional conditions as a part of a feedlot
105.20 permit, unless specifically required by law or agreed to by the feedlot operator.

105.21 (n) For the purposes of feedlot permitting, a discharge from land-applied manure
105.22 or a manure stockpile that is managed according to agency rule must not be subject to
105.23 a fine for a discharge violation.

105.24 (o) For the purposes of feedlot permitting, manure that is land applied, or a manure
105.25 stockpile that is managed according to agency rule, must not be considered a discharge
105.26 into waters of the state, unless the discharge is to waters of the state, as defined by
105.27 section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section
105.28 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots
105.29 under agency rule.

105.30 (p) Unless the upgrade is needed to correct an immediate public health threat under
105.31 section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal
105.32 feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on
105.33 April 15, 2003, the agency may not require a feedlot operator:

105.34 (1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300
105.35 animal units unless cost-share money is available to the feedlot operator for 75 percent of
105.36 the cost of the upgrade; or

106.1 (2) to spend more than \$10,000 to upgrade an existing feedlot with between 300
106.2 and 500 animal units, unless cost-share money is available to the feedlot operator for 75
106.3 percent of the cost of the upgrade or \$50,000, whichever is less.

106.4 (q) For the purposes of this section, "pastures" means areas, including winter feeding
106.5 areas as part of a grazing area, where grass or other growing plants are used for grazing
106.6 and where the concentration of animals allows a vegetative cover to be maintained during
106.7 the growing season except that vegetative cover is not required:

106.8 (1) in the immediate vicinity of supplemental feeding or watering devices;

106.9 (2) in associated corrals and chutes where livestock are gathered for the purpose of
106.10 sorting, veterinary services, loading and unloading trucks and trailers, and other necessary
106.11 activities related to good animal husbandry practices; and

106.12 (3) in associated livestock access lanes used to convey livestock to and from areas
106.13 of the pasture.

106.14 (r) A feedlot operator who stores and applies up to 100,000 gallons per calendar year
106.15 of private truck wash wastewater resulting from trucks that transport animals or supplies
106.16 to and from the feedlot does not require a permit to land-apply industrial by-products
106.17 if the feedlot operator stores and applies the wastewater in accordance with Pollution
106.18 Control Agency requirements for land applications of industrial by-product that do not
106.19 require a permit.

106.20 (s) A feedlot operator who holds a permit from the Pollution Control Agency to
106.21 land-apply industrial by-products from a private truck wash is not required to have a
106.22 certified land applicator apply the private truck wash wastewater if the wastewater is
106.23 applied by the feedlot operator to cropland owned or leased by the feedlot operator or
106.24 by a commercial animal waste technician licensed by the commissioner of agriculture
106.25 under chapter 18C.

106.26 For purposes of this paragraph and paragraph (r), "private truck wash" means a truck
106.27 washing facility owned or leased, operated, and used only by a feedlot operator to wash
106.28 trucks owned or leased by the feedlot operator and used to transport animals or supplies
106.29 to and from the feedlot.

106.30 Sec. 111. Minnesota Statutes 2014, section 116.07, is amended by adding a subdivision
106.31 to read:

106.32 **Subd. 13. Limitation regarding certain policies, guidelines, and other**
106.33 **nonbinding interpretive statements.** The commissioner shall not seek to implement or
106.34 enforce against any entity or permittee a policy, guideline, or other nonbinding interpretive
106.35 statement that meets the definition of a rule under chapter 14 if the policy, guideline, or

107.1 other nonbinding interpretive statement has not been adopted as a rule in accordance
107.2 with chapter 14.

107.3 Sec. 112. Minnesota Statutes 2014, section 116D.04, is amended by adding a
107.4 subdivision to read:

107.5 Subd. 17. **Discretionary review notification.** The commissioners of natural
107.6 resources and the Pollution Control Agency, when ordering the preparation of a
107.7 discretionary environmental impact statement or discretionary environmental assessment
107.8 worksheet for a proposed action, must notify the proposer of the action by certified mail at
107.9 least 90 days prior to making the order public.

107.10 Sec. 113. Minnesota Statutes 2014, section 144.12, is amended by adding a subdivision
107.11 to read:

107.12 Subd. 4. **Camper cabins and bunk houses.** Camper cabins and bunk houses are
107.13 exempt from floor space, air space, or bed spacing requirements applicable to lodging
107.14 establishments adopted by the commissioner. For the purposes of this section:

107.15 (1) "bunk house" means a building, structure, or enclosure intended to sleep more
107.16 than one person for up to three nights that does not include a kitchen or bathroom; and

107.17 (2) "camper cabin" means a permanent rustic enclosure with walls and a floor
107.18 that does not include a kitchen or bath; is located in a state park administered by the
107.19 commissioner of natural resources, at a resort as defined under section 157.15, subdivision
107.20 11, or at a recreational camping area as defined under section 327.14, subdivision 8; and is
107.21 intended to be a place where sleeping accommodations are furnished to the public.

107.22 Sec. 114. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision
107.23 to read:

107.24 Subd. 18. **All-terrain vehicle safety certificate.** (a) The department shall maintain
107.25 in its records information transmitted electronically from the commissioner of natural
107.26 resources identifying each person to whom the commissioner has issued an all-terrain
107.27 vehicle safety certificate. The records transmitted from the Department of Natural
107.28 Resources must contain the full name and date of birth as required for the driver's license
107.29 or identification card. Records that are not matched to a driver's license or identification
107.30 card record may be deleted after seven years.

107.31 (b) After receiving information under paragraph (a) that a person has received an
107.32 all-terrain vehicle safety certificate, the department shall include, on all drivers' licenses

108.1 or Minnesota identification cards subsequently issued to the person, a graphic or written
108.2 indication that the person has received the certificate.

108.3 (c) If a person who has received an all-terrain vehicle safety certificate applies
108.4 for a driver's license or Minnesota identification card before that information has been
108.5 transmitted to the department, the department may accept a copy of the certificate as proof
108.6 of its issuance and shall then follow the procedures in paragraph (b).

108.7 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new
108.8 driver and vehicle services information technology system is implemented, whichever
108.9 comes later.

108.10 Sec. 115. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

108.11 Subd. 3. **Title examination.** The commissioner of revenue shall, if requested by the
108.12 purchaser or the county attorney of the county where all or a portion of the land is situated,
108.13 deliver the deed to the county attorney for use under Minnesota Statutes 2014, section
108.14 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser.
108.15 The county attorney shall be instructed when taking the transferral of the deed that said
108.16 deed shall not be delivered to the purchaser unless the land involved is accepted as and
108.17 placed into an auxiliary forest.

108.18 Sec. 116. **[325E.382] CERTAIN PRODUCTS CONTAINING MICROBEADS**
108.19 **PROHIBITED.**

108.20 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
108.21 have the meanings given.

108.22 (b) "Over-the-counter drug" means a drug that is a personal care product that
108.23 contains a label that identifies the product as a drug as required by Code of Federal
108.24 Regulations, title 21, section 201.66. An "over-the-counter drug" label includes:

108.25 (1) a drug facts panel; or

108.26 (2) a statement of the active ingredients with a list of those ingredients contained in
108.27 the compound, substance, or preparation.

108.28 (c) "Personal care product" means any article intended to be rubbed, poured,
108.29 sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or
108.30 any part thereof for cleansing, beautifying, promoting attractiveness, or altering the
108.31 appearance, and any article intended for use as a component of any such article. "Personal
108.32 care product" does not include prescription drugs.

108.33 (d) "Plastic" means a synthetic material made from linking monomers through
108.34 a chemical reaction to create an organic polymer chain that can be molded or extruded

109.1 at high heat into various solid forms retaining their defined shapes during life cycle and
109.2 after disposal.

109.3 (e) "Synthetic plastic microbead" means any intentionally added nonbiodegradable
109.4 solid plastic particle measured less than five millimeters in size and used to exfoliate
109.5 or cleanse in a rinse-off product.

109.6 Subd. 2. **Prohibitions.** (a) Effective December 31, 2017, no person shall
109.7 manufacture for sale a personal care product, except for an over-the-counter drug, that
109.8 contains synthetic plastic microbeads.

109.9 (b) Effective December 31, 2018, no person shall accept for sale a personal care
109.10 product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

109.11 (c) Effective December 31, 2018, no person shall manufacture for sale an
109.12 over-the-counter drug that contains synthetic plastic microbeads.

109.13 (d) Effective December 31, 2019, no person shall accept for sale an over-the-counter
109.14 drug that contains synthetic plastic microbeads.

109.15 Subd. 3. **Preemption.** This section preempts any ordinance or resolution of a
109.16 municipality, county, or any other local government entity concerning synthetic plastic
109.17 microbeads.

109.18 Sec. 117. Minnesota Statutes 2014, section 446A.073, subdivision 1, is amended to read:

109.19 Subdivision 1. **Program established.** When money is appropriated for grants
109.20 under this program, the authority shall award grants up to a maximum of \$3,000,000 to
109.21 governmental units to cover up to one-half the cost of ~~wastewater treatment or storm water~~
109.22 infrastructure projects made necessary by:

109.23 (1) a wasteload reduction prescribed under a total maximum daily load plan required
109.24 by section 303(d) of the federal Clean Water Act, United States Code, title 33, section
109.25 1313(d);

109.26 (2) a phosphorus concentration or mass limit which requires discharging one
109.27 milligram per liter or less at permitted design flow which is incorporated into a permit
109.28 issued by the Pollution Control Agency;

109.29 (3) any other water quality-based effluent limit established under section 115.03,
109.30 subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the
109.31 Pollution Control Agency that exceeds secondary treatment limits; or

109.32 (4) a total nitrogen limit of ten milligrams per liter or less for a land-based treatment
109.33 system.

109.34 Sec. 118. Minnesota Statutes 2014, section 446A.073, subdivision 3, is amended to read:

110.1 Subd. 3. **Project priorities.** When money is appropriated for grants under this
 110.2 program, the authority shall accept applications during the month of July and reserve
 110.3 money for projects expected to proceed with construction by the end of the fiscal year in
 110.4 the order listed on the Pollution Control Agency's project priority list and in an amount
 110.5 based on the cost estimate submitted to the authority in the grant application or the as-bid
 110.6 costs, whichever is less. Notwithstanding Minnesota Rules, chapter 7077, the Pollution
 110.7 Control Agency may rank a drinking water infrastructure project on the agency's project
 110.8 priority list if the project is necessary to meet an applicable requirement in subdivision 1.

110.9 Sec. 119. Minnesota Statutes 2014, section 446A.073, subdivision 4, is amended to read:

110.10 Subd. 4. **Grant approval.** The authority must make a grant for an eligible project
 110.11 only after:

110.12 (1) the applicant has submitted the as-bid cost for the ~~wastewater treatment or storm~~
 110.13 water infrastructure project;

110.14 (2) the Pollution Control Agency has approved the as-bid costs and certified the
 110.15 grant eligible portion of the project; and

110.16 (3) the authority has determined that the additional financing necessary to complete
 110.17 the project has been committed from other sources.

110.18 Sec. 120. Minnesota Statutes 2014, section 473.1565, is amended to read:

110.19 **473.1565 METROPOLITAN AREA WATER SUPPLY PLANNING**
 110.20 **ACTIVITIES; ADVISORY ~~COMMITTEE~~ COMMITTEES.**

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

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

110.28 (2) development and periodic update of a metropolitan area master water supply
 110.29 plan, prepared in cooperation with and subject to the approval of the ~~commissioner of~~
 110.30 natural resources policy advisory committee established in this section, that:

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

110.32 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term
 110.33 sustainability; and

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

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

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

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

111.9 (b) The council must carry out the planning activities in this subdivision in
111.10 consultation with the Metropolitan Area Water Supply Policy and Technical Advisory
111.11 Committee Committees established in ~~subdivision 2~~ this section.

111.12 Subd. 2. **Policy advisory committee.** (a) A Metropolitan Area Water Supply
111.13 Policy Advisory Committee is established to assist the council in its planning activities in
111.14 subdivision 1. The policy advisory committee has the following membership:

111.15 (1) the commissioner of agriculture or the commissioner's designee;

111.16 (2) the commissioner of health or the commissioner's designee;

111.17 (3) the commissioner of natural resources or the commissioner's designee;

111.18 (4) the commissioner of the Pollution Control Agency or the commissioner's
111.19 designee;

111.20 (5) two officials of counties that are located in the metropolitan area, appointed by
111.21 the governor, in consultation with the Association of Minnesota Counties;

111.22 (6) five officials of noncounty local governmental units that are located in the
111.23 metropolitan area, appointed by the governor, in consultation with the Association of
111.24 Metropolitan Municipalities;

111.25 (7) the chair of the Metropolitan Council or the chair's designee, who is chair of the
111.26 advisory committee; ~~and~~

111.27 (8) one official each from the counties of Chisago, Isanti, Sherburne, and Wright,
111.28 appointed by the governor, in consultation with the Association of Minnesota Counties
111.29 and the League of Minnesota Cities; and

111.30 (9) a member of the Board of Water Commissioners of the Saint Paul Regional Water
111.31 Services, appointed by and serving at the pleasure of the Board of Water Commissioners,
111.32 and a representative of the Minneapolis Water Department, appointed by and serving at
111.33 the pleasure of the mayor of the city of Minneapolis.

111.34 A local government unit in each of the seven counties in the metropolitan area
111.35 and Chisago, Isanti, Sherburne, and Wright Counties must be represented in the 11
111.36 appointments made under clauses (5), (6), and (8).

112.1 (b) Members of the advisory committee appointed by the governor serve at the
 112.2 pleasure of the governor. Members of the advisory committee serve without compensation
 112.3 but may be reimbursed for their reasonable expenses as determined by the Metropolitan
 112.4 Council. ~~The advisory committee expires December 31, 2016.~~

112.5 (c) The council must consider the work and recommendations of the policy advisory
 112.6 committee when the council is preparing its regional development framework.

112.7 Subd. 2a. **Technical advisory committee.** A Metropolitan Area Water Supply
 112.8 Technical Advisory Committee is established to inform the policy advisory committee's
 112.9 work by providing scientific and engineering expertise necessary to provide the region an
 112.10 adequate and sustainable water supply. The technical advisory committee consists of 11
 112.11 members appointed by the policy advisory committee as follows:

112.12 (1) six members to represent operators of single-city and multicity public water
 112.13 supply systems in the metropolitan area;

112.14 (2) a hydrologist with expertise in groundwater analysis and modeling;

112.15 (3) a hydrologist with expertise in surface water analysis and modeling;

112.16 (4) an engineer with expertise in the design and construction of water supply systems;

112.17 (5) a person with expertise in population and demographic forecasting and modeling;

112.18 and

112.19 (6) a person with expertise in water demand forecasting.

112.20 Members of the technical advisory committee serve at the pleasure of the policy advisory
 112.21 committee, without compensation, but may be reimbursed for their reasonable expenses as
 112.22 determined by the council.

112.23 **Subd. 3. Reports to legislature.** (a) The council must submit reports to the
 112.24 legislature regarding its findings, recommendations, and continuing planning activities
 112.25 under subdivision 1. These reports shall be included in the "Minnesota Water Plan"
 112.26 required in section 103B.151, and five-year interim reports may be provided as necessary.

112.27 (b) By February 15, 2017, and at least every five years thereafter, the policy advisory
 112.28 committee shall report to the council, the Legislative Water Commission, and the chairs
 112.29 and ranking minority members of the house of representatives and senate committees and
 112.30 divisions with jurisdiction over environment and natural resources with the information
 112.31 required under this section. The policy advisory committee's report and recommendations
 112.32 must include information provided by the technical advisory committee.

112.33 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 112.34 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 112.35 Scott, and Washington.

113.1 Sec. 121. **SURPLUS STATE LAND SALES.**

113.2 The school trust lands director shall identify at least \$5,000,000 in state-owned
113.3 lands suitable for sale and notify the commissioner of natural resources of the identified
113.4 lands. The lands identified shall not be within a unit of the outdoor recreation system
113.5 under Minnesota Statutes, section 86A.05, an administrative site, or trust land. The
113.6 commissioner shall sell at least \$3,000,000 worth of lands identified by the school trust
113.7 lands director by June 30, 2017. Notwithstanding Minnesota Statutes, section 94.16,
113.8 subdivision 3, or any other law to the contrary, the amount of the proceeds from the sale of
113.9 lands that exceeds the actual expenses of selling the lands must be deposited in the school
113.10 trust lands account and used to extinguish the school trust interest as provided under
113.11 Minnesota Statutes, section 92.83, on school trust lands that have public water access
113.12 sites or old growth forests located on them.

113.13 Sec. 122. **REQUIRED RULEMAKING; SUBSURFACE SEWAGE TREATMENT**
113.14 **SYSTEMS.**

113.15 The commissioner of the Pollution Control Agency shall adopt rules, using the
113.16 expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth
113.17 procedures to conform with the changes to Minnesota Statutes, chapter 115, under this act
113.18 and to streamline the subsurface sewage treatment system (SSTS) license application and
113.19 renewal process in a manner that:

113.20 (1) surety bond and insurance requirements of licensed SSTS businesses meet the
113.21 requirements of Minnesota Statutes, chapter 115 and section 326B.46, subdivision 2; and

113.22 (2) properly trained SSTS installers may complete work on a building sewer with
113.23 respect to the Plumbing Code and plumbing program and SSTS designers and inspectors
113.24 may complete work on a building sewer connected to an SSTS with respect to the
113.25 Plumbing Code and plumbing program.

113.26 Sec. 123. **WETLAND CONSERVATION ACT REPORT.**

113.27 By March 15, 2016, the Board of Water and Soil Resources, in cooperation with the
113.28 Department of Natural Resources, shall report to the committees with jurisdiction over
113.29 environment and natural resources on the proposals to implement high priority areas for
113.30 wetland replacement and in-lieu fees for replacement and modify wetland replacement
113.31 siting and actions eligible for credit. In developing the report, the board and department
113.32 shall consult with stakeholders and agencies.

113.33 Sec. 124. **ALL-TERRAIN VEHICLE REGISTRATION TRANSITION.**

114.1 (a) A person must have an unexpired class 1 or class 2 all-terrain vehicle or off-road
114.2 vehicle registration and may continue to display the unexpired class 1 or class 2 all-terrain
114.3 vehicle or off-road vehicle registration until the electronic licensing system has been
114.4 upgraded to conform with the amendments to Minnesota Statutes, section 84.92, under
114.5 this act.

114.6 (b) When the electronic licensing system has been upgraded, a person who possesses
114.7 an unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle registration may
114.8 continue to display that unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle
114.9 registration until the class 1 or class 2 all-terrain vehicle or off-road vehicle registration is
114.10 renewed, transferred, or replacement registration is applied for.

114.11 Sec. 125. **ANALYSIS OF WATER QUALITY STANDARDS.**

114.12 (a) The commissioner of management and budget shall contract with a nonstate
114.13 entity for an analysis of the costs of recently adopted or proposed changes to water quality
114.14 standards and rules, including:

114.15 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,
114.16 nitrate, and sulfate standards;

114.17 (2) proposed nondegradation rulemaking provisions;

114.18 (3) proposed changes to water quality standards to incorporate a tiered aquatic
114.19 life use framework; and

114.20 (4) changes to water quality standards, reinterpretation of water quality standards,
114.21 and water strategies or other regulatory initiatives the commissioner of the Pollution
114.22 Control Agency anticipates will be proposed in the next five years that will impact national
114.23 pollutant discharge elimination system permits.

114.24 (b) The analysis must include a cost analysis for a representative sample of at
114.25 least 15 communities. The sample must include a diverse set of communities based on
114.26 geography, watersheds, community size, wastewater facility types and operators, storm
114.27 water system types, and other factors to ensure the analysis is representative of the state as
114.28 a whole. The analysis must include:

114.29 (1) an estimate of the overall costs to upgrade wastewater and storm water systems,
114.30 including ongoing operating costs and costs associated with disposing of waste that are
114.31 likely to be incurred as a result of the recent, proposed, and anticipated changes; and

114.32 (2) an analysis of the estimated incremental impact to water quality in affected water
114.33 bodies as a direct result of the recent, proposed, and anticipated changes.

115.1 (c) The commissioner shall submit the analysis to the chairs and ranking minority
115.2 members of the committees and divisions of the house of representatives and senate with
115.3 jurisdiction over water quality standards no later than January 1, 2017.

115.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.5 Sec. 126. **SUSPENSION OF NEW WATER QUALITY RULES.**

115.6 Until the analysis is submitted to the legislature as required under section 125 and
115.7 the proposed amendments to Minnesota Rules, chapters 7050 and 7053, regarding total
115.8 suspended solids and eutrophication standards proposed and noticed in the State Register
115.9 on November 18, 2013, have undergone a new rulemaking process and been submitted
115.10 and approved by the legislature, the amendments to Minnesota Rules, chapters 7050 and
115.11 7053, regarding total suspended solids and eutrophication standards, are suspended and
115.12 the rules as they were prior to adoption of the amendments remain in effect.

115.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.14 Sec. 127. **LAKE WINNIPEG TOTAL MAXIMUM DAILY LOAD.**

115.15 The commissioner of the Pollution Control Agency must coordinate with North
115.16 Dakota and Manitoba to develop a total maximum daily load under section 303(d) of the
115.17 Clean Water Act, United States Code, title 33, section 1313(d), for nutrients and suspended
115.18 solids entering Lake Winnipeg. The total maximum daily load must include phosphorus
115.19 and suspended solids wasteload allocations for point sources and load allocations for
115.20 nonpoint sources for sources discharging these pollutants to the Red River of the North
115.21 and its tributaries. Phosphorus or suspended solids effluent limits on these point sources
115.22 shall be deferred until the total maximum daily load has been subject to public review and
115.23 comment and formally approved by the United States Environmental Protection Agency.

115.24 Sec. 128. **WILD RICE WATER QUALITY STANDARDS.**

115.25 (a) Until the commissioner of the Pollution Control Agency adopts the rules to
115.26 establish criteria for designating waters subject to a wild rice water quality standard as
115.27 required under Laws 2011, First Special Session chapter 2, article 4, section 32, paragraph
115.28 (b), and adopts the rule as required under Laws 2011, First Special Session chapter 2,
115.29 article 4, section 32, paragraph (a), designating waters containing natural beds of wild rice
115.30 that are subject to a wild rice water quality standard and designating the specific times of
115.31 year during which the standard applies, the commissioner shall not:

116.1 (1) apply the wild rice water quality standard for sulfate in class 4A waters to any
 116.2 waters, including incorporating the standard or any requirements based on the standard
 116.3 within any permits, compliance schedules, orders, or other control documents; or

116.4 (2) list waters containing natural beds of wild rice as impaired for sulfate under
 116.5 section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313.

116.6 (b) For the purposes of this section, "waters containing natural beds of wild rice"
 116.7 has the meaning given in Laws 2011, First Special Session chapter 2, article 4, section
 116.8 32, paragraph (b).

116.9 **Sec. 129. FEDERAL CLEAN WATER ACT SECTION 404 PERMIT PROGRAM**
 116.10 **FEASIBILITY STUDY.**

116.11 (a) The Board of Water and Soil Resources and the commissioner of natural
 116.12 resources shall study the feasibility of the state assuming administration of the section
 116.13 404 permit program of the federal Clean Water Act. The United States Army Corps of
 116.14 Engineers, St. Paul District; and the United States Environmental Protection Agency shall
 116.15 be consulted with during the development of the study. The study shall identify:

116.16 (1) the federal requirements for state assumption of the 404 program;

116.17 (2) the potential extent of assumption, including those waters that would remain under
 116.18 the jurisdiction of the United States Army Corps of Engineers due to the prohibition of 404
 116.19 assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

116.20 (3) differences in waters regulated under Minnesota laws compared to waters of the
 116.21 United States, including complications and potential solutions to address the current
 116.22 uncertainties relating to determining waters of the United States;

116.23 (4) measures to ensure the protection of aquatic resources consistent with the Clean
 116.24 Water Act, Wetland Conservation Act, and the public waters program administered by the
 116.25 Department of Natural Resources;

116.26 (5) changes to existing state law, including changes to current implementation
 116.27 structure and processes, that would need to occur to allow for state assumption of the
 116.28 404 program;

116.29 (6) new agency responsibilities for implementing federal requirements and
 116.30 procedures that would become the obligation of the state under assumption, including the
 116.31 staff and resources needed for implementation;

116.32 (7) the estimated costs and savings that would accrue to affected units of government;

116.33 (8) the effect on application review and approval processes and time frames;

116.34 (9) alternatives to assumption that would also achieve the goals of regulatory
 116.35 simplification, efficiency, and reduced permitting times;

117.1 (10) options for financing any additional costs of implementation; and

117.2 (11) other information as determined by the board and commissioner.

117.3 (b) The board and commissioner shall involve stakeholders in the development of
117.4 the plan of study consistent with Minnesota Statutes, section 103B.101, subdivision 16.

117.5 (c) By January 15, 2017, the board and commissioner must report the study to the
117.6 legislative policy and finance committees and divisions with jurisdiction over environment
117.7 and natural resources.

117.8 Sec. 130. **ANATOMICAL DONATION OPTION ON HUNTING AND FISHING**
117.9 **LICENSES; STUDY.**

117.10 The commissioner of natural resources, in coordination with the commissioner
117.11 of public safety, shall study the feasibility of providing an option on applications for
117.12 resident licenses to hunt and fish that allows the applicant to indicate a desire to make an
117.13 anatomical gift. The commissioner of natural resources shall submit recommendations
117.14 to the chairs and ranking minority members of the house of representatives and senate
117.15 committees and divisions with jurisdiction over the environment and natural resources
117.16 by December 15, 2015.

117.17 Sec. 131. **METROPOLITAN PARKS; INTEREST EARNINGS.**

117.18 Notwithstanding Laws 1985, First Special Session chapter 15, section 5, subdivision
117.19 2, paragraph (b), and Laws 1987, chapter 384, article 3, section 45, the Metropolitan
117.20 Council shall use the interest earnings in Laws 1985, First Special Session chapter 15,
117.21 section 5, subdivision 2, for the use and betterment of all regional recreational open space
117.22 lands under the jurisdiction of the Metropolitan Council.

117.23 **EFFECTIVE DATE.** This section is effective January 1, 2017.

117.24 Sec. 132. **REFUNDS; YOUTH BEAR LICENSES.**

117.25 The commissioner of natural resources may issue refunds for youth bear licenses
117.26 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were
117.27 10, 11, or 12 years old at the time of purchase until June 30, 2016.

117.28 Sec. 133. **WATER RETENTION PROJECTS.**

117.29 By August 1, 2015, the commissioner of natural resources, in cooperation with
117.30 the commissioners of agriculture and the Pollution Control Agency, the Board of Water
117.31 and Soil Resources, and other interested parties, shall develop proposals for significant
117.32 large-scale projects that provide flood water retention, water quality improvements,

118.1 nutrient and sediment reduction, and wildlife habitat for submission to the Lessard-Sams
118.2 Outdoor Heritage Council, Clean Water Council, and the Legislative-Citizen Commission
118.3 on Minnesota Resources for funding in fiscal year 2017. Any deadlines established by the
118.4 Lessard-Sams Outdoor Heritage Council, Clean Water Council, or the Legislative-Citizen
118.5 Commission on Minnesota Resources are waived for purposes of the submissions.

118.6 Sec. 134. **WILD TURKEY CRITICAL HABITAT PLATE.**

118.7 The commissioner of natural resources and the commissioner of public safety must
118.8 select a design depicting wild turkey when selecting designs for the next selection of critical
118.9 habitat plates as provided under Minnesota Statutes, section 168.1296, subdivision 2.

118.10 Sec. 135. **BASE BUDGET REPORT.**

118.11 The commissioners of natural resources and the Pollution Control Agency shall each
118.12 submit a report that contains the details of their base budgets, including prior appropriation
118.13 riders, to the chairs and ranking minority members of the house of representatives and
118.14 senate committees and divisions with jurisdiction over the environment and natural
118.15 resources by October 15, 2016.

118.16 Sec. 136. **TRANSFERS.**

118.17 (a) By June 30, 2015, the commissioner of management and budget shall transfer
118.18 to the natural resources conservation easement stewardship account, established in
118.19 Minnesota Statutes, section 84.69, the remaining balance in the forests for the future
118.20 conservation easement account under Minnesota Statutes, section 84.68.

118.21 (b) By June 30, 2015, the commissioner of management and budget shall transfer
118.22 to the natural resources conservation easement stewardship account, established in
118.23 Minnesota Statutes, section 84.69, the following amounts:

118.24 (1) \$114,840 from Laws 2011, First Special Session chapter 6, article 1, section
118.25 2, subdivision 3, paragraph (a);

118.26 (2) \$25,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 5,
118.27 paragraph (a); and

118.28 (3) \$14,000 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,
118.29 paragraph (c).

118.30 (c) The commissioner of management and budget shall transfer additional
118.31 amounts from Laws 2013, chapter 137, article 1, section 2, subdivision 2, paragraph
118.32 (c), to the natural resources conservation easement stewardship account, established in

119.1 Minnesota Statutes, section 84.69, upon closing on conservation easements funded by the
119.2 appropriation, provided that total transfers to the account shall not exceed \$42,000.

119.3 (d) The commissioner of management and budget shall transfer amounts from
119.4 Laws 2014, chapter 256, article 1, section 2, subdivision 2, paragraph (e), to the natural
119.5 resources conservation easement stewardship account, established in Minnesota Statutes,
119.6 section 84.69, upon closing on conservation easements funded by the appropriation,
119.7 provided that total transfers to the account shall not exceed \$112,000.

119.8 (e) By June 30, 2015, the commissioner of management and budget shall transfer to
119.9 the water and soil conservation easement stewardship account, established in Minnesota
119.10 Statutes, section 103B.103, the following amounts:

119.11 (1) \$191,667 from Laws 2011, First Special Session chapter 6, article 1, section
119.12 2, subdivision 2, paragraph (c);

119.13 (2) \$57,750 from Laws 2011, First Special Session chapter 6, article 1, section
119.14 2, subdivision 4, paragraph (a);

119.15 (3) \$15,750 from Laws 2011, First Special Session chapter 6, article 1, section
119.16 2, subdivision 4, paragraph (c);

119.17 (4) \$48,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 2,
119.18 paragraph (a);

119.19 (5) \$1,821 from Laws 2012, chapter 264, article 1, section 2, subdivision 3,
119.20 paragraph (a);

119.21 (6) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 3,
119.22 paragraph (b);

119.23 (7) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,
119.24 paragraph (e);

119.25 (8) \$4,800 from Laws 2013, chapter 137, article 1, section 2, subdivision 4,
119.26 paragraph (d); and

119.27 (9) \$4,500 from Laws 2014, chapter 256, article 1, section 2, subdivision 2,
119.28 paragraph (f).

119.29 (f) The commissioner of management and budget shall continue to transfer money,
119.30 appropriated to the Board of Water and Soil Resources on or before June 30, 2015,
119.31 for conservation easement monitoring and enforcement funds to the water and soil
119.32 conservation easement stewardship account, established in Minnesota Statutes, section
119.33 103B.103, upon closing on conservation easements, provided that total transfers to the
119.34 account shall not exceed the "up to" amount specified in each appropriation.

119.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.

120.1 Sec. 137. **REVISOR'S INSTRUCTIONS.**

120.2 (a) The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever
120.3 it appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

120.4 (b) The revisor of statutes shall renumber the subdivisions of Minnesota Statutes,
120.5 section 103G.005, to retain alphabetical order and shall correct cross-references to the
120.6 renumbered subdivisions.

120.7 Sec. 138. **REPEALER.**

120.8 (a) Minnesota Statutes 2014, sections 84.68; 88.47; 88.48; 88.49, subdivisions 1, 2,
120.9 and 10; 88.491, subdivision 1; 88.51, subdivision 2; 116.02, subdivisions 7, 8, and 10;
120.10 and 282.013, are repealed.

120.11 (b) Minnesota Statutes 2014, section 86B.13, subdivisions 2 and 4, are repealed.

120.12 (c) Minnesota Statutes 2014, section 477A.19, is repealed.

120.13 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following
120.14 final enactment.

120.15 **ARTICLE 3**120.16 **GAME AND FISH**

120.17 Section 1. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

120.18 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
120.19 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
120.20 (c), or (d), and section 97C.341.

120.21 (b) In waters that are listed as infested waters, except those listed ~~because they~~
120.22 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as
120.23 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

120.24 (1) commercial taking of wild animals for bait and aquatic farm purposes ~~according~~
120.25 ~~to~~ as provided in a permit issued under section 84D.11, subject to rules adopted by the
120.26 commissioner; and

120.27 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
120.28 water milfoil, when the infested waters are listed solely because they contain Eurasian
120.29 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not
120.30 exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

120.31 ~~(3)~~ (c) In streams or rivers that are listed as infested waters, except those listed as
120.32 infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,
120.33 the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers

121.1 for bait ~~from streams or rivers listed as infested waters~~, by hook and line for noncommercial
121.2 personal use. ~~Other provisions that apply to this clause are~~ is allowed as follows:

121.3 ~~(i)~~ (1) fish taken under this clause paragraph must be used on the same body of water
121.4 where caught and while still on that water body. Where the river or stream is divided by
121.5 barriers such as dams, the fish must be caught and used on the same section of the river
121.6 or stream;

121.7 ~~(ii)~~ (2) fish taken under this clause paragraph may not be transported live from or
121.8 off the water body;

121.9 ~~(iii)~~ (3) fish harvested under this clause paragraph may only be used in accordance
121.10 with this section;

121.11 ~~(iv)~~ (4) any other use of wild animals used for bait from infested waters is prohibited;

121.12 ~~(v)~~ (5) fish taken under this clause paragraph must meet all other size restrictions
121.13 and requirements as established in rules; and

121.14 ~~(vi)~~ (6) all species listed under this clause paragraph shall be included in the person's
121.15 daily limit as established in rules, if applicable.

121.16 (d) In the Mississippi River downstream of St. Anthony Falls and the St.
121.17 Croix River downstream of the dam at Taylors Falls, including portions described as
121.18 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1,
121.19 items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as
121.20 bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

121.21 (1) nontarget species must immediately be returned to the water;

121.22 (2) gizzard shad taken under this paragraph must be used on the same body of water
121.23 where caught and while still on that water body. Where the river is divided by barriers
121.24 such as dams, the gizzard shad must be caught and used on the same section of the river;

121.25 (3) gizzard shad taken under this paragraph may not be transported off the water
121.26 body; and

121.27 (4) gizzard shad harvested under this paragraph may only be used in accordance
121.28 with this section.

121.29 This paragraph expires December 1, 2017.

121.30 ~~(e)~~ (e) Equipment authorized for minnow harvest in a listed infested water by permit
121.31 issued under paragraph (b) may not be transported to, or used in, any waters other than
121.32 waters specified in the permit.

121.33 Sec. 2. Minnesota Statutes 2014, section 86B.313, subdivision 1, is amended to read:

- 122.1 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws
122.2 relating to watercraft, a person may not operate or permit the operation of a personal
122.3 watercraft:
- 122.4 (1) without each person on board the personal watercraft wearing a United States
122.5 Coast Guard (USCG) approved ~~Type I, II, III, or V~~ wearable personal flotation device
122.6 with a USCG label indicating it either is approved for or does not prohibit use with
122.7 personal watercraft or water skiing;
- 122.8 (2) between one hour before sunset and 9:30 a.m.;
- 122.9 (3) at greater than slow-no wake speed within 150 feet of:
- 122.10 (i) a shoreline;
- 122.11 (ii) a dock;
- 122.12 (iii) a swimmer;
- 122.13 (iv) a raft used for swimming or diving; or
- 122.14 (v) a moored, anchored, or nonmotorized watercraft;
- 122.15 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any
122.16 other device unless:
- 122.17 (i) an observer is on board; or
- 122.18 (ii) the personal watercraft is equipped with factory-installed or factory-specified
122.19 accessory mirrors that give the operator a wide field of vision to the rear;
- 122.20 (5) without the lanyard-type engine cutoff switch being attached to the person,
122.21 clothing, or personal flotation device of the operator, if the personal watercraft is equipped
122.22 by the manufacturer with such a device;
- 122.23 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
122.24 tampered with so as to interfere with the return-to-idle system;
- 122.25 (7) to chase or harass wildlife;
- 122.26 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 122.27 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
122.28 including weaving through congested watercraft traffic, jumping the wake of another
122.29 watercraft within 150 feet of the other watercraft, or operating the watercraft while
122.30 facing backwards;
- 122.31 (10) in any other manner that is not reasonable and prudent; or
- 122.32 (11) without a personal watercraft rules decal, issued by the commissioner, attached
122.33 to the personal watercraft so as to be in full view of the operator.
- 122.34 (b) Paragraph (a), clause (3), does not apply to a person operating a personal
122.35 watercraft to launch or land a person on water skis, a kneeboard, or similar device by the
122.36 most direct route to open water.

123.1 Sec. 3. Minnesota Statutes 2014, section 86B.313, subdivision 4, is amended to read:

123.2 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall
123.3 distribute a summary of the laws and rules governing the operation of personal watercraft
123.4 and, upon request, shall provide instruction to a purchaser regarding:

123.5 (1) the laws and rules governing personal watercraft; and

123.6 (2) the safe operation of personal watercraft.

123.7 (b) A person who offers personal watercraft for rent:

123.8 (1) shall provide a summary of the laws and rules governing the operation of
123.9 personal watercraft and provide instruction regarding the laws and rules and the safe
123.10 operation of personal watercraft to each person renting a personal watercraft;

123.11 (2) shall provide a United States Coast Guard (USCG) approved ~~Type I, H, III, or V~~
123.12 wearable personal flotation device with a USCG label indicating it either is approved for
123.13 or does not prohibit use with personal watercraft or water skiing and any other required
123.14 safety equipment to all persons who rent a personal watercraft at no additional cost; and

123.15 (3) shall require that a watercraft operator's permit from this state or from the
123.16 operator's state of residence be shown each time a personal watercraft is rented to any
123.17 person younger than age 18 and shall record the permit on the form provided by the
123.18 commissioner.

123.19 (c) Each dealer of personal watercraft or person offering personal watercraft for rent
123.20 shall have the person who purchases or rents a personal watercraft sign a form provided
123.21 by the commissioner acknowledging that the purchaser or renter has been provided a copy
123.22 of the laws and rules regarding personal watercraft operation and has read them. The form
123.23 must be retained by the dealer or person offering personal watercraft for rent for a period
123.24 of six months following the date of signature and must be made available for inspection
123.25 by sheriff's deputies or conservation officers during normal business hours.

123.26 Sec. 4. Minnesota Statutes 2014, section 86B.315, is amended to read:

123.27 **86B.315 TOWING PERSON ON WATER SKIS OR OTHER DEVICE.**

123.28 Subdivision 1. **Observer or mirror required.** A person may not operate a
123.29 watercraft on waters of this state and create a wake for a wake surfer or tow a person on
123.30 water skis, an aquaplane, a surfboard, a saucer, or a similar device unless:

123.31 (1) there is another person in the watercraft in addition to the operator who is in a
123.32 position to continually observe the person being towed; or

123.33 (2) the boat is equipped with a mirror providing the operator a wide field of vision
123.34 to the rear.

124.1 Subd. 2. **Prohibited night skiing or towing prohibited activities.** On waters of this
124.2 state, from one-half hour after sunset to sunrise of the following day, a person may not:
124.3 (1) wake surf;
124.4 (2) operate a watercraft creating a wake for a wake surfer;
124.5 (3) be towed by a watercraft; or
124.6 (4) operate a watercraft towing a person on water skis, an aquaplane, a surfboard, a
124.7 saucer, or another device on waters of this state from one hour after sunset to sunrise of
124.8 the following day.

124.9 Sec. 5. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

124.10 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
124.11 determines that action is necessary to prevent or control a wildlife disease, the
124.12 commissioner may prevent or control wildlife disease in a species of wild animal in
124.13 addition to the protection provided by the game and fish laws by further limiting, closing,
124.14 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
124.15 areas of the state; by establishing disease management zones; by authorizing free licenses;
124.16 by allowing shooting from motor vehicles by persons designated by the commissioner;
124.17 by issuing replacement licenses for sick animals; by requiring sample collection from
124.18 hunter-harvested animals; by limiting wild animal possession, transportation, and
124.19 disposition; and by restricting wildlife feeding.

124.20 (b) The commissioner shall restrict wildlife feeding within the modified accredited
124.21 bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any
124.22 other penalties provided by law, a person who violates wildlife feeding restrictions
124.23 required under this paragraph may not obtain a hunting license to take a wild animal
124.24 for two years after the date of conviction.

124.25 (c) The commissioner may prevent or control wildlife disease in a species of wild
124.26 animal in the state by posting restrictions on public access to active disease areas or by
124.27 emergency rule adopted under section 84.027, subdivision 13.

124.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

124.29 Sec. 6. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

124.30 Subdivision 1. **Compliance with federal law.** The commissioner shall take any
124.31 action necessary to comply with the Federal Aid in Wildlife Restoration Act, United
124.32 States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act,
124.33 United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or
124.34 any other law to the contrary, an appropriation for an information or telecommunications

125.1 technology project from the game and fish fund, as established in section 97A.055, must
125.2 be made to the commissioner. Any assets acquired with or expenditures made from the
125.3 game and fish fund must remain under control of the commissioner.

125.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

125.5 Sec. 7. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

125.6 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may
125.7 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any
125.8 area. Only persons who are owners or tenants of and who live on at least 40 acres of land
125.9 in the permit area, and their family members who live on the qualifying land, are eligible
125.10 applicants for turkey licenses for the separate selection. The qualifying land may be
125.11 noncontiguous. Persons who are unsuccessful in a separate selection must be included in
125.12 the selection for the remaining licenses. Persons who obtain a license in a separate selection
125.13 must allow public turkey hunting on their land during that turkey season. A license issued
125.14 under this subdivision is restricted to the permit area where the qualifying land is located.

125.15 (b) The commissioner may by rule establish criteria for determining eligible family
125.16 members under this subdivision.

125.17 Sec. 8. Minnesota Statutes 2014, section 97A.465, is amended by adding a subdivision
125.18 to read:

125.19 Subd. 7. **Residents of veterans homes.** (a) A resident from a Minnesota veterans
125.20 home may obtain a firearm or muzzleloader deer license during the season and take
125.21 antlerless deer without a permit in all areas of the state open during the respective regular
125.22 firearms or muzzleloader deer seasons in any permit area. This subdivision does not
125.23 authorize the taking of an antlerless deer by another member of a party under section
125.24 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of
125.25 antlerless deer that may be taken is limited by a quota on the number of permits.

125.26 (b) A person may assist a Minnesota veterans home resident during the firearms or
125.27 muzzleloader deer season without having a deer hunting license, but the person may
125.28 not shoot a deer.

125.29 Sec. 9. **[97A.56] FERAL SWINE.**

125.30 Subdivision 1. **Definition.** For purposes of this section, "feral swine" means a
125.31 member of the genus and species *Sus scrofa* that lives in the wild.

126.1 Subd. 2. **Prohibited actions; penalty.** (a) A person may not possess or release
126.2 feral swine or swine that were feral during any part of the swines' lifetime or allow feral
126.3 swine to run at large.

126.4 (b) A person may not hunt or trap feral swine, except as authorized by the
126.5 commissioner for feral swine control or eradication.

126.6 (c) A person who violates this subdivision is guilty of a misdemeanor.

126.7 Subd. 3. **Authorized removal of feral swine.** A person authorized under game and
126.8 fish laws to take feral swine is not liable to the owner for the value of the animals.

126.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

126.10 Sec. 10. Minnesota Statutes 2014, section 97B.063, is amended to read:

126.11 **97B.063 HUNTER SATISFACTION SURVEY.**

126.12 The commissioner shall annually administer the collection of hunter information
126.13 related to participation and satisfaction. This may include information on preferences,
126.14 values, interests, participation rates and patterns, barriers to participation, or other factors.
126.15 The data shall be collected using established social science methods. The commissioner
126.16 shall annually submit a summary of the information gathered under this section to
126.17 the chairs and ranking minority members of the house of representatives and senate
126.18 committees and divisions with jurisdiction over environment and natural resources no
126.19 later than January 1 for the preceding fiscal year. The commissioner shall also make the
126.20 summary information available on the department's Web site.

126.21 Sec. 11. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

126.22 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

126.23 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons
126.24 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

126.25 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial
126.26 light, provided that the person is:

126.27 (i) on foot;

126.28 (ii) using a shotgun;

126.29 (iii) not within a public road right-of-way;

126.30 (iv) using a handheld or electronic calling device; and

126.31 (v) not within 200 feet of a motor vehicle; or

126.32 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
126.33 animals, provided that the person is:

- 127.1 (i) on foot; and
- 127.2 (ii) not in possession of a firearm or bow.
- 127.3 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
- 127.4 headlight, or other artificial light to:
- 127.5 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,
- 127.6 or occupation-related activities that do not involve taking wild animals; or
- 127.7 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
- 127.8 spotting, locating, or taking a wild animal.
- 127.9 (c) Except as otherwise provided by the game and fish laws, it is not a violation of
- 127.10 this section for a person to use an electronic range finder device from one-half hour before
- 127.11 sunrise until one-half hour after sunset while lawfully hunting wild animals.
- 127.12 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
- 127.13 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
- 127.14 firearm, provided that the person:
- 127.15 (1) has the person's valid bear hunting license in possession;
- 127.16 (2) is on foot; and
- 127.17 (3) is following the blood trail of a bear that was shot during legal shooting hours.

127.18 Sec. 12. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

127.19 Subd. 2. **Taking unprotected wild animals; permit required.** A person may not

127.20 use radio equipment to take unprotected wild animals without a permit. ~~The commissioner~~

127.21 ~~may issue a permit to take unprotected animals with radio equipment. The commissioner~~

127.22 ~~shall cancel the permit upon receiving a valid complaint of misconduct regarding the~~

127.23 ~~permittee's hunting activities.~~

127.24 Sec. 13. Minnesota Statutes 2014, section 97B.301, is amended by adding a

127.25 subdivision to read:

127.26 Subd. 9. **Residents age 84 or over may take deer of either sex.** A resident age 84

127.27 or over may take a deer of either sex. This subdivision does not authorize the taking of an

127.28 antlerless deer by another member of a party under subdivision 3.

127.29 Sec. 14. **[97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

127.30 (a) While afield hunting turkeys, licensees may not have in possession or control

127.31 any firearm or bow and arrow except those defined as legal for taking turkeys in rules

127.32 adopted by the commissioner.

128.1 (b) Paragraph (a) does not apply to a person carrying a handgun in compliance
128.2 with section 624.714.

128.3 Sec. 15. **[97B.9251] BEAVER SEASON.**

128.4 The commissioner may establish open seasons and restrictions for taking beaver from
128.5 9:00 a.m. on the Saturday nearest October 26 in the North Zone and from 9:00 a.m. on the
128.6 Saturday nearest October 30 in the South Zone. The seasons shall be open until May 15.

128.7 Sec. 16. Minnesota Statutes 2014, section 97C.345, is amended by adding a
128.8 subdivision to read:

128.9 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take
128.10 gizzard shad for use as bait for angling:

128.11 (1) from July 1 to November 30; and

128.12 (2) from the Mississippi River downstream of St. Anthony Falls and the St.
128.13 Croix River downstream of the dam at Taylors Falls, including portions described as
128.14 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart
128.15 1, items A and B, that are listed as infested waters as allowed under section 84D.03,
128.16 subdivision 3.

128.17 (b) Cast nets used under this subdivision must be monofilament and may not exceed
128.18 seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar
128.19 measure.

128.20 (c) This subdivision expires December 1, 2017. The commissioner must report
128.21 to the chairs and ranking minority members of the house of representatives and senate
128.22 committees with jurisdiction over environment and natural resources by March 1, 2018,
128.23 on the number of permits issued, conservation impacts from the use of cast nets, and
128.24 recommendations for any necessary changes in statutes or rules.

128.25 Sec. 17. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

128.26 Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a
128.27 minnow dealer license except as provided in subdivision 3.

128.28 (b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor
128.29 vehicle used to transport minnows. The serial number, motor vehicle license number,
128.30 make, and model must be on the license. The license must be conspicuously displayed
128.31 in the vehicle.

128.32 (c) A minnow dealer may not transport minnows out of the state without an
128.33 exporting minnow dealer license. A minnow dealer must obtain an exporting minnow

129.1 dealer's vehicle license for each motor vehicle used to transport minnows out of the state.
129.2 The serial number, motor vehicle license number, make, and model must be on the license.
129.3 The license must be conspicuously displayed in the vehicle.

129.4 (d) A person with a minnow dealer's license may sell minnows at one retail outlet.
129.5 A minnow dealer must obtain a minnow retailer license for each additional retail outlet
129.6 operated. A minnow dealer operating a retail outlet under a minnow dealer's license must
129.7 list the following information for the retail outlet: name of the business; city; state; zip
129.8 code; and legal description or fire number. The retail outlet name and location may be
129.9 changed by making application to the commissioner.

129.10 (e) A minnow dealer may designate employees as helpers who are authorized to
129.11 take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees
129.12 designated as helpers must be listed on the minnow dealer's license, and a copy of the
129.13 license designating the employee as a helper must be in the helper's possession when
129.14 acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers
129.15 listed on the dealer's license within a license year by notifying the commissioner in writing
129.16 of the change to the license. Employees who are acting under the direction and control of
129.17 the minnow dealer but who are not designated as helpers may not buy or sell minnows on
129.18 behalf of the minnow dealer. This paragraph does not apply to employees selling minnows
129.19 at the retail outlet location under paragraph (d).

129.20 **EFFECTIVE DATE.** This section is effective March 1, 2016.

129.21 Sec. 18. **RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE**
129.22 **REGULATIONS.**

129.23 (a) The commissioner of natural resources shall amend Minnesota Rules, parts
129.24 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language
129.25 prohibiting spearing.

129.26 (b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of
129.27 natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the
129.28 language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

129.29 (c) The commissioner may use the good cause exemption under Minnesota Statutes,
129.30 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
129.31 Statutes, section 14.386, does not apply.

129.32 **EFFECTIVE DATE.** This section is effective July 1, 2015.

129.33 Sec. 19. **RULEMAKING; WATER SURFACE USE RESTRICTIONS.**

130.1 (a) The commissioner of natural resources shall amend Minnesota Rules, part
 130.2 6110.3700, subpart 9, to allow a longer period of temporary special controls in situations
 130.3 of local emergency by deleting "five" and inserting "30" and deleting "five-day" and
 130.4 inserting "30-day."

130.5 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 130.6 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
 130.7 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
 130.8 section 14.388.

130.9 **Sec. 20. RULEMAKING; PERSONAL FLOTATION DEVICES.**

130.10 (a) To conform with changes in federal regulation, the commissioner of natural
 130.11 resources shall amend Minnesota Rules, part 6110.1200, subpart 3, as follows:

130.12 (1) delete the term "Type I, II, or III" and insert "wearable";

130.13 (2) delete the term "Type IV" and insert "throwable";

130.14 (3) delete items B and D and reletter the remaining items; and

130.15 (4) insert a new item that reads:

130.16 "C. All personal flotation devices required by this subpart must be:

130.17 (1) approved by the U.S. Coast Guard;

130.18 (2) legibly marked with any requirements and the approval number issued by the
 130.19 U.S. Coast Guard;

130.20 (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with
 130.21 all straps and fasteners present and in good condition;

130.22 (4) of the appropriate size for the intended wearer, if the device is designed to be worn,
 130.23 and in compliance with any requirements listed on the U.S. Coast Guard approval label;

130.24 (5) for wearable devices, either readily accessible or worn, except when:

130.25 (a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or

130.26 (b) wearing a U.S. Coast Guard-approved wearable personal flotation device is
 130.27 mandatory; and

130.28 (6) for throwable devices, immediately available.

130.29 "Readily accessible" means easily retrievable within a reasonable amount of time
 130.30 in an emergency. "Immediately available" means easily reached in time of emergency.

130.31 Personal flotation devices located in locked containers, under heavy objects, or left in
 130.32 shipping bags are not considered readily accessible or immediately available."

130.33 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 130.34 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota

131.1 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
131.2 section 14.388.

131.3 **Sec. 21. RULEMAKING; MOTORIZED TRAIL ENVIRONMENTAL REVIEW.**

131.4 (a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to
131.5 allow the following without preparing a mandatory environmental assessment worksheet:

131.6 (1) constructing a recreational trail less than 25 miles long on forested or other
131.7 naturally vegetated land for a recreational use;

131.8 (2) adding a new motorized recreational use or a seasonal motorized recreational
131.9 use to an existing motorized recreational trail if the treadway width is not expanded as a
131.10 result of the added use; and

131.11 (3) designating an existing, legally constructed route, such as a logging road, for
131.12 motorized recreational trail use.

131.13 (b) The board may use the good cause exemption rulemaking procedure under
131.14 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this
131.15 section, and Minnesota Statutes, section 14.386, does not apply except as provided under
131.16 Minnesota Statutes, section 14.388.

131.17 **Sec. 22. REPEALER.**

131.18 (a) Minnesota Statutes 2014, sections 97A.475, subdivision 25; and 97B.905,
131.19 subdivision 3, are repealed.

131.20 (b) Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

131.21 **EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015.

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84.68 FORESTS FOR THE FUTURE CONSERVATION EASEMENT ACCOUNT.

Subdivision 1. **Account established; sources.** The forests for the future conservation easement account is created in the natural resources fund in the state treasury. The following revenue shall be deposited in the account:

- (1) contributions to the account or specified for any purposes of the account;
 - (2) financial contributions required under section 84.66, subdivision 11, or other applicable law; and
 - (3) money appropriated or transferred for the purposes described in subdivision 2.
- Interest earned on money in the account accrues to the account.

Subd. 2. **Appropriation; purposes of account.** Four percent of the balance on July 1 in the forests for the future conservation easement account is annually appropriated to the commissioner of natural resources and may be spent only to cover the costs of managing forests for the future conservation easements held by the Department of Natural Resources, including costs incurred from monitoring, landowner contracts, record keeping, processing landowner notices, requests for approval or amendments, and enforcement.

86B.13 AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.

Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily completes the required course of instruction.

Subd. 4. **Aquatic invasive species trailer decal display required.** (a) A person may not transport watercraft or water-related equipment, as defined under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer decal issued under this section. Temporary authorizations valid for seven days can be requested by persons that have not completed the required course of instruction.

(b) Aquatic invasive species trailer decals are valid for three years.

(c) The aquatic invasive species trailer decal must be adhered to the side of the trailer frame tongue near the hitch in a manner that it is readily visible and does not interfere with the display of any registration requirements under section 169.79.

(d) Aquatic invasive species trailer decals are not transferable.

(e) Violation of this section shall not result in a penalty, but is punishable only by a warning.

88.47 AUXILIARY FORESTS; TAXATION.

Subdivision 1. **Created.** Any tract of land in this state containing not less than 35 acres, generally suitable for the planting, culture, and growth of trees for the production of timber or forest products may be made an auxiliary forest, subject to taxation only in accordance with the provisions of sections 88.47 to 88.53.

Subd. 2. **Wood lots.** Any tract of land in this state containing not less than five nor more than 40 acres generally suitable for the planting, culture, and growth of trees for the production of timber or forest products, being in the nature of wood lots guarded or protected by the owners or their tenants actually living on the land or immediately adjacent thereto, may, regardless of value be made an auxiliary forest, subject to limited and special taxation only in accordance with the provisions of sections 88.47 to 88.53.

Subd. 3. **Form and contents of application.** The owner of, the owner of an option to buy, or the owner of a contract to buy any tract or contiguous tract of land who deems the tract suitable for an auxiliary forest may make written application to the county board of the county in which such land is situate, setting forth the description thereof by governmental subdivisions or other proper survey, the estimated value per acre thereof, a brief statement of the facts showing its suitability for production of timber or forest products, a statement of the kinds of timber growing and proposed to be grown thereon and the kind and quantity of merchantable timber thereon, the methods of timber culture proposed to be followed, and a request that such land be made an auxiliary forest under and subject to the provisions of sections 88.47 to 88.53.

Subd. 4. **Verification.** The application shall be upon a form prescribed by the director and shall be verified by the applicant.

88.48 APPLICATION.

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Subdivision 1. **Filing.** Such application shall be filed with the auditor of the county in which the land described therein is situate, who shall present the same to the county board at its first meeting held after the lapse of a period of ten days after such filing.

Subd. 2. **Notice.** The county auditor shall, upon receipt of the application and prior to the meeting of the county board at which it is presented, mail notice to the clerk of the town in which lies the land therein described.

Subd. 3. **Hearing, determination.** Upon the presentation to it of the application, the county board shall consider the same and hear any matter that may be offered in support of or in opposition to the application. It shall then determine whether the land covered by the application is suitable for the planting, culture, and growth of trees for the production of timber or forest products, the actual or market value thereof, exclusive of timber thereon and of minerals or anything under the surface thereof, and the amount of annual tax provided for in section 88.51, subdivision 1.

Subd. 4. **Action of county board.** The county board shall make proper record of its action upon the application including, if the application be rejected, a written statement, prepared within 30 days of the date of rejection, covering the reason or reasons for such rejection.

If the application be rejected, the county auditor shall endorse the rejection on the application and return it, together with a copy of the written statement prepared by the county board giving the reason or reasons for rejection, to the applicant within 30 days by certified mail at the address given in the application; or, if the application is disapproved as to a part only of the lands described therein, the county auditor shall in like manner notify the applicant, who may within 60 days after the mailing of the notice amend the application accordingly. If it be not so amended the application shall be deemed rejected.

If the application be accepted, the county auditor shall in like manner notify the applicant thereof and transmit the application, with the record of the approval thereof, to the director. It shall be the duty of the commissioner to approve or disapprove the application within 90 days from receipt thereof, to make proper record of the action and to give notice thereof to the applicant in the manner hereinbefore provided and to the county board.

Subd. 5. **Abstract of title.** Within 60 days after the mailing of notice of acceptance by the commissioner, the applicant shall furnish to the county attorney of the county in which the lands described in the contract lie an abstract of title to these lands, or a certificate of title, if the same be registered, including certificates by the county auditor and county treasurer that there are no unpaid taxes thereon, and a certificate of judgment search by the court administrator of the district court. In case of land conveyed to the applicant by the state of Minnesota under the provisions of section 282.01, subdivision 2, or sections 282.011 to 282.015, the furnishing of the recorded state deed and a certificate of judgment search to the county attorney in lieu of an abstract of title shall constitute satisfactory compliance with this subdivision. The county attorney shall make such examination as may be required by the commissioner and certify to the director the name of the owner of the fee title or the holder of a state deed issued pursuant to Minnesota Statutes, as amended, section 282.01, subdivision 2, or sections 282.011 to 282.015, thereto, and the names of all other persons having any liens thereon, and such other information as may be required by the commissioner. The applicant shall pay the county attorney a reasonable fee for the examination, not exceeding \$10 for each 640 acres, or fraction thereof, of contiguous lands included in any one abstract, certificate of title or state deed.

88.49 CONTRACTS.

Subdivision 1. **Execution.** When it shall have been determined that any lands may be made into an auxiliary forest, the commissioner shall prepare a contract therefor, which contract shall be executed by the commissioner in behalf of the state of Minnesota and by the owner of the fee title or the holder of a state deed and by all other persons having any liens thereon and witnessed and acknowledged as provided by law for the execution of recordable deeds of conveyance. Notices sent by certified mail to the owner in fee at the address given in the application shall be deemed notice to all persons executing such contract.

Subd. 2. **Preparation, form, approval.** The contract shall be prepared by the director of the Division of Lands and Forestry on a recordable form approved by the attorney general and prescribe such terms and conditions as will reasonably tend to produce merchantable timber upon the lands described therein and specify the kind or species of seeds to be planted or seedlings to be set out and the quantity or number thereof, or other acts or steps that the commissioner shall deem necessary in respect to afforestation or reforestation of the lands; the time or times when the same shall be done; the kind and amount, if any, of culture or other attention to be given in aid of the growth of timber thereon; the uses, if any, which may be made of the land while the same remains an auxiliary forest; the period of time, not exceeding 50 years, during which the land may

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continue to be an auxiliary forest, with privilege of renewal by mutual agreement between the owner and the state acting through the commissioner, with the approval of the county board and the Executive Council, for an additional period not exceeding 50 years; the rate of taxation which may be levied annually on the land, exclusive of merchantable timber growing thereon at the time of the making of the contract and exclusive of mineral or other things of value thereunder, the rate to be determined as hereinafter provided; the keeping open to the public, as public hunting and fishing grounds, of all approved auxiliary forest lands, except when such lands are closed to public hunting or fishing by order of the director of the Division of Lands and Forestry in order to protect such lands from fire, loss of life or property provided, however, that the term keeping open shall not apply to private roads or improvements should the owner desire to close same; and such other conditions, provisions, and stipulations, as the commissioner, in the exercise of scientific knowledge and business judgment, may deem necessary or proper. Every such contract shall be approved by the Executive Council.

As far as practicable all contracts shall be uniform and equal in respect to all lands or classes of lands substantially similar in capacity for, or adaptability to, any particular kind or species of tree culture or forest growth.

Subd. 10. **Auxiliary forest contracts; consolidation thereof.** For the purpose of the simplification of operations thereunder, two or more auxiliary forest contracts held by one owner in any county may be consolidated into a single contract, establishing the initial yield tax in the consolidated contract to such a percentage of market value as will represent a reasonable average of the various levels of the yield taxes payable under the contracts so consolidated at the time of consolidation, as may be determined by the commissioner with the approval of the board of county commissioners. The yield tax payable after consolidation shall be subject to the schedule provided by section 88.51, subdivision 2. The period of time of a consolidated contract shall be the average of the periods remaining of the contracts consolidated. Consolidation of contracts shall be effected in the manner a new contract is established as provided in section 88.48, subdivisions 1, 2, 3, and 4 and subdivisions 1, 2, 3, and 4 of this section but no consolidation shall be effected without the consent of both the county board of county commissioners in any county affected as well as the commissioner of natural resources and no such approval shall be given if the board or the commissioner shall be of the opinion the total taxes that have been paid to date under the separate parcels and are estimated will be paid under the consolidated contract during the period thereof would be less than the aggregate total of the taxes that would be paid under the separate contracts on the parcels sought to be consolidated.

88.491 RESTRICTIONS ON NEW AUXILIARY FORESTS, EXTENSIONS OF EXISTING CONTRACTS.

Subdivision 1. **New or extended auxiliary forest contracts.** After June 30, 1974, no application for an auxiliary forest contract may be accepted or approved by a county board under section 88.48, and no auxiliary forest contract may be executed by the commissioner of natural resources under section 88.49, subdivision 1. After June 30, 1974, no extension of an auxiliary forest contract may be agreed upon by the commissioner of natural resources or approved by a county board or the Executive Council under section 88.49, subdivision 2.

88.51 AUXILIARY FORESTS; TAX RATE, SPECIAL TAXES.

Subd. 2. **Merchantable timber taxed separately.** Timber which is merchantable at the time of filing of an auxiliary forest contract or which may become merchantable thereafter may be cut or otherwise removed from the land in accordance with applicable provisions of law and of the auxiliary forest contract, and shall be taxed in the following manner. The owner shall, in the event the timber is cut or removed within one year after March 31 following the date of filing the auxiliary forest contract, pay a special tax thereon, which is hereby designated as a yield tax, equal to 40 percent of the market value of the merchantable timber on the stump at the time of the cutting or removal. The aforesaid yield tax rate shall be reduced by two percent on each April 1st following until it shall become ten percent after which it shall remain constant. Minerals, mineral reservations, or any other thing of value under the surface of the land in any auxiliary forest shall not be included within the terms of sections 88.47 to 88.53 and shall be taxed separately in the same manner as mineral interests or minerals separately owned are taxed.

97A.475 LICENSE FEES.

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Subd. 25. **Muskrat farms.** The fee for a muskrat farm license is \$11.

97B.905 FUR DEALER'S LICENSES.

Subd. 3. **Bond required for fur buyer license applicants.** Applicants for a raw fur dealer's license must, at the time of application for the license, furnish a corporate surety bond in favor of the state for \$1,000 payable upon violation of the game and fish laws.

116.02 POLLUTION CONTROL AGENCY, CREATION AND POWERS.

Subd. 7. **Additional decisions.** The commissioner may request that the agency make additional decisions or provide advice to the commissioner.

Subd. 8. **Other actions.** Any other action not specifically within the authority of the commissioner shall be made by the agency if:

- (1) prior to the commissioner's final decision on the action, one or more members of the agency notify the commissioner of their request that the decision be made by the agency; or
- (2) any person submits a petition to the commissioner requesting that the decision be made by the agency and the commissioner grants the petition.

If the commissioner denies a petition submitted under clause (2), the commissioner shall advise the agency and the petitioner of the reasons for the denial.

Subd. 10. **Changing decisions.** (a) The agency must not reopen, rescind, or reverse a decision of the agency except upon:

- (1) the affirmative vote of two-thirds of the agency; or
- (2) a finding that there was an irregularity in a hearing related to the decision, an error of law, or a newly discovered material issue of fact.

(b) The requirements in paragraph (a) are minimum requirements and do not limit the agency's authority under sections 14.06 and 116.07, subdivision 3, to adopt rules:

- (1) applying the requirement in paragraph (a), clause (1) or (2), to certain decisions of the agency; or
- (2) establishing additional or more stringent requirements for reopening, rescinding, or reversing decisions of the agency.

282.013 PLACED IN AUXILIARY FOREST BY PURCHASER.

Any purchaser under the provisions of section 282.012 or this section of lands sold upon condition that they be placed in an auxiliary forest shall furnish the county board, within six months from the date of purchase, satisfactory proof of having complied with the provisions of section 88.48, pertaining to auxiliary forests, and that the application thereunder, including such lands, has been finally approved, provided that such six-month period may be extended by resolution of the county board for good cause shown for an additional six-month period. If such proof is not so furnished, the sale shall be deemed canceled and the purchase price or portion thereof paid shall be refunded.

477A.19 AQUATIC INVASIVE SPECIES PREVENTION AID.

Subdivision 1. **Definitions.** (a) When used in this section, the following terms have the meanings given them in this subdivision.

(b) "Aquatic invasive species" means nonnative aquatic organisms that invade water beyond their natural and historic range.

(c) "Watercraft trailer launch" means any public water access site designed for launching watercraft.

(d) "Watercraft trailer parking space" means a parking space designated for a boat trailer at any public water access site designed for launching watercraft.

Subd. 2. **Distribution.** The money appropriated to aquatic invasive species prevention aid under this section shall be allocated to all counties in the state as follows: 50 percent based on each county's share of watercraft trailer launches and 50 percent based on each county's share of watercraft trailer parking spaces.

Subd. 3. **Use of proceeds.** A county that receives a distribution under this section must use the proceeds solely to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the county. The county must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds. The guidelines set by the county board may include, but are not limited to, providing for site-level management, countywide awareness, and other procedures that the county finds necessary to achieve compliance. The county may appropriate

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the proceeds directly, or may use any portion of the proceeds to provide funding for a joint powers board or cooperative agreement with another political subdivision, a soil and water conservation district in the county, a watershed district in the county, or a lake association located in the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section. Each county must submit a copy of its guidelines for use of the proceeds to the Department of Natural Resources by December 31 of the year the payments are received.

Subd. 4. **Payments.** The commissioner of revenue must compute the amount of aquatic invasive species prevention aid payable to each county under this section. On or before August 1 of each year, the commissioner shall certify the amount to be paid to each county in the following year. The commissioner shall pay aquatic invasive species prevention aid to counties annually at the times provided in section 477A.015. For aid payable in 2014 only, the commissioner shall certify the amount to be paid to each county by July 1, 2014, and payment to the counties must be made at the time provided in section 477A.015 for the first installment of local government aid.

Subd. 5. **Appropriation.** \$4,500,000 in 2014, and \$10,000,000 each year thereafter, is appropriated from the general fund to the commissioner of revenue to make the payments required under this section.

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6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 27. **Spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

Name	Location	County
A. Bald Eagle	T.30,31, R.21,22, S.Various	Anoka, Ramsey, Washington
B. Rebecca	T.118,119, R.24, S.Various	Hennepin

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

Subp. 28. **Seasonal spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

Name	Location	County
A. Minnetonka	T.116,117, R.22-24, S.Various	Hennepin, Carver
B. Libbs	T.117, R.22, S.17	Hennepin
C. Peavy	T.117, R.23, S.1	Hennepin
D. Forest	T.117, R.23, S.7	Hennepin
E. Tanager	T.117, R.23, S.10,11	Hennepin