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State of Minnesota  
**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

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

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**                      \$                      **92,668,000** \$                      **91,883,000**

2.33	<u>Appropriations by Fund</u>		
2.34		<u>2016</u>	<u>2017</u>
2.35	<u>General</u>	<u>8,265,000</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

6.7	<u>Appropriations by Fund</u>	
6.8	<u>2016</u>	<u>2017</u>
6.9	<u>6,916,000</u>	<u>6,916,000</u>
6.10	<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

30,784,000

30,234,000

7.12	<u>Appropriations by Fund</u>	
7.13	<u>2016</u>	<u>2017</u>
7.14	<u>Environmental</u>	<u>29,273,000</u> <u>28,723,000</u>
7.15	<u>General</u>	<u>1,511,000</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 \$685,000 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** 31,493,000 31,771,000

13.14	<u>Appropriations by Fund</u>	
13.15	<u>2016</u>	<u>2017</u>
13.16	<u>General</u>	<u>16,980,000</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 Subd. 4. Forest Management 37,514,000 38,181,000

16.4	<u>Appropriations by Fund</u>	
16.5	<u>2016</u>	<u>2017</u>
16.6	<u>General</u>	<u>24,846,000</u> <u>25,250,000</u>
16.7	<u>Natural Resources</u>	<u>11,381,000</u> <u>11,644,000</u>
16.8	<u>Game and Fish</u>	<u>1,287,000</u> <u>1,287,000</u>

16.9 \$7,145,000 the first year and \$7,145,000  
 16.10 the second year are for prevention,  
 16.11 presuppression, and suppression costs of  
 16.12 emergency firefighting and other costs  
 16.13 incurred under Minnesota Statutes, section  
 16.14 88.12. The amount necessary to pay for  
 16.15 presuppression and suppression costs during  
 16.16 the biennium is appropriated from the general  
 16.17 fund.

16.18 By January 15 of each year, the commissioner  
 16.19 of natural resources shall submit a report to  
 16.20 the chairs and ranking minority members  
 16.21 of the house and senate committees  
 16.22 and divisions having jurisdiction over  
 16.23 environment and natural resources finance,  
 16.24 identifying all firefighting costs incurred  
 16.25 and reimbursements received in the prior  
 16.26 fiscal year. These appropriations may  
 16.27 not be transferred. Any reimbursement  
 16.28 of firefighting expenditures made to the  
 16.29 commissioner from any source other than  
 16.30 federal mobilizations shall be deposited into  
 16.31 the general fund.

16.32 \$11,381,000 the first year and \$11,644,000  
 16.33 the second year are from the forest  
 16.34 management investment account in the  
 16.35 natural resources fund for only the purposes



17.1 specified in Minnesota Statutes, section  
 17.2 89.039, subdivision 2.  
 17.3 \$1,287,000 the first year and \$1,287,000  
 17.4 the second year are from the heritage  
 17.5 enhancement account in the game and fish  
 17.6 fund to advance ecological classification  
 17.7 systems (ECS) scientific management tools  
 17.8 for forest and invasive species management.  
 17.9 This appropriation is from revenue deposited  
 17.10 in the game and fish fund under Minnesota  
 17.11 Statutes, section 297A.94, paragraph (e),  
 17.12 clause (1).  
 17.13 \$680,000 the first year and \$680,000 the  
 17.14 second year are for the Forest Resources  
 17.15 Council for implementation of the  
 17.16 Sustainable Forest Resources Act.  
 17.17 \$250,000 the first year and \$250,000 the  
 17.18 second year are for the FORIST system.  
 17.19 **Subd. 5. Parks and Trails Management**

70,548,000

71,000,000

17.20	<u>Appropriations by Fund</u>	
17.21	<u>2016</u>	<u>2017</u>
17.22	<u>General</u>	<u>19,977,000</u> <u>21,001,000</u>
17.23	<u>Natural Resources</u>	<u>46,205,000</u> <u>46,450,000</u>
17.24	<u>Game and Fish</u>	<u>2,266,000</u> <u>2,273,000</u>
17.25	<u>Special Revenue</u>	<u>2,100,000</u> <u>1,276,000</u>

17.26 \$1,075,000 the first year and \$1,075,000 the  
 17.27 second year are from the water recreation  
 17.28 account in the natural resources fund for  
 17.29 enhancing public water access facilities.  
 17.30 \$5,740,000 the first year and \$5,740,000 the  
 17.31 second year are from the natural resources  
 17.32 fund for state trail, park, and recreation area  
 17.33 operations. This appropriation is from the  
 17.34 revenue deposited in the natural resources

18.1 fund under Minnesota Statutes, section  
18.2 297A.94, paragraph (e), clause (2).

18.3 \$1,005,000 the first year and \$1,005,000 the  
18.4 second year are from the natural resources  
18.5 fund for park and trail grants to local units of  
18.6 government on land to be maintained for at  
18.7 least 20 years for the purposes of the grants.

18.8 This appropriation is from the revenue  
18.9 deposited in the natural resources fund  
18.10 under Minnesota Statutes, section 297A.94,  
18.11 paragraph (e), clause (4). Any unencumbered  
18.12 balance does not cancel at the end of the first  
18.13 year and is available for the second year.

18.14 \$8,424,000 the first year and \$8,424,000  
18.15 the second year are from the snowmobile  
18.16 trails and enforcement account in the  
18.17 natural resources fund for the snowmobile  
18.18 grants-in-aid program. Any unencumbered  
18.19 balance does not cancel at the end of the first  
18.20 year and is available for the second year.

18.21 \$1,360,000 the first year and \$1,360,000  
18.22 the second year are from the natural  
18.23 resources fund for the off-highway vehicle  
18.24 grants-in-aid program. Of this amount,  
18.25 \$1,210,000 each year is from the all-terrain  
18.26 vehicle account; and \$150,000 each year is  
18.27 from the off-highway motorcycle account.

18.28 Any unencumbered balance does not cancel  
18.29 at the end of the first year and is available for  
18.30 the second year.

18.31 \$75,000 the first year and \$75,000 the second  
18.32 year are from the cross-country ski account  
18.33 in the natural resources fund for grooming  
18.34 and maintaining cross-country ski trails in  
18.35 state parks, trails, and recreation areas.

19.1 \$250,000 the first year and \$250,000 the  
 19.2 second year are from the state land and  
 19.3 water conservation account (LAWCON)  
 19.4 in the natural resources fund for priorities  
 19.5 established by the commissioner for eligible  
 19.6 state projects and administrative and  
 19.7 planning activities consistent with Minnesota  
 19.8 Statutes, section 84.0264, and the federal  
 19.9 Land and Water Conservation Fund Act.  
 19.10 Any unencumbered balance does not cancel  
 19.11 at the end of the first year and is available for  
 19.12 the second year.

19.13 \$968,000 the first year and \$968,000 the  
 19.14 second year are from the off-road vehicle  
 19.15 account in the natural resources fund. Of  
 19.16 this amount, \$568,000 each year is for parks  
 19.17 and trails management for off-road vehicle  
 19.18 purposes; \$325,000 is for the off-road  
 19.19 vehicle grant in aid program; and \$75,000  
 19.20 is for a new full-time employee position or  
 19.21 contract in northern Minnesota to work in  
 19.22 conjunction with the Minnesota Four-Wheel  
 19.23 Drive Association to address off-road vehicle  
 19.24 touring routes and other issues related to  
 19.25 off-road vehicle activities.

19.26 \$2,100,000 the first year and \$1,276,000  
 19.27 the second year are from the environment  
 19.28 and natural resources account in the  
 19.29 special revenue fund. This is a onetime  
 19.30 appropriation.

19.31 The base for parks and trails operations in  
 19.32 the general fund in fiscal year 2018 and  
 19.33 thereafter is \$22,277,000.

19.34 <b><u>Subd. 6. Fish and Wildlife Management</u></b>	<u>71,677,000</u>	<u>72,213,000</u>
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20.1	<u>Appropriations by Fund</u>		
20.2		<u>2016</u>	<u>2017</u>
20.3	<u>Natural Resources</u>	<u>1,908,000</u>	<u>1,912,000</u>
20.4	<u>Game and Fish</u>	<u>69,769,000</u>	<u>70,301,000</u>

20.5 \$8,167,000 the first year and \$8,167,000  
 20.6 the second year are from the heritage  
 20.7 enhancement account in the game and fish  
 20.8 fund only for activities specified in Minnesota  
 20.9 Statutes, section 297A.94, paragraph (e),  
 20.10 clause (1). Notwithstanding Minnesota  
 20.11 Statutes, section 297A.94, five percent of  
 20.12 this appropriation may be used for expanding  
 20.13 hunter and angler recruitment and retention.

20.14 \$1,000,000 the first year and \$1,000,000  
 20.15 the second year are from the game and  
 20.16 fish fund for shooting sports facility grants  
 20.17 under Minnesota Statutes, section 87A.10,  
 20.18 including grants for archery facilities. Grants  
 20.19 must be matched with a nonstate match,  
 20.20 which may include in-kind contributions.  
 20.21 This is a onetime appropriation and is  
 20.22 available until June 30, 2019.

20.23 The game and fish fund base for fish and  
 20.24 wildlife management in fiscal year 2018 and  
 20.25 thereafter is \$66,119,000.

20.26	<u>Subd. 7. Enforcement</u>	<u>46,375,000</u>	<u>47,576,000</u>
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20.27	<u>Appropriations by Fund</u>		
20.28		<u>2016</u>	<u>2017</u>
20.29	<u>General</u>	<u>4,057,000</u>	<u>4,140,000</u>
20.30	<u>Natural Resources</u>	<u>10,415,000</u>	<u>10,707,000</u>
20.31	<u>Game and Fish</u>	<u>22,803,000</u>	<u>23,629,000</u>
20.32	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
20.33	<u>Special Revenue</u>	<u>9,000,000</u>	<u>9,000,000</u>

20.34 \$1,718,000 the first year and \$1,718,000 the  
 20.35 second year are from the general fund for

21.1 enforcement efforts to prevent the spread of  
21.2 aquatic invasive species.

21.3 \$1,537,000 the first year and \$1,580,000  
21.4 the second year are from the heritage  
21.5 enhancement account in the game and  
21.6 fish fund for only the purposes specified  
21.7 in Minnesota Statutes, section 297A.94,  
21.8 paragraph (e), clause (1). The base for these  
21.9 purposes in fiscal year 2018 and thereafter is  
21.10 \$1,607,000.

21.11 \$1,082,000 the first year and \$1,082,000 the  
21.12 second year are from the water recreation  
21.13 account in the natural resources fund for  
21.14 grants to counties for boat and water safety.

21.15 Any unencumbered balance does not cancel  
21.16 at the end of the first year and is available for  
21.17 the second year.

21.18 \$315,000 the first year and \$315,000 the  
21.19 second year are from the snowmobile  
21.20 trails and enforcement account in the  
21.21 natural resources fund for grants to local  
21.22 law enforcement agencies for snowmobile  
21.23 enforcement activities. Any unencumbered  
21.24 balance does not cancel at the end of the first  
21.25 year and is available for the second year.

21.26 \$250,000 the first year and \$250,000  
21.27 the second year are from the all-terrain  
21.28 vehicle account for grants to qualifying  
21.29 organizations to assist in safety and  
21.30 environmental education and monitoring  
21.31 trails on public lands under Minnesota  
21.32 Statutes, section 84.9011. Grants issued  
21.33 under this paragraph must be issued through  
21.34 a formal agreement with the organization.

21.35 By December 15 each year, an organization

22.1 receiving a grant under this paragraph shall  
22.2 report to the commissioner with details on  
22.3 expenditures and outcomes from the grant.  
22.4 Of this appropriation, \$25,000 each year  
22.5 is for administration of these grants. Any  
22.6 unencumbered balance does not cancel at the  
22.7 end of the first year and is available for the  
22.8 second year.

22.9 \$510,000 the first year and \$510,000  
22.10 the second year are from the natural  
22.11 resources fund for grants to county law  
22.12 enforcement agencies for off-highway  
22.13 vehicle enforcement and public education  
22.14 activities based on off-highway vehicle use  
22.15 in the county. Of this amount, \$498,000 each  
22.16 year is from the all-terrain vehicle account;  
22.17 \$11,000 each year is from the off-highway  
22.18 motorcycle account; and \$1,000 each year  
22.19 is from the off-road vehicle account. The  
22.20 county enforcement agencies may use  
22.21 money received under this appropriation  
22.22 to make grants to other local enforcement  
22.23 agencies within the county that have a high  
22.24 concentration of off-highway vehicle use.  
22.25 Of this appropriation, \$25,000 each year  
22.26 is for administration of these grants. Any  
22.27 unencumbered balance does not cancel at the  
22.28 end of the first year and is available for the  
22.29 second year.

22.30 \$9,000,000 the first year is from the  
22.31 environment and natural resources account in  
22.32 the special revenue fund and is transferred to  
22.33 the commissioner of revenue for allocation  
22.34 to counties for aquatic invasive prevention  
22.35 activities under Minnesota Statutes 2014,

23.1 section 477A.19, subdivisions 1 to 4. This is  
 23.2 a onetime appropriation.  
 23.3 \$9,000,000 the second year is from the  
 23.4 environment and natural resources account  
 23.5 in the special revenue fund for county  
 23.6 aquatic invasive species prevention grants  
 23.7 under Minnesota Statutes, section 84D.16.  
 23.8 The appropriation from the environment  
 23.9 and natural resources account in the special  
 23.10 revenue fund is a onetime appropriation. The  
 23.11 general fund base for this program in fiscal  
 23.12 year 2018 and thereafter is \$9,000,000.

23.13 The commissioner may conduct a  
 23.14 conservation officer academy in fiscal years  
 23.15 2016 and 2017 with available funds.

23.16 The natural resources fund base for  
 23.17 enforcement in fiscal year 2018 and  
 23.18 thereafter is \$10,834,000. The game and fish  
 23.19 fund base for enforcement in fiscal year 2018  
 23.20 and thereafter is \$23,988,000.

23.21	<u>Subd. 8. <b>Operations Support</b></u>	<u>320,000</u>	<u>320,000</u>
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23.22 \$320,000 the first year and \$320,000 the  
 23.23 second year are from the natural resources  
 23.24 fund for grants to be divided equally between  
 23.25 the city of St. Paul for the Como Park Zoo  
 23.26 and Conservatory and the city of Duluth  
 23.27 for the Duluth Zoo. This appropriation  
 23.28 is from the revenue deposited to the fund  
 23.29 under Minnesota Statutes, section 297A.94,  
 23.30 paragraph (e), clause (5).

23.31 Subd. 9. **Cancellation**  
 23.32 The general fund appropriation of \$1,000,000  
 23.33 in Laws 2014, chapter 312, article 12, section

24.1 6, subdivision 2, is canceled on June 30,  
 24.2 2015.

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

24.5	<u>Appropriations by Fund</u>		
24.6		<u>2016</u>	<u>2017</u>
24.7	<u>General</u>	<u>14,237,000</u>	<u>14,415,000</u>
24.8	<u>Remediation</u>	<u>1,000,000</u>	<u>1,000,000</u>

24.9 \$3,423,000 the first year and \$3,423,000 the  
 24.10 second year are for natural resources block  
 24.11 grants to local governments. Grants must be  
 24.12 matched with a combination of local cash or  
 24.13 in-kind contributions. The base grant portion  
 24.14 related to water planning must be matched  
 24.15 by an amount as specified by Minnesota  
 24.16 Statutes, section 103B.3369. The board may  
 24.17 reduce the amount of the natural resources  
 24.18 block grant to a county by an amount equal to  
 24.19 any reduction in the county's general services  
 24.20 allocation to a soil and water conservation  
 24.21 district from the county's previous year  
 24.22 allocation when the board determines that  
 24.23 the reduction was disproportionate.

24.24 \$4,116,000 the first year and \$4,116,000 the  
 24.25 second year are for grants to soil and water  
 24.26 conservation districts for general purposes,  
 24.27 nonpoint engineering, and implementation of  
 24.28 the reinvest in Minnesota reserve program.  
 24.29 Expenditures may be made from these  
 24.30 appropriations for supplies and services  
 24.31 benefiting soil and water conservation  
 24.32 districts. Any district receiving a grant under  
 24.33 this paragraph shall maintain a Web page that  
 24.34 publishes, at a minimum, its annual report,



25.1 annual audit, annual budget, and meeting  
25.2 notices.

25.3 \$1,560,000 the first year and \$1,560,000 the  
25.4 second year are for the following cost-share  
25.5 programs:

25.6 (1) \$260,000 each year is for feedlot water  
25.7 quality grants for feedlots under 300 animal  
25.8 units and nutrient and manure management  
25.9 projects in watersheds where there are  
25.10 impaired waters;

25.11 (2) \$1,200,000 each year is for soil and  
25.12 water conservation district cost-sharing  
25.13 contracts for perennially vegetated riparian  
25.14 buffers, erosion control, water retention  
25.15 and treatment, and other high-priority  
25.16 conservation practices; and

25.17 (3) \$100,000 each year is for county  
25.18 cooperative weed management programs and  
25.19 to restore native plants in selected invasive  
25.20 species management sites.

25.21 \$800,000 the first year and \$750,000  
25.22 the second year are for implementation,  
25.23 enforcement, and oversight of the Wetland  
25.24 Conservation Act, including administration  
25.25 of the wetland banking program and in-lieu  
25.26 fee mechanism.

25.27 \$166,000 the first year and \$166,000  
25.28 the second year are to provide technical  
25.29 assistance to local drainage management  
25.30 officials and for the costs of the Drainage  
25.31 Work Group.

25.32 \$100,000 the first year and \$100,000  
25.33 the second year are for a grant to the  
25.34 Red River Basin Commission for water

26.1 quality and floodplain management,  
26.2 including administration of programs. This  
26.3 appropriation must be matched by nonstate  
26.4 funds. If the appropriation in either year is  
26.5 insufficient, the appropriation in the other  
26.6 year is available for it.

26.7 \$140,000 the first year and \$140,000  
26.8 the second year are for grants to Area  
26.9 II Minnesota River Basin Projects for  
26.10 floodplain management.

26.11 \$8,000 the first year and \$262,000 the  
26.12 second year are to study, in cooperation  
26.13 with the commissioner of natural resources,  
26.14 the feasibility of the state assuming  
26.15 administration of the section 404 permit  
26.16 program of the federal Clean Water Act  
26.17 as required in this act. This is a onetime  
26.18 appropriation.

26.19 Notwithstanding Minnesota Statutes, section  
26.20 115B.20, \$1,000,000 the first year and  
26.21 \$1,000,000 the second year are transferred to  
26.22 the Board of Water and Soil Resources from  
26.23 the dedicated account within the remediation  
26.24 fund for the purposes of Minnesota Statutes,  
26.25 section 115B.20, subdivision 2, clause (4),  
26.26 for grants to soil and water conservation  
26.27 districts to establish best management  
26.28 practices to improve water quality. This is a  
26.29 onetime transfer.

26.30 Notwithstanding Minnesota Statutes, section  
26.31 103C.501, the board may shift cost-share  
26.32 funds in this section and may adjust the  
26.33 technical and administrative assistance  
26.34 portion of the grant funds to leverage  
26.35 federal or other nonstate funds or to address



28.1 \$100,000 the first year and \$100,000 the  
 28.2 second year are for the Metropolitan Area  
 28.3 Water Supply Policy Advisory Committee  
 28.4 study and the Metropolitan Area Water  
 28.5 Supply Technical Advisory Committee  
 28.6 required under Minnesota Statutes, section  
 28.7 473.1565. This is a onetime appropriation.

28.8 **Sec. 6. CONSERVATION CORPS**  
 28.9 **MINNESOTA** **\$ 945,000 \$ 945,000**

28.10	<u>Appropriations by Fund</u>		
28.11		<u>2016</u>	<u>2017</u>
28.12	<u>General</u>	<u>455,000</u>	<u>455,000</u>
28.13	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

28.14 Conservation Corps Minnesota may receive  
 28.15 money appropriated from the natural  
 28.16 resources fund under this section only  
 28.17 as provided in an agreement with the  
 28.18 commissioner of natural resources.

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

28.20	<u>Appropriations by Fund</u>		
28.21		<u>2016</u>	<u>2017</u>
28.22	<u>General</u>	<u>7,175,000</u>	<u>7,175,000</u>
28.23	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

28.24 \$160,000 the first year and \$160,000 the  
 28.25 second year are from the natural resources  
 28.26 fund from the revenue deposited under  
 28.27 Minnesota Statutes, section 297A.94,  
 28.28 paragraph (e), clause (5).

28.29 **Sec. 8. SCIENCE MUSEUM OF**  
 28.30 **MINNESOTA** **\$ 1,079,000 \$ 1,079,000**

28.31 **Sec. 9. ADMINISTRATION** **\$ 500,000 \$ 500,000**

28.32 \$500,000 the first year and \$500,000  
 28.33 the second year are from the state forest

29.1 suspense account in the permanent school  
 29.2 fund for the school trust lands director to  
 29.3 accelerate land exchanges, land sales, and  
 29.4 commercial leasing of school trust lands and  
 29.5 to identify, evaluate, and lease construction  
 29.6 aggregate located on school trust lands. This  
 29.7 appropriation is to be used for securing  
 29.8 long-term economic return from the  
 29.9 school trust lands consistent with fiduciary  
 29.10 responsibilities and sound natural resources  
 29.11 conservation and management principles.

29.12 **Sec. 10. MINNESOTA MANAGEMENT AND**  
 29.13 **BUDGET** \$ 3,228,000 \$ 3,228,000

29.14 \$3,228,000 the first year and \$3,228,000 the  
 29.15 second year are for cost analyses of water  
 29.16 quality standards as required under this act.  
 29.17 The general fund base for this appropriation in  
 29.18 fiscal year 2018 and thereafter is \$6,411,000.

29.19 Sec. 11. Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended by  
 29.20 Laws 2010, First Special Session chapter 1, article 6, section 6, and Laws 2013, chapter  
 29.21 114, article 3, section 9, is amended to read:

29.22 **Subd. 6. Transfers In**

29.23 (a) The amounts appropriated from the  
 29.24 agency indirect costs account in the special  
 29.25 revenue fund are reduced by \$328,000 in  
 29.26 fiscal year 2010 and \$462,000 in fiscal year  
 29.27 2011, and those amounts must be transferred  
 29.28 to the general fund by June 30, 2011. The  
 29.29 appropriation reductions are onetime.

29.30 (b) The commissioner of management  
 29.31 and budget shall transfer \$48,000,000 in  
 29.32 fiscal year 2011 from the closed landfill  
 29.33 investment fund in Minnesota Statutes,  
 29.34 section 115B.421, to the general fund. The

30.1 commissioner shall transfer \$9,900,000 on  
 30.2 July 1, 2014, ~~\$12,550,000 in each of the~~  
 30.3 ~~years 2015 and 2016, and \$13,000,000 in~~  
 30.4 ~~2017~~ from the general fund to the closed  
 30.5 landfill investment fund. For each the  
 30.6 transfer to the closed landfill investment  
 30.7 fund, the commissioner shall determine the  
 30.8 total amount of interest and other earnings  
 30.9 that would have accrued to the fund if the  
 30.10 ~~transfers~~ transfer to the general fund under  
 30.11 this paragraph had not been made and add  
 30.12 this amount to the transfer. The ~~amounts~~  
 30.13 amount necessary for ~~these transfers~~ are the  
 30.14 transfer is appropriated from the general  
 30.15 fund in the fiscal ~~years~~ year specified for the  
 30.16 ~~transfers~~ transfer.

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

30.18 **Subd. 5. Fish and Wildlife**  
 30.19 **Management** -0- 2,412,000

30.20 \$3,000 in 2015 is from the heritage  
 30.21 enhancement account in the game and fish  
 30.22 fund for a report on aquatic plant management  
 30.23 permitting policies for the management  
 30.24 of narrow-leaved and hybrid cattail in a  
 30.25 range of basin types across the state. The  
 30.26 report shall be submitted to the chairs and  
 30.27 ranking minority members of the house of  
 30.28 representatives and senate committees with  
 30.29 jurisdiction over environment and natural  
 30.30 resources by December 15, 2014, and include  
 30.31 recommendations for any necessary changes  
 30.32 in statutes, rules, or permitting procedures.  
 30.33 This is a onetime appropriation.

30.34 \$9,000 in 2015 is from the game and fish  
 30.35 fund for the commissioner, in consultation

31.1 with interested parties, agencies, and other  
31.2 states, to develop a detailed restoration plan  
31.3 to recover the historical native population of  
31.4 bobwhite quail in Minnesota for its ecological  
31.5 and recreational benefits to the citizens of the  
31.6 state. The commissioner shall conduct public  
31.7 meetings in developing the plan. No later  
31.8 than January 15, 2015, the commissioner  
31.9 must report on the plan's progress to the  
31.10 legislative committees with jurisdiction over  
31.11 environment and natural resources policy  
31.12 and finance. This is a onetime appropriation.  
31.13 \$2,000,000 in 2015 is from the game and  
31.14 fish fund for shooting sports facility grants  
31.15 under Minnesota Statutes, section 87A.10.  
31.16 The commissioner may spend up to \$50,000  
31.17 of this appropriation to administer the grant.  
31.18 This is a onetime appropriation and is  
31.19 available until June 30, 2017.  
31.20 \$400,000 in 2015 is from the heritage  
31.21 enhancement account in the game and fish  
31.22 fund for hunter and angler recruitment  
31.23 and retention activities and grants to local  
31.24 chapters of Let's Go Fishing of Minnesota  
31.25 to provide community outreach to senior  
31.26 citizens, youth, and veterans and for the costs  
31.27 associated with establishing and recruiting  
31.28 new chapters. The grants must be matched  
31.29 with cash or in-kind contributions from  
31.30 nonstate sources. Of this amount, \$25,000  
31.31 is for Asian Outdoor Heritage for youth  
31.32 fishing recruitment efforts and outreach in  
31.33 the metropolitan area. The commissioner  
31.34 shall establish a grant application process  
31.35 that includes a standard for ownership  
31.36 of equipment purchased under the grant

32.1 program and contract requirements that  
 32.2 cover the disposition of purchased equipment  
 32.3 if the grantee no longer exists. Any  
 32.4 equipment purchased with state grant money  
 32.5 must be specified on the grant application  
 32.6 and approved by the commissioner. The  
 32.7 commissioner may spend up to three percent  
 32.8 of the appropriation to administer the grant.  
 32.9 This is a onetime appropriation and is  
 32.10 available until June 30, 2016.

## 32.11 **ARTICLE 2**

### 32.12 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

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

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

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

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

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

32.22 ~~(4)~~ (3) all revenues from license fees for subsurface sewage treatment systems  
 32.23 under section 115.56;

32.24 ~~(5)~~ (4) all loan repayments deposited under section 115A.0716;

32.25 ~~(6)~~ (5) all revenue from pollution prevention fees imposed under section 115D.12;

32.26 ~~(7)~~ (6) all loan repayments deposited under section 116.994;

32.27 ~~(8)~~ (7) all fees collected under section 116C.834;

32.28 ~~(9)~~ (8) revenue collected from the solid waste management tax pursuant to chapter  
 32.29 297H;

32.30 ~~(10)~~ (9) fees collected under section 473.844;

32.31 ~~(11)~~ (10) interest accrued on the fund; and

32.32 ~~(12)~~ (11) money received in the form of gifts, grants, reimbursement, or appropriation  
 32.33 from any source for any of the purposes provided in subdivision 2, except federal grants.

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



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

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

33.3 (2) purchase recycled content copy paper with at least ~~ten~~ 30 percent postconsumer  
33.4 material by weight and purchase printing and office paper with at least ten percent  
33.5 postconsumer material by weight;

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

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

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

33.12 ~~(6)~~ (5) use reusable binding materials or staples and bind documents by methods  
33.13 that do not use glue;

33.14 ~~(7)~~ (6) use soy-based inks;

33.15 ~~(8)~~ (7) produce reports, publications, and periodicals that are readily recyclable  
33.16 ~~within the state resource recovery program; and~~

33.17 ~~(9)~~ (8) purchase paper which has been made on a paper machine located in Minnesota.

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

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

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

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

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

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

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

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

34.1 Sec. 4. **[84.69] NATURAL RESOURCES CONSERVATION EASEMENT**  
34.2 **STEWARDSHIP ACCOUNT.**

34.3 Subdivision 1. **Account established; sources.** The natural resources conservation  
34.4 easement stewardship account is created in the special revenue fund. The account consists  
34.5 of money credited to the account and interest and other earnings on money in the account.  
34.6 The State Board of Investment must manage the account to maximize long-term gain. The  
34.7 following revenue must be deposited in the natural resources conservation easement  
34.8 stewardship account:

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

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

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

34.13 (4) money appropriated for monitoring and enforcement of easements and earnings  
34.14 on the money appropriated that revert to the state under section 97A.056, subdivision  
34.15 17, or other applicable law; and

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

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

34.25 Subd. 3. **Financial contributions.** The commissioner shall seek a financial  
34.26 contribution to the natural resources conservation easement stewardship account for each  
34.27 conservation easement acquired by or assigned to the Department of Natural Resources.  
34.28 Unless otherwise provided by law, the commissioner shall determine the amount of the  
34.29 contribution, which must be an amount calculated to earn sufficient money to meet  
34.30 the costs of managing the conservation easement at a level that neither significantly  
34.31 overrecovers nor underrecovers the costs. In determining the amount of the financial  
34.32 contribution, the commissioner shall consider:

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

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

- 35.1 (3) the estimated annual travel expenses to manage the conservation easement;  
 35.2 (4) the estimated annual miscellaneous costs to manage the conservation easement,  
 35.3 including supplies and equipment, information technology support, and aerial flyovers;  
 35.4 (5) the estimated annualized cost of legal services, including the cost to enforce the  
 35.5 easement in the event of a violation; and  
 35.6 (6) the expected rate of return on investments in the account.

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

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

35.12 Subd. 5. **Report of ownership transfers; fee.** ~~A person who sells or transfers~~ (a)  
 35.13 Application for transfer of ownership of an off-highway motorcycle registered under  
 35.14 this section shall report the sale or transfer must be made to the commissioner within  
 35.15 15 days of the date of transfer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.25 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

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

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

36.32 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser  
 36.33 fails to apply for transfer of ownership as provided under this subdivision. Every owner

37.1 or part owner of a snowmobile shall, upon failure to give such notice of destruction or  
 37.2 abandonment, be subject to the penalties imposed by ~~Laws 1967, chapter 876~~ section 84.88.

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

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

37.5 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means  
 37.6 a motorized vehicle ~~of with:~~ (1) not less than three, but not more than six low pressure  
 37.7 or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic  
 37.8 centimeters and; (2) a total dry weight of 2,000 pounds or less; and (3) a total width  
 37.9 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle  
 37.10 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does  
 37.11 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used  
 37.12 specifically for lawn maintenance, agriculture, logging, or mining purposes.

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

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

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

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

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

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

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

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

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

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

38.2 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,  
38.3 1987, and who is 16 years of age or older, must successfully complete the independent  
38.4 study course component of all-terrain vehicle safety training before operating an all-terrain  
38.5 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

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

38.9 (c) An individual who is convicted for a second or subsequent excess speed, trespass,  
38.10 or wetland violation in an all-terrain vehicle season, or any conviction for careless or  
38.11 reckless operation of an all-terrain vehicle, must successfully complete the independent  
38.12 study and the testing and operating course components of all-terrain vehicle safety training  
38.13 before continuing operation of an all-terrain vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.12 (1) successfully complete the safety education and training program under section  
39.13 84.925, subdivision 1, including a riding component; and

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

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

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

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

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

39.27 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
39.28 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
39.29 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
39.30 or state or grant-in-aid trails if:

39.31 (1) the nonresident youth has in possession evidence of completing an all-terrain  
39.32 safety course offered by the ATV Safety Institute or another state as provided in section  
39.33 84.925, subdivision 3; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



41.1 (i) a road authority as defined under section 160.02, subdivision 25; or  
41.2 (ii) a publicly or privately owned utility or pipeline company and used for work  
41.3 on utilities or pipelines.

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

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

41.7 (2) siltation of waters of the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42.26 **84D.06 UNLISTED NONNATIVE SPECIES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43.33 (4) a prohibition on placing water-related equipment into waters of the state when  
 43.34 the water-related equipment has aquatic macrophytes or prohibited invasive species

44.1 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
44.2 has not been removed in violation of subdivision 4-; and

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

44.4 (b) An order for removal of prohibited invasive species under paragraph (a), clause  
44.5 (1), or decontamination of water-related equipment under paragraph (a), clause (5),  
44.6 may include tagging the water-related equipment and issuing a notice that specifies  
44.7 a time frame for completing the removal or decontamination and reinspection of the  
44.8 water-related equipment.

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

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

44.12 Aquatic invasive species affirmation is required for all:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45.32 Sec. 30. [84D.16] COUNTY AQUATIC INVASIVE SPECIES PREVENTION  
45.33 GRANTS.

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

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

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

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

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

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

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

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

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

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

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

47.7 Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison**  
47.8 **Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at  
47.9 the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park  
47.10 westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then  
47.11 easterly along the south side of Camp Ripley across to the east side of the Mississippi  
47.12 River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment  
47.13 of the trail shall be established that shall extend in a southerly direction and in close  
47.14 proximity to the Mississippi River from the southeasterly portion of the first segment of  
47.15 the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison  
47.16 County. Separation of motorized and nonmotorized corridors is acceptable as needed.

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

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

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

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

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

47.31 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
47.32 in cooperation with local units of government and private individuals and groups when

48.1 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,  
48.2 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,  
48.3 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
48.4 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
48.5 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,  
48.6 Blue Earth, Cedar, Shell Rock, and Crow Rivers which have historic and scenic values  
48.7 and to mark appropriately points of interest, portages, camp sites, and all dams, rapids,  
48.8 waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak,  
48.9 and watercraft travelers.

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

48.11 Subd. 3. **Licensing.** (a) The license agent shall register the watercraft on receiving  
48.12 an application and the license fee. A license and registration sticker with a registration  
48.13 number shall be issued and must be affixed to the watercraft as prescribed by the  
48.14 commissioner of natural resources.

48.15 (b) A license includes aquatic invasive species affirmation as provided in section  
48.16 84D.106. The aquatic invasive species affirmation portion of the license must be displayed  
48.17 with the signed license certificate. The aquatic invasive species affirmation will be  
48.18 provided with an application for a new, transfer, duplicate, or renewal watercraft license.

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

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

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

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

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

48.26 (a) **Fire training.** A permit to start a fire for the instruction and training of  
48.27 firefighters, including liquid fuels training, may be given by the commissioner or agent of  
48.28 the commissioner. Except for owners or operators conducting fire training in specialized  
48.29 industrial settings pursuant to applicable federal, state, or local standards, owners  
48.30 or operators conducting open burning for the purpose of instruction and training of  
48.31 firefighters with regard to structures must ~~follow the techniques described in a document~~  
48.32 ~~entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~  
48.33 use only fuel materials as outlined in the current edition of National Fire Protection  
48.34 Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable



49.1 live burn documents in accordance with the current edition of the Board of Firefighter  
 49.2 Training and Education's live burn plan established according to section 299N.02,  
 49.3 subdivision 3, clause (2).

49.4 (b) **Permanent tree and brush open burning sites.** A permit for the operation of  
 49.5 a permanent tree and brush burning site may be given by the commissioner or agent of  
 49.6 the commissioner. Applicants for a permanent open burning site permit shall submit a  
 49.7 complete application on a form provided by the commissioner. Existing permanent tree  
 49.8 and brush open burning sites must submit for a permit within 90 days of the passage of  
 49.9 this statute for a burning permit. New site applications must be submitted at least 90  
 49.10 days before the date of the proposed operation of the permanent open burning site. The  
 49.11 application must be submitted to the commissioner and must contain:

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

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

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

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

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

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

49.29 Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.**  
 49.30 ~~The commissioner shall submit such contract in recordable form to the owner of the land~~  
 49.31 ~~covered thereby. If the owner shall indicate to the commissioner an unwillingness to~~  
 49.32 ~~execute the same, or if the owner or any of the persons having an interest therein or lien~~  
 49.33 ~~thereon fail to execute it within 60 days from the time of its submission to the owner, all~~  
 49.34 ~~proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

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

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

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

50.12 Subd. 4. **Effect.** Upon the filing of the contract for record, the land ~~therein~~ described  
 50.13 in the contract shall become, and, during the life of the contract, remain ~~and be~~, an  
 50.14 auxiliary forest entitled to all the benefits and subject to all the restrictions of sections  
 50.15 ~~88.47~~ 88.49 to 88.53, ~~all of which shall be deemed a.~~ These sections are part of the  
 50.16 obligation of the contract and shall be ~~are~~ inviolate, subject only to the police power of the  
 50.17 state, to the power of eminent domain, and to ~~the right of the parties thereto by mutual~~  
 50.18 ~~agreement to make applicable to the contract any laws of the state enacted subsequent to its~~  
 50.19 ~~the execution and filing. This provision shall not be so construed as to prevent amendatory~~  
 50.20 ~~or supplementary legislation which does~~ of the contract. Laws enacted subsequent to  
 50.21 the date of execution of the contract are applicable to the contract, so long as the laws  
 50.22 do not impair these the contract rights of the parties thereto, ~~or as to prevent amendatory~~  
 50.23 ~~or supplementary legislation in respect of the culture, care, or management of the lands~~  
 50.24 ~~included in any such contract~~ signatories of the contract or their successors or assigns.

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

50.26 Subd. 5. **Cancellation.** ~~Upon the failure of (a) If the owner fails to faithfully to~~  
 50.27 ~~fulfill and perform such the~~ contract ~~or,~~ any provision ~~thereof of the contract,~~ ~~or~~ any  
 50.28 requirement of sections ~~88.47~~ 88.49 to 88.53, or any rule ~~adopted by the commissioner~~  
 50.29 ~~thereunder~~ adopts under those sections, the commissioner may cancel the contract ~~in~~  
 50.30 ~~the manner herein provided. The commissioner shall give to the owner, in the manner~~  
 50.31 ~~prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which~~  
 50.32 the owner may appear and show cause, if any, why the contract should not be canceled.  
 50.33 The commissioner shall ~~thereupon then~~ determine whether the contract should be canceled  
 50.34 and make an order to that effect. ~~Notice of the commissioner's determination and the~~

51.1 ~~making of the order shall be given to~~ The commissioner shall give the owner in the manner  
 51.2 ~~provided in section 88.48, subdivision 4~~ notice of the commissioner's determination and  
 51.3 ~~order. On determining~~ If the commissioner determines that the contract should be canceled  
 51.4 ~~and no appeal therefrom be taken~~ the owner does not appeal the determination as provided  
 51.5 in subdivision 7, the commissioner shall send notice thereof of the cancellation to the  
 51.6 auditor of the county and to the town clerk of the town affected and file with the recorder a  
 51.7 certified copy of the order; ~~who.~~ The recorder shall forthwith note the cancellation upon  
 51.8 the record thereof, and ~~thereupon~~ the land therein described in the contract shall cease to  
 51.9 be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable  
 51.10 ~~to~~ for all taxes and assessments that ~~otherwise~~ would have been levied against ~~it had it~~  
 51.11 ~~never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any~~  
 51.12 notwithstanding provisions of the statutes of limitation to the contrary ~~notwithstanding,~~  
 51.13 ~~less.~~ The amount of taxes paid under ~~the provisions of~~ section 88.51, subdivision 1,  
 51.14 together with interest on such taxes and assessments at six percent per annum, but without  
 51.15 penalties, must be subtracted from the tax owed by the owner.

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

51.18 (c) The commissioner shall cancel ~~any~~ the contract if the owner has ~~made successful~~  
 51.19 ~~application~~ successfully applied under ~~sections 290C.01 to 290C.11,~~ the Sustainable Forest  
 51.20 Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax  
 51.21 difference between the amount ~~which that~~ would have been paid had the land under contract  
 51.22 been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive  
 51.23 Act from the date of the recording of the contract and the amount actually paid under  
 51.24 section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51,  
 51.25 subdivision 2. ~~This tax difference must be calculated based on the years the lands would~~  
 51.26 ~~have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~  
 51.27 The sustainable forest tax difference is net of the incentive payment of section 290C.07.  
 51.28 If the amount ~~which that~~ would have been paid, ~~had~~ if the land under contract had been  
 51.29 under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from  
 51.30 the date ~~of the filing of~~ the contract, was filed is less than the amount actually paid under  
 51.31 the contract, the cancellation shall be made without further payment by the owner.

51.32 ~~When~~ (d) If the execution of ~~any~~ the contract creating an auxiliary forest ~~shall have~~  
 51.33 ~~been~~ is procured through fraud or deception ~~practiced upon~~ on the county board ~~or,~~ the  
 51.34 commissioner, or any other person or body representing the state, it may ~~be canceled~~  
 51.35 cancel it upon suit brought by the attorney general at the direction of the commissioner.

52.1 This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the  
52.2 commissioner.

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

52.4 Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying ~~such~~ taxes,  
52.5 the county auditor shall, immediately upon ~~receipt of~~ receiving notice of the cancellation  
52.6 of ~~any~~ a contract creating an auxiliary forest, direct the local assessor to assess the lands  
52.7 within the forest, excluding the value of merchantable timber and minerals and other  
52.8 things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51,  
52.9 subdivision 2, ~~as of~~ for each of the years ~~during which~~ the lands ~~have been~~ were included  
52.10 within the auxiliary forest. The local assessor shall ~~forthwith~~ make the assessment and  
52.11 certify the same to the county auditor. The county auditor shall ~~thereupon~~ levy a tax on the  
52.12 assessable value of the land ~~as~~, fixed by section 273.13, for each of the years ~~during which~~  
52.13 the land ~~has been~~ was within an auxiliary forest, at the rate at which other real estate  
52.14 within the taxing district was taxed in those years. The tax ~~so assessed and levied against~~  
52.15 ~~any land shall be~~ is a first and prior lien upon the land and upon all timber and forest  
52.16 products growing, grown, or cut ~~thereon~~ on the land and removed ~~therefrom~~ from the land.  
52.17 These taxes ~~shall~~ must be enforced in the same manner as other taxes on real estate are  
52.18 enforced and, ~~in addition thereto~~, the lien of the tax on forest products cut or removed  
52.19 from this land ~~shall~~ must be enforced by the seizure and sale of the forest products.

52.20 (b) No person shall, after the mailing by the commissioner, as provided in subdivision  
52.21 5, of notice of hearing on the cancellation of ~~a~~ the contract making ~~any~~ lands an auxiliary  
52.22 forest, cut or remove from these lands any timber or forest products growing, grown, or  
52.23 cut thereon until all taxes levied under this subdivision ~~shall have been~~ are paid, or, ~~in the~~  
52.24 ~~event such~~ if the levy ~~shall~~ is not ~~have been~~ completed, until the owner ~~shall have~~ has given  
52.25 a bond payable to the county, with sureties approved by the county auditor, in ~~such~~ the  
52.26 amount ~~as~~ the county auditor ~~shall deem~~ deems ample for the payment of all taxes that may  
52.27 be levied ~~thereon~~ under this subdivision, conditioned for the payment of ~~such~~ the taxes.

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

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

52.31 Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the  
52.32 commissioner to the district court of the county ~~wherein~~ where the land is ~~situate~~, located  
52.33 by serving notice of appeal on the commissioner and filing the same with the court

53.1 administrator of the district court within 30 days after the date of mailing of notice  
53.2 of such order.

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

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

53.7 Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of any a  
53.8 contract shall exist exists, the commissioner may, in lieu of canceling such the contract,  
53.9 perform the terms and conditions, other than the payment of that the owner was required  
53.10 to perform, except that the commissioner may not pay any taxes; that the owner was  
53.11 required, by the contract or by law or by the rules of the commissioner, to be performed by  
53.12 the owner, and may for that purpose to have paid by law. The commissioner may use any  
53.13 available moneys appropriated for the maintenance of the commissioner's division and  
53.14 any other lawful means to perform all other terms and conditions required to maintain the  
53.15 auxiliary forest status. The commissioner shall, on December 1 each year, certify to the  
53.16 auditor of each county the amount of moneys thus expended on and the value of services  
53.17 thus rendered in respect of any lands therein for land in the county since December 1 of  
53.18 the preceding year. The county auditor shall forthwith assess and levy the amount shown  
53.19 by this certificate against the lands described therein. This amount shall bear bears interest  
53.20 at the rate of six percent per annum and shall be is a lien upon the lands described therein;  
53.21 and. The collection thereof of the tax must be enforced in the same manner as taxes  
53.22 levied under section 88.52, subdivision 1 $\frac{1}{2}$  and; if such the tax be is not sooner paid, it  
53.23 shall must be added to, and the payment thereof enforced with, the yield tax imposed  
53.24 under section 88.52, subdivision 2.

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

53.26 Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other  
53.27 purposes may be withdrawn from an auxiliary forest as herein provided. The owner may  
53.28 submit a verified application therefor in a form prescribed by the commissioner of natural  
53.29 resources may be made by the owner to the county board of the county in which the land is  
53.30 situated, describing the land and stating the purpose of withdrawal. Like proceedings shall  
53.31 be had upon the application as upon an application for the establishment of an auxiliary  
53.32 forest, except that consideration need be given only to the questions to be determined as  
53.33 provided in this subdivision. The county board shall consider the application and hear any  
53.34 matter offered in support of or in opposition to the application. The county board shall

54.1 make proper record of its action upon the application. If the application is rejected, the  
54.2 county board shall prepare a written statement stating the reasons for the rejection within  
54.3 30 days of the date of rejection. If the application is rejected, the county auditor shall,  
54.4 within 30 days of the rejection, endorse the rejection on the application and return it,  
54.5 together with a copy of the written statement prepared by the county board stating the  
54.6 reasons for rejection to the applicant. The rejected application and written statement must  
54.7 be sent to the owner by certified mail at the address given in the application.

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

54.12 (c) If the county board ~~shall determine~~ determines that the land proposed to be  
54.13 withdrawn is needed and is suitable for the purposes set forth in the application, and  
54.14 that the remaining land in the auxiliary forest is suitable and sufficient for the purposes  
54.15 thereof of the auxiliary forest as provided by law, the board may, in its discretion, grant  
54.16 the application, subject to the approval of the commissioner. Upon such approval a  
54.17 supplemental contract evidencing the withdrawal shall be executed, filed, and recorded  
54.18 or registered as the case may require, in like manner as an original auxiliary forest  
54.19 contract. Thereupon by both the county board and the commissioner, the county auditor  
54.20 shall notify the applicant and the commissioner. Upon notice from the county auditor,  
54.21 the commissioner shall cause to be prepared a supplemental contract executed by the  
54.22 commissioner on behalf of the state and by the owner of the fee title or the holder of  
54.23 a state deed and by all other persons having any liens on the land and witnessed and  
54.24 acknowledged as provided by law for the execution of recordable deeds of conveyance.  
54.25 Notices sent by certified mail to the owner in fee at the address given in the application  
54.26 is deemed notice to all persons executing the supplemental contract. The supplemental  
54.27 contract must be prepared by the director of the Division of Forestry on a recordable  
54.28 form approved by an attorney appointed by the commissioner. Every supplemental  
54.29 contract must be approved by the Executive Council. The commissioner shall submit the  
54.30 supplemental contract to the owner of the land. If the owner indicates to the commissioner  
54.31 an unwillingness to execute the supplemental contract, or if the owner or any of the  
54.32 persons with an interest in the land or a lien upon the land fail to execute the contract  
54.33 within 60 days from the time of submission of the contract to the owner for execution, all  
54.34 proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at  
54.35 an end. When the supplemental contract is executed, it must be recorded in the office of  
54.36 the county recorder at the expense of the owner or, if the title to the land is registered, the

55.1 supplemental contract must be recorded with the registrar of titles. At the time the contract  
 55.2 is recorded with the county recorder, the owner, at the owner's expense, shall record with  
 55.3 the county recorder a certificate from the county attorney to the effect that no change in  
 55.4 record title to the land has occurred, that no liens or other encumbrances have been placed  
 55.5 on the land, and that no taxes have accrued on the land since the making of the previous  
 55.6 certificate. The county attorney must furnish this certificate without further compensation.  
 55.7 Upon execution and recording of the supplemental contract, the land described in the  
 55.8 supplemental contract shall cease that is to be withdrawn from the auxiliary forest ceases  
 55.9 to be part of the auxiliary forest, and, together with the timber thereon, shall be the owner  
 55.10 is liable to taxes and assessments of the withdrawn portion together with the timber on the  
 55.11 withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

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

55.13 Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to  
 55.14 the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer  
 55.15 in the same manner as the title to other real estate, subject to the auxiliary forest contract  
 55.16 ~~therefor~~ and to applicable provisions of law. ~~In case~~ If the ownership of ~~such a~~ an auxiliary  
 55.17 forest is divided into two or more parts by any transfer or transfers of title and the owners  
 55.18 of all ~~such~~ the parts desire to have the ~~same~~ parts made separate auxiliary forests, ~~they~~ the  
 55.19 owners may join in a verified application ~~therefor~~ to the county board of the county in  
 55.20 which the forest is situated in a form prescribed by the commissioner of natural resources.  
 55.21 If the county board determines that each of the parts into which the forest has been divided  
 55.22 is suitable and sufficient for a separate auxiliary forest as provided by law, it may, ~~in~~  
 55.23 ~~its discretion~~, grant the application, subject to the approval of the commissioner. Upon  
 55.24 ~~such~~ approval, the commissioner shall prepare a new auxiliary forest contract for each  
 55.25 part transferred, with like provisions and for the remainder of the same term as the prior  
 55.26 contract in force for the entire forest at the time of the transfer, and shall also prepare a  
 55.27 modification of ~~such~~ the prior contract, eliminating ~~therefrom~~ the part or parts of the land  
 55.28 transferred but otherwise leaving the remaining land subject to all the provisions of ~~such~~  
 55.29 the contract. The new contract or contracts and modification of the prior contract ~~shall~~  
 55.30 must be executed and otherwise dealt with in like manner as provided for ~~an original a~~  
 55.31 supplemental auxiliary forest contract in subdivision 9, but no such instrument ~~shall~~ must  
 55.32 take effect until all of them, ~~covering together all parts of the forest existing before the~~  
 55.33 ~~transfer~~, have been executed, filed, and recorded or registered, ~~as the case may require.~~  
 55.34 ~~Upon the taking effect of~~ When all ~~such~~ the instruments take effect, the owner of the  
 55.35 forest prior to the transfer ~~shall be~~ is divested of all rights and relieved from all liabilities

56.1 under the contract then in force with respect to the parts transferred except ~~such~~ those as  
 56.2 may have existed or accrued at the time of the taking effect of such instruments, and  
 56.3 thereafter the several tracts into which the forest has been divided and the respective  
 56.4 owners thereof ~~shall be~~ are subject to the new contract or contracts or the modified prior  
 56.5 contract relating thereto, as the case may be, as provided for an original auxiliary forest  
 56.6 contract. The provisions of this subdivision shall not supersede or affect the application  
 56.7 of any other provision of law to any auxiliary forest which is divided by transfer of title  
 56.8 unless the procedure herein authorized is fully consummated.

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

56.10 Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire,  
 56.11 or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the  
 56.12 appropriate county office, the lands previously covered by an auxiliary forest contract  
 56.13 automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive  
 56.14 Act; provided that when such lands are included in the Sustainable Forest Incentive Act  
 56.15 prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as  
 56.16 provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable  
 56.17 forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to  
 56.18 the difference between:

56.19 (1) the sum of:

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

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

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

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

56.28 **88.50 TAXATION.**

56.29 Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent~~  
 56.30 ~~hereinafter provided~~ according to sections 88.49 to 88.53 and not otherwise. Except as  
 56.31 expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed  
 56.32 for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for  
 56.33 the payment of, any tax or assessment, general or special, or any bond, certificate of  
 56.34 indebtedness, or other public obligation of any name or kind, made, issued, or created



57.1 subsequent to the filing of the contract creating the auxiliary forest, provided that  
 57.2 temporary buildings, structures, or other fixtures of ~~whatsoever kind~~ located upon land  
 57.3 within an auxiliary forest shall be valued and assessed as personal property and classified  
 57.4 as class 3 under the general system of ad valorem taxation. In any proceeding for the  
 57.5 making of a special improvement under the laws of this state by which any auxiliary forest  
 57.6 will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in  
 57.7 the manner provided by law, by filing the owner's written consent ~~in writing~~ to the ~~making~~  
 57.8 ~~of the~~ assessment in the tribunal in which the proceeding is pending, ~~whereupon~~. The lands  
 57.9 shall for the purposes of the improvement and assessment not be treated as lands ~~not~~ in an  
 57.10 auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest ~~shall~~  
 57.11 ~~be~~ is subject to the provisions of the contract creating the auxiliary forest and subordinate  
 57.12 to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

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

57.14 Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the  
 57.15 contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53  
 57.16 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the  
 57.17 land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed  
 57.18 annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and  
 57.19 the payment ~~thereof~~ of the tax, with penalties and interest, enforced in the same manner as  
 57.20 other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts  
 57.21 affected in the proportion of their interest in the taxes on this land if it had not been so  
 57.22 made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May  
 57.23 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause  
 57.24 for cancellation of the contract.

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

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

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

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

58.2 Subd. 2. **Examination, report.** When any timber growing or standing in any  
 58.3 auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the  
 58.4 commissioner shall, at the written request of the owner, a copy of which shall at the time be  
 58.5 filed in the office of the county auditor, make an examination of the timber and designate  
 58.6 for the owner the kind and number of trees most suitable to be cut ~~if~~ in the judgment of  
 58.7 the commissioner ~~there be any, and~~. The cutting and removal of ~~these~~ designated trees ~~so~~  
 58.8 ~~designated shall~~ must be in accordance with the instructions of the commissioner. The  
 58.9 commissioner shall inspect the cutting or removal and determine whether it or the manner  
 58.10 of its performance constitute a violation of the terms of the contract creating the auxiliary  
 58.11 forest or of the ~~laws applicable thereto~~ laws, or of the instructions of the commissioner  
 58.12 relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation  
 58.13 of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in  
 58.14 force for the remainder of the period ~~therein stated in the contract~~, regardless of the cutting  
 58.15 and removal. Within 90 days after the completion of any cutting or removal operation,  
 58.16 the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the  
 58.17 report to the county auditor and the surveyor general.

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

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

58.24 Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the  
 58.25 county auditor a report showing the kinds, quantities, and value of the timber proposed to  
 58.26 be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within  
 58.27 two years after the date of approval of the report by the director of ~~lands and~~ forestry. The  
 58.28 county auditor shall assess and levy the estimated yield tax thereon, make proper record  
 58.29 of this assessment and levy in the auditor's office, and notify the owner of the auxiliary  
 58.30 forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or  
 58.31 removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof,~~ a deposit in  
 58.32 cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not  
 58.33 less than 150 percent of the amount of the levy, conditioned for the payment of all taxes on  
 58.34 the timber to be cut or removed. Upon receipt of notification from the county auditor that  
 58.35 the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will

59.1 issue a cutting permit in accordance with the report. The owner shall keep an accurate  
59.2 count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following  
59.3 issuance of ~~such~~ the cutting permit, and on or before ~~the fifteenth day of April 15~~ of each  
59.4 succeeding year in which any merchantable wood products were cut on auxiliary forest  
59.5 lands prior to the termination of ~~such~~ the permit, the owner of the timber covered by the  
59.6 permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in  
59.7 duplicate, on a form prepared by the director of ~~lands and~~ forestry, one copy of which  
59.8 ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each  
59.9 variety of timber and kind of product cut during the preceding year ending on March 31,  
59.10 as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or  
59.11 loaded as the case may be. If no such scale or measurement ~~shall have been~~ was made on  
59.12 the ground, an estimate ~~thereof shall~~ must be made and ~~such estimate~~ corrected by the first  
59.13 scale or measurement, made in the due course of business, ~~and such~~. The correction must  
59.14 at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to  
59.15 the county auditor. On or before ~~the fifteenth day of May 15~~ following the filing of the  
59.16 sworn statement covering the quantity and value of timber cut under an authorized permit,  
59.17 the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes  
59.18 2014, section 88.51, subdivision 2, of the timber cut during the year ending on ~~the~~ March  
59.19 ~~31st~~ 31 preceding the date of assessing and levying this tax. This tax is payable and must  
59.20 be paid to the county treasurer on or before the following May 31 ~~next following~~. Copies  
59.21 of the yield (severance) tax assessment and of the yield (severance) tax payment ~~shall~~ must  
59.22 be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise  
59.23 provided, all yield (severance) taxes herein provided for ~~shall~~ must be levied and collected,  
59.24 and payment ~~thereof~~, with penalties and interest, enforced in the same manner as taxes  
59.25 imposed under ~~the provisions of~~ section 88.51, subdivision 1, and ~~shall~~ must be credited to  
59.26 the funds of the taxing districts affected in the proportion of their interests in the taxes on  
59.27 the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the  
59.28 director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within  
59.29 an auxiliary forest and ~~also~~ may require the owner of the auxiliary forest to produce for  
59.30 inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to  
59.31 timber cutting operations within an auxiliary forest for the purpose of determining the  
59.32 accuracy of scale or measurement reports, and if intentional error in scale or measurement  
59.33 reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the  
59.34 stumpage value of the timber cut in excess of the quantity and value reported.

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

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

60.16 Forest owners operating under this ~~subdivision~~ paragraph ~~shall be~~ are subject to all  
 60.17 other provisions of the auxiliary forest law except ~~such~~ the provisions of ~~clause~~ paragraph  
 60.18 (a) ~~as that~~ are in conflict with this ~~subdivision~~ paragraph. Penalties for intentional failure  
 60.19 by the owner to report properly the quantity and value of the annual growth upon an  
 60.20 auxiliary forest entered under this ~~subdivision~~ paragraph and for failure to pay the yield  
 60.21 tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this  
 60.22 law for like failure to abide by its provisions.

60.23 To qualify for the assessment and levying of the yield tax by this method, the  
 60.24 owner of the forest requesting this method of taxation must submit a map or maps  
 60.25 and a tabulation in acres and in quantity of growth by legal descriptions showing the  
 60.26 division of the area covered by the auxiliary forest for which this method of taxation is  
 60.27 requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine;  
 60.28 aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods;  
 60.29 lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush  
 60.30 (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant  
 60.31 swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the  
 60.32 average rate or rates of growth (in cords or thousand feet, board measure, Minnesota  
 60.33 standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of  
 60.34 them) ~~shall~~ must be made by the director of the Division of ~~Lands and~~ Forestry, Minnesota  
 60.35 Department of Natural Resources, with the advice and assistance of the land commissioner  
 60.36 of the county in which the auxiliary forest is located; the director of the United States

61.1 Forest Service's North Central Forest Experiment Station; and the director of the School of  
 61.2 Forestry, University of Minnesota. Before the approval of the application of the owner of  
 61.3 an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions  
 61.4 of this ~~subdivision~~ paragraph is submitted to the county board, the distribution between  
 61.5 types of the area as shown on the maps and in the tabulations submitted by the owner of the  
 61.6 auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined  
 61.7 by the director of the Division of ~~Lands and~~ Forestry, Department of Natural Resources,  
 61.8 with the assistance of the county board of the county in which the auxiliary forest is located.

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

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

61.15 Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield  
 61.16 tax is assessed and levied as provided in this section may, within 15 days after mailing  
 61.17 of notice of the amount of the tax, file with the county auditor a demand for hearing  
 61.18 ~~thereon on the tax~~ before the county board. The county auditor shall thereupon fix a date  
 61.19 of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and  
 61.20 mail to the owner notice of the time and place of the hearing. The owner may appear at  
 61.21 the meeting and present evidence and argument as to the amount of the tax and as to any  
 61.22 related matter relating thereto. The county board shall ~~thereupon~~ determine whether the  
 61.23 tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall  
 61.24 ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or  
 61.25 reduced by the order, the county auditor shall make a supplemental assessment and levy  
 61.26 ~~thereof~~, as in this subdivision provided.

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

61.28 Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~such~~ auxiliary forest,  
 61.29 the ~~yield tax~~ accruing ~~thereon shall constitute and be~~ yield tax constitutes and is a first and  
 61.30 prior lien upon all the merchantable timber and forest products growing or grown thereon;  
 61.31 and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as  
 61.32 otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to  
 61.33 be a lien upon the timber and forest products ~~and every part and parcel thereof wherever~~  
 61.34 ~~the same may be~~ or however much changed in form or otherwise improved until the yield

62.1 tax is fully paid. ~~Such~~ The lien may be foreclosed and the property subject ~~thereto~~ to  
 62.2 the lien dealt with by action in the name of the state, brought by the county attorney at  
 62.3 the request of the county auditor.

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

62.5 Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest  
 62.6 by an owner and used by the owner for fuel, fencing, or building on land occupied by the  
 62.7 owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt  
 62.8 from the yield tax, and, as to timber so cut and used, the requirements of subdivisions  
 62.9 1 and 2 ~~shall do not be applicable and in lieu thereof apply.~~ The owner shall, prior to  
 62.10 cutting, file with the county auditor, on a form prepared by the commissioner, a statement  
 62.11 showing the quantity of each kind of forest products proposed to be cut and the purposes  
 62.12 for which the ~~same~~ the products will be used.

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

62.14 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL**  
 62.15 **AGREEMENTS.**

62.16 Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter~~  
 62.17 ~~executed~~ may be made subject to any provisions of law enacted subsequent to the execution  
 62.18 of the contract and in force at the time of application, so far as not already applicable, with  
 62.19 the approval of the county board and the commissioner of natural resources. ~~As evidencee~~  
 62.20 ~~thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved  
 62.21 by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state  
 62.22 and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in  
 62.23 like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and  
 62.24 ~~shall thereupon take~~ takes effect upon filing and recording.

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

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

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

63.1 Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms  
 63.2 and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47~~  
 63.3 88.49 to 88.53; and the director and every county board, county recorder, registrar of titles,  
 63.4 assessor, tax collector, and every other person in official authority having any duties to  
 63.5 perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested  
 63.6 with full power and authority to enforce such rules, employ help and assistance, acquire  
 63.7 and use equipment and supplies, or do any other act or thing reasonably necessary to the  
 63.8 proper performance of duties under or arising from the administration and enforcement of  
 63.9 sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of~~ The director ~~to~~ must cause periodic  
 63.10 inspections to be made of all auxiliary forests for the purpose of determining whether  
 63.11 relative contract and statutory provisions ~~relative thereto~~ are being complied with.

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

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

63.15 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state  
 63.16 treasury and credited to the forest bough account and, except for the electronic licensing  
 63.17 system commission established by the commissioner under section 84.027, subdivision  
 63.18 15, are annually appropriated to the commissioner of natural resources for costs associated  
 63.19 with ~~balsam bough educational~~ special forest product information and education programs  
 63.20 for harvesters and buyers.

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

63.22 **90.14 AUCTION SALE PROCEDURE.**

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

63.27 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
 63.28 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
 63.29 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
 63.30 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
 63.31 liable therefor to the state in a civil action, and the commissioner may reoffer the timber for  
 63.32 sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

63.33 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
 63.34 timber may, at the time of payment by the purchaser to the commissioner of 15 percent

64.1 of the appraised value, elect in writing on a form prescribed by the attorney general to  
64.2 purchase a permit based solely on the appraiser's estimate of the volume of timber described  
64.3 in the permit, provided that the commissioner has expressly designated the availability of  
64.4 such option for that tract on the list of tracts available for sale as required under section  
64.5 90.101. A purchaser who elects in writing on a form prescribed by the attorney general  
64.6 to purchase a permit based solely on the appraiser's estimate of the volume of timber  
64.7 described on the permit does not have recourse to the provisions of section 90.281.

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

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

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

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

64.26 **90.193 EXTENSION OF TIMBER PERMITS.**

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

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



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

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

65.8           Subd. 2. **Commencement of condemnation proceedings.** When the commissioner  
65.9 of natural resources has determined sufficient money is available to acquire any of the  
65.10 lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner  
65.11 shall proceed to extinguish the school trust interest by condemnation action. When  
65.12 requested by the commissioner, the attorney general shall commence condemnation of  
65.13 the identified school trust lands.

65.14           Subd. 3. **Payment.** The portion of the payment of the award and judgment that  
65.15 is for the value of the land shall be deposited into the permanent school fund. The  
65.16 remainder of the award and judgment payment shall first be remitted for reimbursement  
65.17 to the accounts from which expenses were paid, with any remainder deposited into the  
65.18 permanent school fund.

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

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

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

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

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

66.5 (d) The commissioner may retain the services of a licensed real estate broker to find  
66.6 a buyer for parcels remaining unsold after the offering. The sale price may be negotiated  
66.7 by the broker, but must not be less than 90 percent of the appraised value as determined by  
66.8 the commissioner. The broker's fee must be established by prior agreement between the  
66.9 commissioner and the broker and must not exceed ten percent of the sale price for sales of  
66.10 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

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

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

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

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

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

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

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

67.2 **97B.668 CANADA-GEESE GAME BIRDS CAUSING DAMAGE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68.31 (b) Revenue from contributions and money appropriated for any purposes of the  
68.32 account as described in subdivision 2 must be deposited in the water and soil conservation  
68.33 easement stewardship account. Revenue from contributions, wetland banking fees  
68.34 designated for stewardship purposes by the board, easement stewardship payments

69.1 authorized under subdivision 3, and money appropriated for any purposes of the account  
69.2 as described in subdivision 2 must be deposited in the mitigation easement stewardship  
69.3 account.

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

69.12 Subd. 3. **Financial contributions.** The board shall seek a financial contribution  
69.13 to the water and soil conservation easement stewardship account for each conservation  
69.14 easement acquired by the board. The board shall seek a financial contribution or assess an  
69.15 easement stewardship payment to the mitigation easement stewardship account for each  
69.16 wetland banking easement acquired by the board. Unless otherwise provided by law,  
69.17 the board shall determine the amount of the contribution or payment, which must be an  
69.18 amount calculated to earn sufficient money to meet the costs of managing the easement at  
69.19 a level that neither significantly overrecovers nor underrecovers the costs. In determining  
69.20 the amount of the financial contribution, the board shall consider:

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

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

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

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

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

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

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

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

70.2 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**  
70.3 **VALUES.**

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

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

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

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

70.14 (4) commercial uses, including wild rice and cranberry growing and harvesting  
70.15 and aquaculture;

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

70.17 (6) low-flow augmentation;

70.18 (7) carbon sequestration; and

70.19 (8) other public uses.

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

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

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

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

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

70.33 (e) The Board of Water and Soil Resources, in consultation with the commissioners  
70.34 of natural resources and agriculture and local government units, ~~may~~ must identify ~~regions~~  
70.35 areas of the state where preservation, enhancement, restoration, and establishment  
70.36 of wetlands would have high public value. The board, in consultation with the

71.1 commissioners, ~~may~~ must identify high priority ~~wetland regions~~ areas for wetland  
 71.2 replacement using available information relating to the factors listed in paragraph  
 71.3 (a), the historic loss and abundance of wetlands, current applicable state and local  
 71.4 government water management and natural resource plans, and studies using a watershed  
 71.5 approach to identify current and future watershed needs. The board shall notify local  
 71.6 units of government with water planning authority of these high priority ~~regions~~ areas.  
 71.7 Designation of high priority areas is exempt from the rulemaking requirements of chapter  
 71.8 14, and section 14.386 does not apply. Designation of high priority areas is not effective  
 71.9 until 30 days after publication in the State Register.

71.10 (f) Local units of government, as part of a state-approved comprehensive local  
 71.11 water management plan as defined in section 103B.3363, subdivision 3, a state-approved  
 71.12 comprehensive watershed management plan as defined in section 103B.3363, subdivision  
 71.13 3a, or a state-approved local comprehensive wetland protection and management plan  
 71.14 under section 103G.2243, may identify priority areas for wetland replacement and provide  
 71.15 them for consideration under paragraph (e).

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

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

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

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

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

71.32 (3) name and address of the owner;

71.33 (4) a statement by the owner covenanting that the land will be preserved as a wetland  
 71.34 and will only be used in accordance with conditions prescribed by the Board of Water and

72.1 Soil Resources and providing that the restrictive covenant will be binding on the owner  
72.2 and the owner's successors or assigns, and will run with the land.

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

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

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

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

72.12 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
72.13 partially, unless replaced by ~~restoring or creating wetland areas of~~ actions that provide  
72.14 at least equal public value under a replacement plan approved as provided in section  
72.15 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland  
72.16 protection and management plan approved by the board under section 103G.2243, or, if a  
72.17 permit to mine is required under section 93.481, under a mining reclamation plan approved  
72.18 by the commissioner under the permit to mine. For project-specific wetland replacement  
72.19 completed prior to wetland impacts authorized or conducted under a permit to mine within  
72.20 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
72.21 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
72.22 plans shall apply the same principles and standards for replacing wetlands ~~by restoration~~  
72.23 ~~or creation of wetland areas~~ that are applicable to mitigation plans approved as provided  
72.24 in section 103G.2242. Public value must be determined in accordance with section  
72.25 103B.3355 or a comprehensive wetland protection and management plan established  
72.26 under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in  
72.27 permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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



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

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

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

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

73.8 For a project involving the draining or filling of wetlands in an amount not exceeding  
73.9 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
73.10 paragraph (a), the local government unit may make an on-site sequencing determination  
73.11 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

73.35 (i) Except in a greater than 80 percent area, only wetlands that have been  
73.36 restored from previously drained or filled wetlands, wetlands created by excavation in

74.1 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,  
74.2 or wetlands created by dikes or dams associated with the restoration of previously  
74.3 drained or filled wetlands may be used ~~in a statewide banking program established in for~~  
74.4 wetland replacement according to rules adopted under section 103G.2242, subdivision 1.  
74.5 Modification or conversion of nondegraded naturally occurring wetlands from one type to  
74.6 another are not eligible for ~~enrollment in a statewide wetlands bank~~ wetland replacement.

74.7 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
74.8 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
74.9 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
74.10 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
74.11 to believe that the wetland characteristics may change substantially, the panel shall  
74.12 postpone its recommendation until the wetland has stabilized.

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

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

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

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

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

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

75.4 Those required to receive notice of public transportation projects may appeal  
75.5 minimization, delineation, and on-site mitigation decisions made by the public  
75.6 transportation authority to the board according to the provisions of section 103G.2242,  
75.7 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
75.8 decisions made by the public transportation authority and provide recommendations  
75.9 regarding on-site mitigation if requested to do so by the local government unit, a  
75.10 contiguous landowner, or a member of the Technical Evaluation Panel.

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

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

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

75.27 (o) A local government unit may request the board to reclassify a county or  
75.28 watershed on the basis of its percentage of presettlement wetlands remaining. After  
75.29 receipt of satisfactory documentation from the local government, the board shall change  
75.30 the classification of a county or watershed. If requested by the local government unit,  
75.31 the board must assist in developing the documentation. Within 30 days of its action to  
75.32 approve a change of wetland classifications, the board shall publish a notice of the change  
75.33 in the Environmental Quality Board Monitor.

75.34 (p) One hundred citizens who reside within the jurisdiction of the local government  
75.35 unit may request the local government unit to reclassify a county or watershed on the basis  
75.36 of its percentage of presettlement wetlands remaining. In support of their petition, the

76.1 citizens shall provide satisfactory documentation to the local government unit. The local  
 76.2 government unit shall consider the petition and forward the request to the board under  
 76.3 paragraph (o) or provide a reason why the petition is denied.

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

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

76.8 All wetland replacement must follow this priority order:

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

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

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

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

76.13 ~~(5) statewide for public transportation projects, except that wetlands impacted in~~  
 76.14 ~~less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands~~  
 76.15 ~~impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in:~~  
 76.16 ~~(i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one~~  
 76.17 ~~of the major watersheds that are wholly or partially within the seven-county metropolitan~~  
 76.18 ~~area, but at least one to one must be replaced within the seven-county metropolitan area.~~

76.19 ~~(b) The exception in paragraph (a), clause (5), does not apply to replacement~~  
 76.20 ~~completed using wetland banking credits established by a person who submitted a~~  
 76.21 ~~complete wetland banking application to a local government unit by April 1, 1996.~~

76.22 (b) Notwithstanding paragraph (a), wetland banking credits approved according to  
 76.23 a complete wetland banking application submitted to a local government unit by April  
 76.24 1, 1996, may be used to replace wetland impacts resulting from public transportation  
 76.25 projects statewide.

76.26 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for  
 76.27 replacement by wetland banking begins at paragraph (a), clause (3), according to rules  
 76.28 adopted under section 103G.2242, subdivision 1.

76.29 ~~(e)~~ (d) When reasonable, practicable, and environmentally beneficial replacement  
 76.30 opportunities are not available in siting priorities listed in paragraph (a), the applicant  
 76.31 may seek opportunities at the next level.

76.32 ~~(d)~~ (e) For the purposes of this section, "reasonable, practicable, and environmentally  
 76.33 beneficial replacement opportunities" are defined as opportunities that:

76.34 (1) take advantage of naturally occurring hydrogeomorphological conditions and  
 76.35 require minimal landscape alteration;

77.1 (2) have a high likelihood of becoming a functional wetland that will continue  
77.2 in perpetuity;

77.3 (3) do not adversely affect other habitat types or ecological communities that are  
77.4 important in maintaining the overall biological diversity of the area; and

77.5 (4) are available and capable of being done after taking into consideration cost,  
77.6 existing technology, and logistics consistent with overall project purposes.

77.7 ~~(e) Applicants and local government units shall rely on board-approved~~  
77.8 ~~comprehensive inventories of replacement opportunities and watershed conditions,~~  
77.9 ~~including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January~~  
77.10 ~~2010), in determining whether reasonable, practicable, and environmentally beneficial~~  
77.11 ~~replacement opportunities are available.~~

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

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

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

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

77.33 (b) After the adoption of the rules, a replacement plan must be approved by a  
77.34 resolution of the governing body of the local government unit, consistent with the

78.1 provisions of the rules or a comprehensive wetland protection and management plan  
78.2 approved under section 103G.2243.

78.3 (c) If the local government unit fails to apply the rules, or fails to implement a  
78.4 local comprehensive wetland protection and management plan established under section  
78.5 103G.2243, the government unit is subject to penalty as determined by the board.

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

78.8 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,  
78.9 or type of a wetland shall be submitted to and determined by a Technical Evaluation  
78.10 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of  
78.11 a technical professional employee of the board, a technical professional employee of  
78.12 the local soil and water conservation district or districts, a technical professional with  
78.13 expertise in water resources management appointed by the local government unit, and  
78.14 a technical professional employee of the Department of Natural Resources for projects  
78.15 affecting public waters or wetlands adjacent to public waters. The panel shall use the  
78.16 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),  
78.17 including updates, supplementary guidance, and replacements, if any, "Wetlands of  
78.18 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),  
78.19 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979  
78.20 edition). The panel shall provide the wetland determination and recommendations on  
78.21 other technical matters to the local government unit that must approve a replacement  
78.22 plan, wetland banking plan, exemption determination, no-loss determination, or wetland  
78.23 boundary or type determination and may recommend approval or denial of the plan. The  
78.24 authority must consider and include the decision of the Technical Evaluation Panel in their  
78.25 approval or denial of a plan or determination.

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

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

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

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

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

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

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

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

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

79.28 Subd. 4. **Decision.** Upon receiving and considering all required data, the local  
79.29 government unit reviewing replacement plan applications, ~~banking plan~~ sequencing  
79.30 applications, and exemption or no-loss determination requests must act on all replacement  
79.31 plan applications, ~~banking plan~~ sequencing applications, and exemption or no-loss  
79.32 determination requests in compliance with section 15.99.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

81.16 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**  
81.17 **CREDIT.**

81.18 In greater than 80 percent areas, preservation of wetlands, riparian buffers, and  
81.19 watershed areas essential to maintaining important functions and sustainability of aquatic  
81.20 resources in the watershed that are protected by a permanent conservation easement  
81.21 as defined under section 84C.01 and held by the board may be eligible for wetland  
81.22 replacement or mitigation credits, according to rules adopted by the board. To be eligible  
81.23 for credit under this section, a conservation easement must be established after May 24,  
81.24 2008, and approved by the board. Wetland areas on private lands preserved under this  
81.25 section are not eligible for replacement or mitigation credit if the area has been protected  
81.26 using public conservation funds.

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

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

81.29 (1) work in altered natural watercourses that are part of drainage systems established  
81.30 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
81.31 103D or 103E; ~~or~~

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

81.34 (3) culvert restoration or replacement.

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

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

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

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

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

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

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

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

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

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

83.5 (1) a water well record as required by section 103I.205, subdivision 9, information  
83.6 on the subsurface geologic formations penetrated by the well and the formation or aquifer  
83.7 that will serve as the water source, and geologic information from test holes drilled to  
83.8 locate the site of the production well;

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

83.11 (3) information on groundwater quality in terms of the measures of quality  
83.12 commonly specified for the proposed water use and details on water treatment necessary  
83.13 for the proposed use;

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

83.18 ~~(5)~~ (4) the results of an aquifer test completed according to specifications approved  
83.19 by the commissioner. The test must be conducted at the maximum pumping rate requested  
83.20 in the application and for a length of time adequate to assess or predict impacts to other  
83.21 wells and surface water and groundwater resources. The permit applicant is responsible  
83.22 for all costs related to the aquifer test, including the construction of groundwater and  
83.23 surface water monitoring installations, and water level readings before, during, and after  
83.24 the aquifer test; and

83.25 ~~(6)~~ (5) the results of any assessments conducted by the commissioner under  
83.26 paragraph (c).

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

83.31 (c) The commissioner shall provide an assessment of a proposed well needing a  
83.32 groundwater appropriation permit. The commissioner shall evaluate the information  
83.33 submitted as required under section 103I.205, subdivision 1, paragraph (f), and determine  
83.34 whether the anticipated appropriation request is likely to meet the applicable requirements  
83.35 of this chapter. If the appropriation request is likely to meet applicable requirements, the

84.1 commissioner shall provide the person submitting the information with a letter providing  
84.2 preliminary approval to construct the well.

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

84.4 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations  
84.5 that will have substantial negative impacts to surface waters as determined by the  
84.6 commissioner are subject to applicable provisions in section 103G.285. For the purposes  
84.7 of this subdivision, when applicable to streams, "substantial negative impacts" means a 20  
84.8 percent harmful effect in normal levels.

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

84.10 The commissioner shall not validate a well interference claim if the affected well has  
84.11 been sealed prior to the completion of the commissioner's investigation of the complaint.  
84.12 If the well is sealed prior to completion of the investigation, the commissioner must  
84.13 dismiss the complaint.

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

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

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

84.30 (c) Public water suppliers serving more than 1,000 people must encourage  
84.31 water conservation by employing water use demand reduction measures, as defined in  
84.32 subdivision 4, paragraph (a), before requesting approval from the commissioner of health  
84.33 under section 144.383, paragraph (a), to construct a public water supply well or requesting

85.1 an increase in the authorized volume of appropriation. The commissioner of natural  
 85.2 resources and the water supplier shall use a collaborative process to achieve demand  
 85.3 reduction measures as a part of a water supply plan review process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86.1 Subd. 3. Penalties waived. The commissioner must not impose or bring an action  
86.2 for any administrative, civil, or criminal penalties against a regulated entity if, after the  
86.3 90-day delay provided under subdivision 2, the regulated entity has corrected the violation  
86.4 or has a schedule to correct the violation approved by the commissioner.

86.5 Subd. 4. Exceptions. Notwithstanding subdivisions 2 and 3, the commissioner  
86.6 may, at any time, bring:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87.6 (a) For the purposes of this section:

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

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

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

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

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

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

87.22 (3) addresses a significant controversial issue;

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

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

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

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

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

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

88.5 **115.073 ENFORCEMENT FUNDING.**

88.6 ~~Except as provided in section 115C.05,~~ All money recovered by the state under this  
 88.7 chapter and chapters 115A and 116, including civil penalties and money paid under an  
 88.8 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,  
 88.9 must be deposited in the state treasury and credited to the environmental general fund.

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

88.11 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections  
 88.12 115.55 to 115.56.

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

88.17 (c) "Applicable requirements" means:

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

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

88.22 (d) "Building sewer connected to a subsurface sewage treatment system" means the  
 88.23 pipe that connects a structure to a subsurface sewage treatment system. Building sewers  
 88.24 connected to subsurface sewage treatment systems are codefined as both plumbing and  
 88.25 subsurface sewage treatment system components.

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

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

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

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



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

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

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

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

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

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

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

89.19 ~~(o)~~ (p) "Seasonal dwelling" means a dwelling that is occupied or used for less than  
89.20 180 days per year and less than 120 consecutive days.

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

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

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

89.26 (2) designs subsurface sewage treatment systems.

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

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

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

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

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

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

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

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

90.5 (6) provisions for system abandonment; and

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

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

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

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

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

90.15 (3) procedures on how to resolve professional disagreements on periodically  
90.16 saturated soils.

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

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

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

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

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

90.32 (2) an individual who constructs a subsurface sewage treatment system on land that  
90.33 is owned or leased by the individual and functions solely as the individual's dwelling or  
90.34 seasonal dwelling, unless specifically disallowed in local ordinance. A person constructing  
90.35 a subsurface sewage treatment system under this clause must comply with all local

91.1 administrative and technical requirements. In addition, the system must be inspected  
91.2 before being covered and a compliance report must be provided to the local unit of  
91.3 government after the inspection;

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

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

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

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

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

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

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

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

91.31 Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are  
91.32 separated from mixed municipal solid waste for the purpose of recycling or composting,  
91.33 including paper, glass, plastics, metals, automobile oil, batteries, ~~and~~ source-separated  
91.34 compostable materials, and sole source food waste streams that are managed through

92.1 biodegradative processes. Refuse-derived fuel or other material that is destroyed by  
 92.2 incineration is not a recyclable material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92.31 (8) process mixed municipal solid waste generated in the county at a resource  
 92.32 recovery facility located in Minnesota; and

92.33 (9) compost source-separated compostable materials, including the provision of  
 92.34 receptacles for residential composting;

93.1 (10) prevent food waste or collect and transport food donated to humans or to be  
 93.2 fed to animals; and

93.3 (11) process source-separated compostable materials that are to be used to produce  
 93.4 Class I or Class II compost, as defined in Minnesota Rules, part 7035.2836, after being  
 93.5 processed in an anaerobic digester, but not to construct any buildings or acquire any  
 93.6 equipment.

93.7 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
 93.8 by the commissioner under this section to a metropolitan county, as defined in section  
 93.9 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
 93.10 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in  
 93.11 paragraph (a), ~~clause~~ clauses (9) to (11); and (2) the remainder must be expended on  
 93.12 activities in paragraph (a), clauses (1) to (7) and (9) to (11) that advance the county toward  
 93.13 achieving its recycling goal under section 115A.551.

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

93.15 Sec. 102. **[115A.565] RECYCLING COMPETITIVE GRANT PROGRAM.**

93.16 **Subdivision 1. Grant program established.** The commissioner shall make  
 93.17 competitive grants to political subdivisions to establish curbside recycling or composting,  
 93.18 increase recycling or composting, reduce the amount of recyclable materials entering  
 93.19 disposal facilities, or reduce the costs associated with hauling waste by locating collection  
 93.20 sites as close as possible to the site where the waste is generated. To be eligible for grants  
 93.21 under this section, a political subdivision must be located outside the seven-county  
 93.22 metropolitan area and a city must have a population of less than 45,000.

93.23 **Subd. 2. Application.** (a) The commissioner must develop forms and procedures  
 93.24 for soliciting and reviewing applications for grants under this section.

93.25 (b) The determination of whether to make a grant under this section is within the  
 93.26 discretion of the commissioner, subject to subdivision 4. The commissioner's decisions  
 93.27 are not subject to judicial review, except for abuse of discretion.

93.28 **Subd. 3. Priorities; eligible projects.** (a) If applications for grants exceed the  
 93.29 available appropriations, grants must be made for projects that, in the commissioner's  
 93.30 judgment, provide the highest return in public benefits.

93.31 (b) To be eligible to receive a grant, a project must:

93.32 (1) be locally administered;

93.33 (2) have an educational component and measurable outcomes;

93.34 (3) request \$250,000 or less;

- 94.1 (4) demonstrate local direct and indirect matching support of at least a quarter  
 94.2 amount of the grant request; and
- 94.3 (5) include at least one of the following elements:
- 94.4 (i) transition to residential recycling through curbside or centrally located collection  
 94.5 sites;
- 94.6 (ii) development of local recycling systems to support curbside recycling; or
- 94.7 (iii) development or expansion of local recycling systems to support recycling bulk  
 94.8 materials, including, but not limited to, electronic waste.

94.9 Subd. 4. **Cancellation of grant.** If a grant is awarded under this section and  
 94.10 funds are not encumbered for the grant within four years after the award date, the grant  
 94.11 must be canceled.

94.12 Sec. 103. Minnesota Statutes 2014, section 115A.93, subdivision 1, is amended to read:

94.13 Subdivision 1. **License and registration required; reporting.** (a) A person may  
 94.14 not collect mixed municipal solid waste for hire without a license from the jurisdiction  
 94.15 where the mixed municipal solid waste is collected. The local licensing entity shall submit  
 94.16 a list of licensed collectors to the agency.

94.17 (b) A person may not collect recyclable materials for hire unless registered with the  
 94.18 agency. If a person is licensed under paragraph (a), the person need not register with  
 94.19 the agency under this paragraph.

94.20 (c) The agency, in consultation with the Solid Waste Management Coordinating  
 94.21 Board, the Association of Minnesota Counties, the Minnesota Solid Waste Administrators  
 94.22 Association, and representatives from the waste industry shall, by July 1, 2016, develop  
 94.23 uniform short and long reporting forms that will reduce duplicative reporting to  
 94.24 governmental units by collectors of solid waste and recyclable materials.

94.25 (d) A collector of mixed municipal solid waste or recyclable materials shall separately  
 94.26 report to the agency on an annual basis information including, but not limited to, the  
 94.27 quantity of mixed municipal solid waste and the quantity of recyclable materials collected:

- 94.28 (1) from commercial customers;
- 94.29 (2) from residential customers;
- 94.30 (3) by county of origin; and
- 94.31 (4) by destination of the material.

94.32 Sec. 104. Minnesota Statutes 2014, section 115B.34, subdivision 2, is amended to read:

95.1 Subd. 2. **Property damage losses.** (a) Losses compensable by the fund for property  
95.2 damage are limited to the following losses caused by damage to the principal residence of  
95.3 the claimant:

95.4 (1) the reasonable cost of replacing or decontaminating the primary source of  
95.5 drinking water for the property not to exceed the amount actually expended by the  
95.6 claimant or assessed by a local taxing authority, if the Department of Health has confirmed  
95.7 that the remedy provides safe drinking water and advised that the water not be used for  
95.8 drinking or determined that the replacement or decontamination of the source of drinking  
95.9 water was necessary, up to a maximum of \$25,000;

95.10 (2) the reasonable cost to install a mitigation system for the claimant's principal  
95.11 residence, not to exceed the amount actually expended by the claimant, if the agency has  
95.12 recommended such installation to protect human health due to soil vapor intrusion into  
95.13 the residence from releases of harmful substances. Reimbursement of eligible claims  
95.14 shall not exceed \$25,000;

95.15 ~~(2)~~ (3) losses incurred as a result of a bona fide sale of the property at less than  
95.16 the appraised market value under circumstances that constitute a hardship to the owner,  
95.17 limited to 75 percent of the difference between the appraised market value and the selling  
95.18 price, but not to exceed \$25,000; and

95.19 ~~(3)~~ (4) losses incurred as a result of the inability of an owner in hardship circumstances  
95.20 to sell the property due to the presence of harmful substances, limited to the increase in  
95.21 costs associated with the need to maintain two residences, but not to exceed \$25,000.

95.22 (b) In computation of the loss under paragraph (a), clause ~~(3)~~ (4), the agency shall  
95.23 offset the loss by the amount of any income received by the claimant from the rental  
95.24 of the property.

95.25 (c) For purposes of paragraph (a), the following definitions apply:

95.26 (1) "appraised market value" means an appraisal of the market value of the property  
95.27 disregarding any decrease in value caused by the presence of a harmful substance in  
95.28 or on the property; and

95.29 (2) "hardship" means an urgent need to sell the property based on a special  
95.30 circumstance of the owner including catastrophic medical expenses, inability of the owner  
95.31 to physically maintain the property due to a physical or mental condition, and change of  
95.32 employment of the owner or other member of the owner's household requiring the owner  
95.33 to move to a different location.

95.34 (d) Appraisals are subject to agency approval. The agency may adopt rules  
95.35 governing approval of appraisals, criteria for establishing a hardship, and other matters  
95.36 necessary to administer this subdivision.

96.1 Sec. 105. Minnesota Statutes 2014, section 115C.05, is amended to read:

96.2 **115C.05 CIVIL PENALTY.**

96.3 The agency may enforce section 115C.03 using the actions and remedies authorized  
 96.4 under sections 115.071, subdivision 3, and 116.072. ~~The civil penalties recovered by the~~  
 96.5 ~~state must be credited to the fund.~~

96.6 Sec. 106. Minnesota Statutes 2014, section 116.02, is amended to read:

96.7 **116.02 POLLUTION CONTROL AGENCY, CREATION AND POWERS.**

96.8 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
 96.9 Pollution Control Agency, ~~is and the Minnesota Pollution Control Agency Citizens' Board~~  
 96.10 ~~are hereby created.~~ The agency Minnesota Pollution Control Agency Citizens' Board shall  
 96.11 consist of the commissioner and eight members appointed by the governor, by and with the  
 96.12 advice and consent of the senate. ~~One of such members shall be a person knowledgeable~~  
 96.13 ~~in the field of agriculture and one shall be representative of organized labor.~~

96.14 Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms,  
 96.15 compensation, removal of members, and filling of vacancies on the ~~agency~~ Minnesota  
 96.16 Pollution Control Agency Citizens' Board shall be as provided in section 15.0575.

96.17 Subd. 3. **Membership.** The membership of the Minnesota Pollution Control Agency  
 96.18 Citizens' Board shall be broadly representative of the skills and experience necessary to  
 96.19 effectuate the policy of sections 116.01 to 116.075, except that no member other than the  
 96.20 commissioner shall be an officer or employee of the state or federal government. Only two  
 96.21 members at one time may be officials or employees of a municipality or any governmental  
 96.22 subdivision, but neither may be a member ex officio or otherwise on the management  
 96.23 board of a municipal sanitary sewage disposal system. ~~One of the members shall have~~  
 96.24 ~~expertise in agriculture, one of the members shall have expertise in forestry, one of the~~  
 96.25 ~~members shall have expertise in mining, and one of the members shall be a representative~~  
 96.26 ~~of organized labor. No more than one-half of the Minnesota Pollution Control Agency~~  
 96.27 ~~Citizens' Board membership may reside in the metropolitan area, as defined in section~~  
 96.28 ~~473.121, subdivision 2.~~

96.29 Subd. 4. **Chair.** The commissioner shall serve as chair of the ~~agency~~ Minnesota  
 96.30 Pollution Control Agency Citizens' Board. The ~~agency~~ Minnesota Pollution Control  
 96.31 ~~Agency Citizens' Board shall elect such other officers as it deems necessary.~~

96.32 Subd. 5. **Agency is successor to commission.** The Pollution Control Agency is  
 96.33 the successor of the Water Pollution Control Commission, and all powers and duties  
 96.34 now vested in or imposed upon said commission by chapter 115, or any act amendatory  
 96.35 thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested



97.1 in the Minnesota Pollution Control Agency, except as to those matters pending before  
 97.2 the commission in which hearings have been held and evidence has been adduced. The  
 97.3 Water Pollution Commission shall complete its action in such pending matters not later  
 97.4 than six months from May 26, 1967. The Water Pollution Control Commission, as  
 97.5 heretofore constituted, is hereby abolished, (a) effective upon completion of its action in  
 97.6 the pending cases, as hereinbefore provided for; or (b) six months from May 26, 1967,  
 97.7 whichever is the earlier.

97.8 Subd. 6. ~~Required decisions~~ **Duties of the board.** The agency Minnesota Pollution  
 97.9 Control Agency Citizens' Board shall ~~make final decisions on the following matters:~~

97.10 ~~(1) a petition for the preparation of an environmental assessment worksheet, if the~~  
 97.11 ~~project proposer or a person commenting on the proposal requests that the decision be~~  
 97.12 ~~made by the agency and the agency requests that it make the decision under subdivision 8;~~

97.13 ~~(2) the need for an environmental impact statement following preparation of an~~  
 97.14 ~~environmental assessment worksheet under applicable rules, if:~~

97.15 ~~(i) the agency has received a request for an environmental impact statement;~~

97.16 ~~(ii) the project proposer or a person commenting on the proposal requests that the~~  
 97.17 ~~declaration be made by the agency and the agency requests that it make the decision~~  
 97.18 ~~under subdivision 8; or~~

97.19 ~~(iii) the commissioner is recommending preparation of an environmental impact~~  
 97.20 ~~statement;~~

97.21 ~~(3) the scope and adequacy of environmental impact statements;~~

97.22 ~~(4) issuance, reissuance, modification, or revocation of a permit if:~~

97.23 ~~(i) a variance is sought in the permit application or a contested case hearing request~~  
 97.24 ~~is pending; or~~

97.25 ~~(ii) the permit applicant, the permittee, or a person commenting on the permit action~~  
 97.26 ~~requests that the decision be made by the agency and the agency requests that it make~~  
 97.27 ~~the decision under subdivision 8;~~

97.28 ~~(5) (1) make final decisions on~~ adoption or amendment of agency rules for which a  
 97.29 public hearing is required under section 14.25 or for which the commissioner decides to  
 97.30 proceed directly to a public hearing under section 14.14, subdivision 1;

97.31 ~~(6) approval or denial of an application for a variance from an agency rule if:~~

97.32 ~~(i) granting the variance request would change an air, soil, or water quality standard;~~

97.33 ~~(ii) the commissioner has determined that granting the variance would have a~~  
 97.34 ~~significant environmental impact; or~~

97.35 ~~(iii) the applicant or a person commenting on the variance request requests that the~~  
 97.36 ~~decision be made by the agency and the agency requests that it make the decision under~~

98.1 ~~subdivision 8 (2) provide advice to the commissioner upon request of the commissioner;~~  
98.2 and

98.3 ~~(7) whether to reopen, rescind, or reverse a decision of the agency (3) conduct public~~  
98.4 ~~meetings and prepare comments as provided under subdivision 11.~~

98.5 ~~Subd. 7. **Additional decisions.** The commissioner may request that the agency~~  
98.6 ~~make additional decisions or provide advice to the commissioner.~~

98.7 ~~Subd. 8. **Other actions.** Any other action not specifically within the authority of the~~  
98.8 ~~commissioner shall be made by the agency if:~~

98.9 ~~(1) prior to the commissioner's final decision on the action, one or more members~~  
98.10 ~~of the agency notify the commissioner of their request that the decision be made by the~~  
98.11 ~~agency; or~~

98.12 ~~(2) any person submits a petition to the commissioner requesting that the decision be~~  
98.13 ~~made by the agency and the commissioner grants the petition.~~

98.14 ~~If the commissioner denies a petition submitted under clause (2), the commissioner~~  
98.15 ~~shall advise the agency and the petitioner of the reasons for the denial.~~

98.16 ~~Subd. 9. **Informing public.** The commissioner shall inform interested persons as~~  
98.17 ~~appropriate in public notices and other public documents of their right to request the~~  
98.18 ~~agency Minnesota Pollution Control Agency Citizens' Board to make decisions in hold~~  
98.19 ~~public information hearings on specific matters as provided in subdivision 6 and the~~  
98.20 ~~right of agency members to request that decisions be made by the agency as provided in~~  
98.21 ~~subdivision 8 11. The commissioner shall also regularly inform the agency Minnesota~~  
98.22 ~~Pollution Control Agency Citizens' Board of activities that have broad policy implications~~  
98.23 ~~or potential environmental significance and of activities in which the public has exhibited~~  
98.24 ~~substantial interest.~~

98.25 ~~Subd. 10. **Changing decisions.** (a) The agency must not reopen, rescind, or reverse~~  
98.26 ~~a decision of the agency except upon:~~

98.27 ~~(1) the affirmative vote of two-thirds of the agency; or~~

98.28 ~~(2) a finding that there was an irregularity in a hearing related to the decision, an~~  
98.29 ~~error of law, or a newly discovered material issue of fact.~~

98.30 ~~(b) The requirements in paragraph (a) are minimum requirements and do not limit~~  
98.31 ~~the agency's authority under sections 14.06 and 116.07, subdivision 3, to adopt rules:~~

98.32 ~~(1) applying the requirement in paragraph (a), clause (1) or (2), to certain decisions~~  
98.33 ~~of the agency; or~~

98.34 ~~(2) establishing additional or more stringent requirements for reopening, rescinding,~~  
98.35 ~~or reversing decisions of the agency.~~

99.1 Subd. 11. **Petition for public hearing.** (a) A person may request that the Minnesota  
 99.2 Pollution Control Agency Citizens' Board hold a public hearing by filing a petition that  
 99.3 contains the signatures and mailing addresses of at least 25 individuals who reside or own  
 99.4 property in the state on the following agency matters:

99.5 (1) a petition for the preparation of an environmental assessment worksheet;

99.6 (2) the need for an environmental impact statement following completion of an  
 99.7 environmental assessment worksheet;

99.8 (3) the scope and adequacy of an environmental impact statement;

99.9 (4) issuance, reissuance, modification, or revocation of a permit if a variance is  
 99.10 sought in the permit application or a contested case hearing request is pending; and

99.11 (5) approval or denial of an application for a variance from an agency rule if:

99.12 (i) granting the variance request would change an air, soil, or water quality standard;

99.13 or

99.14 (ii) the commissioner has determined that granting the variance would have a  
 99.15 significant environmental impact.

99.16 (b) A petition filed under this subdivision must be submitted to the Minnesota  
 99.17 Pollution Control Agency Citizens' Board within 30 days of the agency providing public  
 99.18 notice of the matter.

99.19 (c) The Minnesota Pollution Control Agency Citizens' Board shall hold a public  
 99.20 hearing within 30 days of receiving a petition under this subdivision. The board may  
 99.21 address more than one petition at a public hearing. The commissioner shall prepare a  
 99.22 notice of the public hearing and publish the notice in a newspaper of general circulation in  
 99.23 the geographical area or areas affected and notify local governments and other interested  
 99.24 parties as determined by the commissioner. Following the hearing, the board shall compile  
 99.25 and submit comments received during the hearing to the commissioner for review.

99.26 Sec. 107. Minnesota Statutes 2014, section 116.03, subdivision 1, is amended to read:

99.27 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control  
 99.28 Agency is created and is under the supervision and control of the commissioner, who is  
 99.29 appointed by the governor under the provisions of section 15.06.

99.30 (b) The commissioner may appoint a deputy commissioner and assistant  
 99.31 commissioners who shall be in the unclassified service.

99.32 (c) The commissioner shall make all decisions on behalf of the agency ~~that are~~  
 99.33 ~~not required to be made by the agency~~ except for rulemaking decisions made by the  
 99.34 Minnesota Pollution Control Agency Citizens' Board under section 116.02.

100.1 Sec. 108. Minnesota Statutes 2014, section 116.07, subdivision 4d, is amended to read:

100.2 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
100.3 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
100.4 upon applications for agency permits and implementing and enforcing the conditions of  
100.5 the permits pursuant to agency rules. Permit fees shall not include the costs of litigation.  
100.6 The fee schedule must reflect reasonable and routine direct and indirect costs associated  
100.7 with permitting, implementation, and enforcement. The agency may impose an additional  
100.8 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
100.9 of implementing and enforcing the conditions of a permit under the rules of the agency.  
100.10 Any money collected under this paragraph shall be deposited in the environmental fund.

100.11 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from  
100.12 the owner or operator of all stationary sources, emission facilities, emissions units, air  
100.13 contaminant treatment facilities, treatment facilities, potential air contaminant storage  
100.14 facilities, or storage facilities ~~subject to the requirement to obtain a permit a notification,~~  
100.15 permit, or license requirement under subchapter this chapter, subchapters I and V of  
100.16 the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or section  
100.17 ~~116.081~~ or rules adopted thereunder. The annual fee shall be used to pay for all direct  
100.18 and indirect reasonable costs, including ~~attorney general~~ legal costs, required to develop  
100.19 and administer the notification, permit, or license program requirements of ~~subchapter~~  
100.20 this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title  
100.21 42, section 7401 et seq., and sections of this chapter and the or rules adopted under  
100.22 ~~this chapter related to air contamination and noise~~ thereunder. Those costs include the  
100.23 reasonable costs of reviewing and acting upon an application for a permit; implementing  
100.24 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,  
100.25 and deposition monitoring; preparing generally applicable regulations; responding to  
100.26 federal guidance; modeling, analyses, and demonstrations; preparing inventories and  
100.27 tracking emissions; and providing information to the public about these activities.

100.28 (c) The agency shall set fees that:

100.29 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
100.30 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
100.31 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112  
100.32 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a  
100.33 national primary ambient air quality standard has been promulgated;

100.34 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
100.35 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
100.36 regulated under this chapter or air quality rules adopted under this chapter; and

101.1 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the  
101.2 amount needed to match grant funds received by the state under United States Code, title  
101.3 42, section 7405 (section 105 of the federal Clean Air Act).

101.4 The agency must not include in the calculation of the aggregate amount to be collected  
101.5 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
101.6 from a source. The increase in air permit fees to match federal grant funds shall be a  
101.7 surcharge on existing fees. The commissioner may not collect the surcharge after the grant  
101.8 funds become unavailable. In addition, the commissioner shall use nonfee funds to the  
101.9 extent practical to match the grant funds so that the fee surcharge is minimized.

101.10 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
101.11 in the rules promulgated under paragraph (c) for an increase in the fee collected in each year  
101.12 by the percentage, if any, by which the Consumer Price Index for the most recent calendar  
101.13 year ending before the beginning of the year the fee is collected exceeds the Consumer Price  
101.14 Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index  
101.15 for any calendar year is the average of the Consumer Price Index for all-urban consumers  
101.16 published by the United States Department of Labor, as of the close of the 12-month period  
101.17 ending on August 31 of each calendar year. The revision of the Consumer Price Index that  
101.18 is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

101.19 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
101.20 environmental fund and must be used solely for the activities listed in paragraph (b).

101.21 (f) Permit applicants who wish to construct, reconstruct, or modify a facility may  
101.22 offer to reimburse the agency for the costs of staff time or consultant services needed to  
101.23 expedite the permit development process, including the analysis of environmental review  
101.24 documents. The reimbursement shall be in addition to permit application fees imposed by  
101.25 law. When the agency determines that it needs additional resources to develop the permit  
101.26 application in an expedited manner, and that expediting the development is consistent with  
101.27 permitting program priorities, the agency may accept the reimbursement. Reimbursements  
101.28 accepted by the agency are appropriated to the agency for the purpose of developing  
101.29 the permit or analyzing environmental review documents. Reimbursement by a permit  
101.30 applicant shall precede and not be contingent upon issuance of a permit; shall not affect  
101.31 the agency's decision on whether to issue or deny a permit, what conditions are included  
101.32 in a permit, or the application of state and federal statutes and rules governing permit  
101.33 determinations; and shall not affect final decisions regarding environmental review.

101.34 (g) The fees under this subdivision are exempt from section 16A.1285.

101.35 Sec. 109. Minnesota Statutes 2014, section 116.07, subdivision 4j, is amended to read:

102.1 Subd. 4j. **Permits; solid waste facilities.** (a) The agency may not issue a permit  
102.2 for new or additional capacity for a mixed municipal solid waste resource recovery or  
102.3 disposal facility as defined in section 115A.03 unless each county using or projected in  
102.4 the permit to use the facility has in place a solid waste management plan approved under  
102.5 section 115A.46 or 473.803 and amended as required by section 115A.96, subdivision 6.  
102.6 The agency shall issue the permit only if the capacity of the facility is consistent with the  
102.7 needs for resource recovery or disposal capacity identified in the approved plan or plans.  
102.8 Consistency must be determined by the Pollution Control Agency. Plans approved before  
102.9 January 1, 1990, need not be revised if the capacity sought in the permit is consistent  
102.10 with the approved plan or plans.

102.11 (b) The agency shall require as part of the permit application for a waste incineration  
102.12 facility identification of preliminary plans for ash management and ash leachate treatment  
102.13 or ash utilization. The permit issued by the agency must include requirements for ash  
102.14 management and ash leachate treatment.

102.15 (c) Within 180 days of receipt of a completed application, the agency shall approve,  
102.16 disapprove, or delay decision on the application, with reasons for the delay, in writing.

102.17 (d) The agency may not issue a permit for a new disposal facility, as defined in  
102.18 section 115A.03, subdivision 10, or a permit to expand an existing disposal facility unless:

102.19 (1) all local units of government in which the facility is to be sited and exercising  
102.20 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
102.21 granted approval for the new or expanded facility prior to the issuance of the permit;

102.22 (2) all local units of government in which the facility is to be sited and exercising  
102.23 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
102.24 authorized the permit to be issued prior to or concurrent with the required approval by  
102.25 the local unit of government; or

102.26 (3) the new or expanded facility is part of and will be sited on land already identified  
102.27 in an approved solid waste management plan as described in paragraph (a).

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

102.29 Sec. 110. Minnesota Statutes 2014, section 116.07, subdivision 7, is amended to read:

102.30 Subd. 7. **Counties; processing of applications for animal lot permits.** Any  
102.31 Minnesota county board may, by resolution, with approval of the Pollution Control  
102.32 Agency, assume responsibility for processing applications for permits required by the  
102.33 Pollution Control Agency under this section for livestock feedlots, poultry lots or other  
102.34 animal lots. The responsibility for permit application processing, if assumed by a county,  
102.35 may be delegated by the county board to any appropriate county officer or employee.

103.1 (a) For the purposes of this subdivision, the term "processing" includes:

103.2 (1) the distribution to applicants of forms provided by the Pollution Control Agency;

103.3 (2) the receipt and examination of completed application forms, and the certification,  
103.4 in writing, to the Pollution Control Agency either that the animal lot facility for which a  
103.5 permit is sought by an applicant will comply with applicable rules and standards, or, if  
103.6 the facility will not comply, the respects in which a variance would be required for the  
103.7 issuance of a permit; and

103.8 (3) rendering to applicants, upon request, assistance necessary for the proper  
103.9 completion of an application.

103.10 (b) For the purposes of this subdivision, the term "processing" may include, at the  
103.11 option of the county board, issuing, denying, modifying, imposing conditions upon, or  
103.12 revoking permits pursuant to the provisions of this section or rules promulgated pursuant  
103.13 to it, subject to review, suspension, and reversal by the Pollution Control Agency. The  
103.14 Pollution Control Agency shall, after written notification, have 15 days to review, suspend,  
103.15 modify, or reverse the issuance of the permit. After this period, the action of the county  
103.16 board is final, subject to appeal as provided in chapter 14. For permit applications filed  
103.17 after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a  
103.18 county pursuant to this subdivision.

103.19 (c) For the purpose of administration of rules adopted under this subdivision, the  
103.20 commissioner and the agency may provide exceptions for cases where the owner of a  
103.21 feedlot has specific written plans to close the feedlot within five years. These exceptions  
103.22 include waiving requirements for major capital improvements.

103.23 (d) For purposes of this subdivision, a discharge caused by an extraordinary natural  
103.24 event such as a precipitation event of greater magnitude than the 25-year, 24-hour event,  
103.25 tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

103.26 (e) In adopting and enforcing rules under this subdivision, the commissioner shall  
103.27 cooperate closely with other governmental agencies.

103.28 (f) The Pollution Control Agency shall work with the Minnesota Extension Service,  
103.29 the Department of Agriculture, the Board of Water and Soil Resources, producer groups,  
103.30 local units of government, as well as with appropriate federal agencies such as the Natural  
103.31 Resources Conservation Service and the Farm Service Agency, to notify and educate  
103.32 producers of rules under this subdivision at the time the rules are being developed and  
103.33 adopted and at least every two years thereafter.

103.34 (g) The Pollution Control Agency shall adopt rules governing the issuance and  
103.35 denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this  
103.36 section. Pastures are exempt from the rules authorized under this paragraph. A feedlot

104.1 permit is not required for livestock feedlots with more than ten but less than 50 animal  
104.2 units; provided they are not in shoreland areas. A livestock feedlot permit does not  
104.3 become required solely because of a change in the ownership of the buildings, grounds,  
104.4 or feedlot. These rules apply both to permits issued by counties and to permits issued  
104.5 by the Pollution Control Agency directly.

104.6 (h) The Pollution Control Agency shall exercise supervising authority with respect  
104.7 to the processing of animal lot permit applications by a county.

104.8 (i) Any new rules or amendments to existing rules proposed under the authority  
104.9 granted in this subdivision, or to implement new fees on animal feedlots, must be  
104.10 submitted to the members of legislative policy and finance committees with jurisdiction  
104.11 over agriculture and the environment prior to final adoption. The rules must not become  
104.12 effective until 90 days after the proposed rules are submitted to the members.

104.13 (j) Until new rules are adopted that provide for plans for manure storage structures,  
104.14 any plans for a liquid manure storage structure must be prepared or approved by a  
104.15 registered professional engineer or a United States Department of Agriculture, Natural  
104.16 Resources Conservation Service employee.

104.17 (k) A county may adopt by ordinance standards for animal feedlots that are more  
104.18 stringent than standards in Pollution Control Agency rules.

104.19 (l) After January 1, 2001, a county that has not accepted delegation of the feedlot  
104.20 permit program must hold a public meeting prior to the agency issuing a feedlot permit  
104.21 for a feedlot facility with 300 or more animal units, unless another public meeting has  
104.22 been held with regard to the feedlot facility to be permitted.

104.23 (m) After the proposed rules published in the State Register, volume 24, number 25,  
104.24 are finally adopted, the agency may not impose additional conditions as a part of a feedlot  
104.25 permit, unless specifically required by law or agreed to by the feedlot operator.

104.26 (n) For the purposes of feedlot permitting, a discharge from land-applied manure  
104.27 or a manure stockpile that is managed according to agency rule must not be subject to  
104.28 a fine for a discharge violation.

104.29 (o) For the purposes of feedlot permitting, manure that is land applied, or a manure  
104.30 stockpile that is managed according to agency rule, must not be considered a discharge  
104.31 into waters of the state, unless the discharge is to waters of the state, as defined by  
104.32 section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section  
104.33 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots  
104.34 under agency rule.

104.35 (p) Unless the upgrade is needed to correct an immediate public health threat under  
104.36 section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal



105.1 feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on  
105.2 April 15, 2003, the agency may not require a feedlot operator:

105.3 (1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300  
105.4 animal units unless cost-share money is available to the feedlot operator for 75 percent of  
105.5 the cost of the upgrade; or

105.6 (2) to spend more than \$10,000 to upgrade an existing feedlot with between 300  
105.7 and 500 animal units, unless cost-share money is available to the feedlot operator for 75  
105.8 percent of the cost of the upgrade or \$50,000, whichever is less.

105.9 (q) For the purposes of this section, "pastures" means areas, including winter feeding  
105.10 areas as part of a grazing area, where grass or other growing plants are used for grazing  
105.11 and where the concentration of animals allows a vegetative cover to be maintained during  
105.12 the growing season except that vegetative cover is not required:

105.13 (1) in the immediate vicinity of supplemental feeding or watering devices;

105.14 (2) in associated corrals and chutes where livestock are gathered for the purpose of  
105.15 sorting, veterinary services, loading and unloading trucks and trailers, and other necessary  
105.16 activities related to good animal husbandry practices; and

105.17 (3) in associated livestock access lanes used to convey livestock to and from areas  
105.18 of the pasture.

105.19 (r) A feedlot operator who stores and applies up to 100,000 gallons per calendar year  
105.20 of private truck wash wastewater resulting from trucks that transport animals or supplies  
105.21 to and from the feedlot does not require a permit to land-apply industrial by-products  
105.22 if the feedlot operator stores and applies the wastewater in accordance with Pollution  
105.23 Control Agency requirements for land applications of industrial by-product that do not  
105.24 require a permit.

105.25 (s) A feedlot operator who holds a permit from the Pollution Control Agency to  
105.26 land-apply industrial by-products from a private truck wash is not required to have a  
105.27 certified land applicator apply the private truck wash wastewater if the wastewater is  
105.28 applied by the feedlot operator to cropland owned or leased by the feedlot operator or  
105.29 by a commercial animal waste technician licensed by the commissioner of agriculture  
105.30 under chapter 18C.

105.31 For purposes of this paragraph and paragraph (r), "private truck wash" means a truck  
105.32 washing facility owned or leased, operated, and used only by a feedlot operator to wash  
105.33 trucks owned or leased by the feedlot operator and used to transport animals or supplies  
105.34 to and from the feedlot.

106.1 Sec. 111. Minnesota Statutes 2014, section 116.07, is amended by adding a subdivision  
106.2 to read:

106.3 Subd. 13. **Limitation regarding certain policies, guidelines, and other**  
106.4 **nonbinding interpretive statements.** The commissioner shall not seek to implement or  
106.5 enforce against any entity or permittee a policy, guideline, or other nonbinding interpretive  
106.6 statement that meets the definition of a rule under chapter 14 if the policy, guideline, or  
106.7 other nonbinding interpretive statement has not been adopted as a rule in accordance  
106.8 with chapter 14.

106.9 Sec. 112. Minnesota Statutes 2014, section 116D.04, is amended by adding a  
106.10 subdivision to read:

106.11 Subd. 17. **Discretionary review notification.** The commissioners of natural  
106.12 resources and the Pollution Control Agency, when ordering the preparation of a  
106.13 discretionary environmental impact statement or discretionary environmental assessment  
106.14 worksheet for a proposed action, must notify the proposer of the action by certified mail at  
106.15 least 90 days prior to making the order public.

106.16 Sec. 113. Minnesota Statutes 2014, section 144.12, is amended by adding a subdivision  
106.17 to read:

106.18 Subd. 4. **Camper cabins and bunk houses.** Camper cabins and bunk houses are  
106.19 exempt from floor space, air space, or bed spacing requirements applicable to lodging  
106.20 establishments adopted by the commissioner. For the purposes of this section:

106.21 (1) "bunk house" means a building, structure, or enclosure intended to sleep more  
106.22 than one person for up to three nights that does not include a kitchen or bathroom; and

106.23 (2) "camper cabin" means a permanent rustic enclosure with walls and a floor  
106.24 that does not include a kitchen or bath; is located in a state park administered by the  
106.25 commissioner of natural resources, at a resort as defined under section 157.15, subdivision  
106.26 11, or at a recreational camping area as defined under section 327.14, subdivision 8; and is  
106.27 intended to be a place where sleeping accommodations are furnished to the public.

106.28 Sec. 114. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision  
106.29 to read:

106.30 Subd. 18. **All-terrain vehicle safety certificate.** (a) The department shall maintain  
106.31 in its records information transmitted electronically from the commissioner of natural  
106.32 resources identifying each person to whom the commissioner has issued an all-terrain  
106.33 vehicle safety certificate. The records transmitted from the Department of Natural

107.1 Resources must contain the full name and date of birth as required for the driver's license  
107.2 or identification card. Records that are not matched to a driver's license or identification  
107.3 card record may be deleted after seven years.

107.4 (b) After receiving information under paragraph (a) that a person has received an  
107.5 all-terrain vehicle safety certificate, the department shall include, on all drivers' licenses  
107.6 or Minnesota identification cards subsequently issued to the person, a graphic or written  
107.7 indication that the person has received the certificate.

107.8 (c) If a person who has received an all-terrain vehicle safety certificate applies  
107.9 for a driver's license or Minnesota identification card before that information has been  
107.10 transmitted to the department, the department may accept a copy of the certificate as proof  
107.11 of its issuance and shall then follow the procedures in paragraph (b).

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

107.15 Sec. 115. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

107.16 Subd. 3. **Title examination.** The commissioner of revenue shall, if requested by the  
107.17 purchaser or the county attorney of the county where all or a portion of the land is situated,  
107.18 deliver the deed to the county attorney for use under Minnesota Statutes 2014, section  
107.19 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser.  
107.20 The county attorney shall be instructed when taking the transferral of the deed that said  
107.21 deed shall not be delivered to the purchaser unless the land involved is accepted as and  
107.22 placed into an auxiliary forest.

107.23 Sec. 116. **[325E.382] CERTAIN PRODUCTS CONTAINING MICROBEADS**  
107.24 **PROHIBITED.**

107.25 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
107.26 have the meanings given.

107.27 (b) "Over-the-counter drug" means a drug that is a personal care product that  
107.28 contains a label that identifies the product as a drug as required by Code of Federal  
107.29 Regulations, title 21, section 201.66. An "over-the-counter drug" label includes:

107.30 (1) a drug facts panel; or

107.31 (2) a statement of the active ingredients with a list of those ingredients contained in  
107.32 the compound, substance, or preparation.

107.33 (c) "Personal care product" means any article intended to be rubbed, poured,  
107.34 sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or

108.1 any part thereof for cleansing, beautifying, promoting attractiveness, or altering the  
108.2 appearance, and any article intended for use as a component of any such article. "Personal  
108.3 care product" does not include prescription drugs.

108.4 (d) "Plastic" means a synthetic material made from linking monomers through  
108.5 a chemical reaction to create an organic polymer chain that can be molded or extruded  
108.6 at high heat into various solid forms retaining their defined shapes during life cycle and  
108.7 after disposal.

108.8 (e) "Synthetic plastic microbead" means any intentionally added nonbiodegradable  
108.9 solid plastic particle measured less than five millimeters in size and used to exfoliate  
108.10 or cleanse in a rinse-off product.

108.11 Subd. 2. **Prohibitions.** (a) Effective December 31, 2017, no person shall  
108.12 manufacture for sale a personal care product, except for an over-the-counter drug, that  
108.13 contains synthetic plastic microbeads.

108.14 (b) Effective December 31, 2018, no person shall accept for sale a personal care  
108.15 product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

108.16 (c) Effective December 31, 2018, no person shall manufacture for sale an  
108.17 over-the-counter drug that contains synthetic plastic microbeads.

108.18 (d) Effective December 31, 2019, no person shall accept for sale an over-the-counter  
108.19 drug that contains synthetic plastic microbeads.

108.20 Subd. 3. **Preemption.** This section preempts any ordinance or resolution of a  
108.21 municipality, county, or any other local government entity concerning synthetic plastic  
108.22 microbeads.

108.23 Sec. 117. Minnesota Statutes 2014, section 446A.073, subdivision 1, is amended to read:

108.24 Subdivision 1. **Program established.** When money is appropriated for grants  
108.25 under this program, the authority shall award grants up to a maximum of \$3,000,000 to  
108.26 governmental units to cover up to one-half the cost of ~~wastewater treatment or storm water~~  
108.27 infrastructure projects made necessary by:

108.28 (1) a wasteload reduction prescribed under a total maximum daily load plan required  
108.29 by section 303(d) of the federal Clean Water Act, United States Code, title 33, section  
108.30 1313(d);

108.31 (2) a phosphorus concentration or mass limit which requires discharging one  
108.32 milligram per liter or less at permitted design flow which is incorporated into a permit  
108.33 issued by the Pollution Control Agency;

109.1 (3) any other water quality-based effluent limit established under section 115.03,  
 109.2 subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the  
 109.3 Pollution Control Agency that exceeds secondary treatment limits; or

109.4 (4) a total nitrogen limit of ten milligrams per liter or less for a land-based treatment  
 109.5 system.

109.6 Sec. 118. Minnesota Statutes 2014, section 446A.073, subdivision 3, is amended to read:

109.7 Subd. 3. **Project priorities.** When money is appropriated for grants under this  
 109.8 program, the authority shall accept applications during the month of July and reserve  
 109.9 money for projects expected to proceed with construction by the end of the fiscal year in  
 109.10 the order listed on the Pollution Control Agency's project priority list and in an amount  
 109.11 based on the cost estimate submitted to the authority in the grant application or the as-bid  
 109.12 costs, whichever is less. Notwithstanding Minnesota Rules, chapter 7077, the Pollution  
 109.13 Control Agency may rank a drinking water infrastructure project on the agency's project  
 109.14 priority list if the project is necessary to meet an applicable requirement in subdivision 1.

109.15 Sec. 119. Minnesota Statutes 2014, section 446A.073, subdivision 4, is amended to read:

109.16 Subd. 4. **Grant approval.** The authority must make a grant for an eligible project  
 109.17 only after:

109.18 (1) the applicant has submitted the as-bid cost for the ~~wastewater treatment or storm~~  
 109.19 water infrastructure project;

109.20 (2) the Pollution Control Agency has approved the as-bid costs and certified the  
 109.21 grant eligible portion of the project; and

109.22 (3) the authority has determined that the additional financing necessary to complete  
 109.23 the project has been committed from other sources.

109.24 Sec. 120. Minnesota Statutes 2014, section 473.1565, is amended to read:

109.25 **473.1565 METROPOLITAN AREA WATER SUPPLY PLANNING**  
 109.26 **ACTIVITIES; ADVISORY ~~COMMITTEE~~ COMMITTEES.**

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

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

110.1 (2) development and periodic update of a metropolitan area master water supply  
 110.2 plan, prepared in cooperation with and subject to the approval of the ~~commissioner of~~  
 110.3 ~~natural resources~~ policy advisory committee established in this section, that:

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

110.5 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term  
 110.6 sustainability; and

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

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

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

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

110.15 (b) The council must carry out the planning activities in this subdivision in  
 110.16 consultation with the Metropolitan Area Water Supply Policy and Technical Advisory  
 110.17 Committee Committees established in ~~subdivision 2~~ this section.

110.18 Subd. 2. **Policy advisory committee.** (a) A Metropolitan Area Water Supply  
 110.19 Policy Advisory Committee is established to assist the council in its planning activities in  
 110.20 subdivision 1. The policy advisory committee has the following membership:

110.21 (1) the commissioner of agriculture or the commissioner's designee;

110.22 (2) the commissioner of health or the commissioner's designee;

110.23 (3) the commissioner of natural resources or the commissioner's designee;

110.24 (4) the commissioner of the Pollution Control Agency or the commissioner's  
 110.25 designee;

110.26 (5) two officials of counties that are located in the metropolitan area, appointed by  
 110.27 the governor, in consultation with the Association of Minnesota Counties;

110.28 (6) five officials of noncounty local governmental units that are located in the  
 110.29 metropolitan area, appointed by the governor, in consultation with the Association of  
 110.30 Metropolitan Municipalities;

110.31 (7) the chair of the Metropolitan Council or the chair's designee, who is chair of the  
 110.32 advisory committee; ~~and~~

110.33 (8) one official each from the counties of Chisago, Isanti, Sherburne, and Wright,  
 110.34 appointed by the governor, in consultation with the Association of Minnesota Counties  
 110.35 and the League of Minnesota Cities; and

111.1 (9) a member of the Board of Water Commissioners of the Saint Paul Regional Water  
 111.2 Services, appointed by and serving at the pleasure of the Board of Water Commissioners,  
 111.3 and a representative of the Minneapolis Water Department, appointed by and serving at  
 111.4 the pleasure of the mayor of the city of Minneapolis.

111.5 A local government unit in each of the seven counties in the metropolitan area  
 111.6 and Chisago, Isanti, Sherburne, and Wright Counties must be represented in the 11  
 111.7 appointments made under clauses (5), (6), and (8).

111.8 (b) Members of the advisory committee appointed by the governor serve at the  
 111.9 pleasure of the governor. Members of the advisory committee serve without compensation  
 111.10 but may be reimbursed for their reasonable expenses as determined by the Metropolitan  
 111.11 Council. ~~The advisory committee expires December 31, 2016.~~

111.12 (c) The council must consider the work and recommendations of the policy advisory  
 111.13 committee when the council is preparing its regional development framework.

111.14 Subd. 2a. **Technical advisory committee.** A Metropolitan Area Water Supply  
 111.15 Technical Advisory Committee is established to inform the policy advisory committee's  
 111.16 work by providing scientific and engineering expertise necessary to provide the region an  
 111.17 adequate and sustainable water supply. The technical advisory committee consists of 11  
 111.18 members appointed by the policy advisory committee as follows:

111.19 (1) six members to represent operators of single-city and multicity public water  
 111.20 supply systems in the metropolitan area;

111.21 (2) a hydrologist with expertise in groundwater analysis and modeling;

111.22 (3) a hydrologist with expertise in surface water analysis and modeling;

111.23 (4) an engineer with expertise in the design and construction of water supply systems;

111.24 (5) a person with expertise in population and demographic forecasting and modeling;

111.25 and

111.26 (6) a person with expertise in water demand forecasting.

111.27 Members of the technical advisory committee serve at the pleasure of the policy advisory  
 111.28 committee, without compensation, but may be reimbursed for their reasonable expenses as  
 111.29 determined by the council.

111.30 **Subd. 3. Reports to legislature.** (a) The council must submit reports to the  
 111.31 legislature regarding its findings, recommendations, and continuing planning activities  
 111.32 under subdivision 1. These reports shall be included in the "Minnesota Water Plan"  
 111.33 required in section 103B.151, and five-year interim reports may be provided as necessary.

111.34 (b) By February 15, 2017, and at least every five years thereafter, the policy advisory  
 111.35 committee shall report to the council, the Legislative Water Commission, and the chairs  
 111.36 and ranking minority members of the house of representatives and senate committees and

112.1 divisions with jurisdiction over environment and natural resources with the information  
112.2 required under this section. The policy advisory committee's report and recommendations  
112.3 must include information provided by the technical advisory committee.

112.4 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
112.5 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,  
112.6 Scott, and Washington.

112.7 Sec. 121. **SURPLUS STATE LAND SALES.**

112.8 The school trust lands director shall identify at least \$5,000,000 in state-owned  
112.9 lands suitable for sale and notify the commissioner of natural resources of the identified  
112.10 lands. The lands identified shall not be within a unit of the outdoor recreation system  
112.11 under Minnesota Statutes, section 86A.05, an administrative site, or trust land. The  
112.12 commissioner shall sell at least \$3,000,000 worth of lands identified by the school trust  
112.13 lands director by June 30, 2017. Notwithstanding Minnesota Statutes, section 94.16,  
112.14 subdivision 3, or any other law to the contrary, the amount of the proceeds from the sale of  
112.15 lands that exceeds the actual expenses of selling the lands must be deposited in the school  
112.16 trust lands account and used to extinguish the school trust interest as provided under  
112.17 Minnesota Statutes, section 92.83, on school trust lands that have public water access  
112.18 sites or old growth forests located on them.

112.19 Sec. 122. **REQUIRED RULEMAKING; SUBSURFACE SEWAGE TREATMENT**  
112.20 **SYSTEMS.**

112.21 The commissioner of the Pollution Control Agency shall adopt rules, using the  
112.22 expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth  
112.23 procedures to conform with the changes to Minnesota Statutes, chapter 115, under this act  
112.24 and to streamline the subsurface sewage treatment system (SSTS) license application and  
112.25 renewal process in a manner that:

112.26 (1) surety bond and insurance requirements of licensed SSTS businesses meet the  
112.27 requirements of Minnesota Statutes, chapter 115 and section 326B.46, subdivision 2; and

112.28 (2) properly trained SSTS installers may complete work on a building sewer with  
112.29 respect to the Plumbing Code and plumbing program and SSTS designers and inspectors  
112.30 may complete work on a building sewer connected to an SSTS with respect to the  
112.31 Plumbing Code and plumbing program.

112.32 Sec. 123. **WETLAND CONSERVATION ACT REPORT.**



113.1 By March 15, 2016, the Board of Water and Soil Resources, in cooperation with the  
113.2 Department of Natural Resources, shall report to the committees with jurisdiction over  
113.3 environment and natural resources on the proposals to implement high priority areas for  
113.4 wetland replacement and in-lieu fees for replacement and modify wetland replacement  
113.5 siting and actions eligible for credit. In developing the report, the board and department  
113.6 shall consult with stakeholders and agencies.

113.7 Sec. 124. **ALL-TERRAIN VEHICLE REGISTRATION TRANSITION.**

113.8 (a) A person must have an unexpired class 1 or class 2 all-terrain vehicle or off-road  
113.9 vehicle registration and may continue to display the unexpired class 1 or class 2 all-terrain  
113.10 vehicle or off-road vehicle registration until the electronic licensing system has been  
113.11 upgraded to conform with the amendments to Minnesota Statutes, section 84.92, under  
113.12 this act.

113.13 (b) When the electronic licensing system has been upgraded, a person who possesses  
113.14 an unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle registration may  
113.15 continue to display that unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle  
113.16 registration until the class 1 or class 2 all-terrain vehicle or off-road vehicle registration is  
113.17 renewed, transferred, or replacement registration is applied for.

113.18 Sec. 125. **ANALYSIS OF WATER QUALITY STANDARDS.**

113.19 (a) The commissioner of management and budget shall contract with a nonstate  
113.20 entity for an analysis of the costs of recently adopted or proposed changes to water quality  
113.21 standards and rules, including:

113.22 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,  
113.23 nitrate, and sulfate standards;

113.24 (2) proposed nondegradation rulemaking provisions;

113.25 (3) proposed changes to water quality standards to incorporate a tiered aquatic  
113.26 life use framework; and

113.27 (4) changes to water quality standards, reinterpretation of water quality standards,  
113.28 and water strategies or other regulatory initiatives the commissioner of the Pollution  
113.29 Control Agency anticipates will be proposed in the next five years that will impact national  
113.30 pollutant discharge elimination system permits.

113.31 (b) The analysis must include a cost analysis for a representative sample of at  
113.32 least 15 communities. The sample must include a diverse set of communities based on  
113.33 geography, watersheds, community size, wastewater facility types and operators, storm

114.1 water system types, and other factors to ensure the analysis is representative of the state as  
114.2 a whole. The analysis must include:

114.3 (1) an estimate of the overall costs to upgrade wastewater and storm water systems,  
114.4 including ongoing operating costs and costs associated with disposing of waste that are  
114.5 likely to be incurred as a result of the recent, proposed, and anticipated changes; and

114.6 (2) an analysis of the estimated incremental impact to water quality in affected water  
114.7 bodies as a direct result of the recent, proposed, and anticipated changes.

114.8 (c) The commissioner shall submit the analysis to the chairs and ranking minority  
114.9 members of the committees and divisions of the house of representatives and senate with  
114.10 jurisdiction over water quality standards no later than January 1, 2017.

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

114.12 Sec. 126. **SUSPENSION OF NEW WATER QUALITY RULES.**

114.13 Until the analysis is submitted to the legislature as required under section 125 and  
114.14 the proposed amendments to Minnesota Rules, chapters 7050 and 7053, regarding total  
114.15 suspended solids and eutrophication standards proposed and noticed in the State Register  
114.16 on November 18, 2013, have undergone a new rulemaking process and been submitted  
114.17 and approved by the legislature, the amendments to Minnesota Rules, chapters 7050 and  
114.18 7053, regarding total suspended solids and eutrophication standards, are suspended and  
114.19 the rules as they were prior to adoption of the amendments remain in effect.

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

114.21 Sec. 127. **LAKE WINNIPEG TOTAL MAXIMUM DAILY LOAD.**

114.22 The commissioner of the Pollution Control Agency must coordinate with North  
114.23 Dakota and Manitoba to develop a total maximum daily load under section 303(d) of the  
114.24 Clean Water Act, United States Code, title 33, section 1313(d), for nutrients and suspended  
114.25 solids entering Lake Winnipeg. The total maximum daily load must include phosphorus  
114.26 and suspended solids wasteload allocations for point sources and load allocations for  
114.27 nonpoint sources for sources discharging these pollutants to the Red River of the North  
114.28 and its tributaries. Phosphorus or suspended solids effluent limits on these point sources  
114.29 shall be deferred until the total maximum daily load has been subject to public review and  
114.30 comment and formally approved by the United States Environmental Protection Agency.

114.31 Sec. 128. **WILD RICE WATER QUALITY STANDARDS.**

115.1 (a) Until the commissioner of the Pollution Control Agency adopts the rules to  
115.2 establish criteria for designating waters subject to a wild rice water quality standard as  
115.3 required under Laws 2011, First Special Session chapter 2, article 4, section 32, paragraph  
115.4 (b), and adopts the rule as required under Laws 2011, First Special Session chapter 2,  
115.5 article 4, section 32, paragraph (a), designating waters containing natural beds of wild rice  
115.6 that are subject to a wild rice water quality standard and designating the specific times of  
115.7 year during which the standard applies, the commissioner shall not:

115.8 (1) apply the wild rice water quality standard for sulfate in class 4A waters to any  
115.9 waters, including incorporating the standard or any requirements based on the standard  
115.10 within any permits, compliance schedules, orders, or other control documents; or

115.11 (2) list waters containing natural beds of wild rice as impaired for sulfate under  
115.12 section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313.

115.13 (b) For the purposes of this section, "waters containing natural beds of wild rice"  
115.14 has the meaning given in Laws 2011, First Special Session chapter 2, article 4, section  
115.15 32, paragraph (b).

115.16 **Sec. 129. FEDERAL CLEAN WATER ACT SECTION 404 PERMIT PROGRAM**  
115.17 **FEASIBILITY STUDY.**

115.18 (a) The Board of Water and Soil Resources and the commissioner of natural  
115.19 resources shall study the feasibility of the state assuming administration of the section  
115.20 404 permit program of the federal Clean Water Act. The United States Army Corps of  
115.21 Engineers, St. Paul District; and the United States Environmental Protection Agency shall  
115.22 be consulted with during the development of the study. The study shall identify:

115.23 (1) the federal requirements for state assumption of the 404 program;

115.24 (2) the potential extent of assumption, including those waters that would remain under  
115.25 the jurisdiction of the United States Army Corps of Engineers due to the prohibition of 404  
115.26 assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

115.27 (3) differences in waters regulated under Minnesota laws compared to waters of the  
115.28 United States, including complications and potential solutions to address the current  
115.29 uncertainties relating to determining waters of the United States;

115.30 (4) measures to ensure the protection of aquatic resources consistent with the Clean  
115.31 Water Act, Wetland Conservation Act, and the public waters program administered by the  
115.32 Department of Natural Resources;

115.33 (5) changes to existing state law, including changes to current implementation  
115.34 structure and processes, that would need to occur to allow for state assumption of the  
115.35 404 program;

116.1 (6) new agency responsibilities for implementing federal requirements and  
 116.2 procedures that would become the obligation of the state under assumption, including the  
 116.3 staff and resources needed for implementation;

116.4 (7) the estimated costs and savings that would accrue to affected units of government;

116.5 (8) the effect on application review and approval processes and time frames;

116.6 (9) alternatives to assumption that would also achieve the goals of regulatory  
 116.7 simplification, efficiency, and reduced permitting times;

116.8 (10) options for financing any additional costs of implementation; and

116.9 (11) other information as determined by the board and commissioner.

116.10 (b) The board and commissioner shall involve stakeholders in the development of  
 116.11 the plan of study consistent with Minnesota Statutes, section 103B.101, subdivision 16.

116.12 (c) By January 15, 2017, the board and commissioner must report the study to the  
 116.13 legislative policy and finance committees and divisions with jurisdiction over environment  
 116.14 and natural resources.

116.15 Sec. 130. **ANATOMICAL DONATION OPTION ON HUNTING AND FISHING**  
 116.16 **LICENSES; STUDY.**

116.17 The commissioner of natural resources, in coordination with the commissioner  
 116.18 of public safety, shall study the feasibility of providing an option on applications for  
 116.19 resident licenses to hunt and fish that allows the applicant to indicate a desire to make an  
 116.20 anatomical gift. The commissioner of natural resources shall submit recommendations  
 116.21 to the chairs and ranking minority members of the house of representatives and senate  
 116.22 committees and divisions with jurisdiction over the environment and natural resources  
 116.23 by December 15, 2015.

116.24 Sec. 131. **METROPOLITAN PARKS; INTEREST EARNINGS.**

116.25 Notwithstanding Laws 1985, First Special Session chapter 15, section 5, subdivision  
 116.26 2, paragraph (b), and Laws 1987, chapter 384, article 3, section 45, the Metropolitan  
 116.27 Council shall use the interest earnings in Laws 1985, First Special Session chapter 15,  
 116.28 section 5, subdivision 2, for the use and betterment of all regional recreational open space  
 116.29 lands under the jurisdiction of the Metropolitan Council.

116.30 **EFFECTIVE DATE.** This section is effective January 1, 2017.

116.31 Sec. 132. **REFUNDS; YOUTH BEAR LICENSES.**

117.1 The commissioner of natural resources may issue refunds for youth bear licenses  
117.2 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were  
117.3 10, 11, or 12 years old at the time of purchase until June 30, 2016.

117.4 Sec. 133. **WATER RETENTION PROJECTS.**

117.5 By August 1, 2015, the commissioner of natural resources, in cooperation with  
117.6 the commissioners of agriculture and the Pollution Control Agency, the Board of Water  
117.7 and Soil Resources, and other interested parties, shall develop proposals for significant  
117.8 large-scale projects that provide flood water retention, water quality improvements,  
117.9 nutrient and sediment reduction, and wildlife habitat for submission to the Lessard-Sams  
117.10 Outdoor Heritage Council, Clean Water Council, and the Legislative-Citizen Commission  
117.11 on Minnesota Resources for funding in fiscal year 2017. Any deadlines established by the  
117.12 Lessard-Sams Outdoor Heritage Council, Clean Water Council, or the Legislative-Citizen  
117.13 Commission on Minnesota Resources are waived for purposes of the submissions.

117.14 Sec. 134. **WILD TURKEY CRITICAL HABITAT PLATE.**

117.15 The commissioner of natural resources and the commissioner of public safety must  
117.16 select a design depicting wild turkey when selecting designs for the next selection of critical  
117.17 habitat plates as provided under Minnesota Statutes, section 168.1296, subdivision 2.

117.18 Sec. 135. **BASE BUDGET REPORT.**

117.19 The commissioners of natural resources and the Pollution Control Agency shall each  
117.20 submit a report that contains the details of their base budgets, including prior appropriation  
117.21 riders, to the chairs and ranking minority members of the house of representatives and  
117.22 senate committees and divisions with jurisdiction over the environment and natural  
117.23 resources by October 15, 2016.

117.24 Sec. 136. **TRANSFERS.**

117.25 (a) By June 30, 2015, the commissioner of management and budget shall transfer  
117.26 to the natural resources conservation easement stewardship account, established in  
117.27 Minnesota Statutes, section 84.69, the remaining balance in the forests for the future  
117.28 conservation easement account under Minnesota Statutes, section 84.68.

117.29 (b) By June 30, 2015, the commissioner of management and budget shall transfer  
117.30 to the natural resources conservation easement stewardship account, established in  
117.31 Minnesota Statutes, section 84.69, the following amounts:

118.1 (1) \$114,840 from Laws 2011, First Special Session chapter 6, article 1, section  
118.2 2, subdivision 3, paragraph (a);

118.3 (2) \$25,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 5,  
118.4 paragraph (a); and

118.5 (3) \$14,000 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
118.6 paragraph (c).

118.7 (c) The commissioner of management and budget shall transfer additional  
118.8 amounts from Laws 2013, chapter 137, article 1, section 2, subdivision 2, paragraph  
118.9 (c), to the natural resources conservation easement stewardship account, established in  
118.10 Minnesota Statutes, section 84.69, upon closing on conservation easements funded by the  
118.11 appropriation, provided that total transfers to the account shall not exceed \$42,000.

118.12 (d) The commissioner of management and budget shall transfer amounts from  
118.13 Laws 2014, chapter 256, article 1, section 2, subdivision 2, paragraph (e), to the natural  
118.14 resources conservation easement stewardship account, established in Minnesota Statutes,  
118.15 section 84.69, upon closing on conservation easements funded by the appropriation,  
118.16 provided that total transfers to the account shall not exceed \$112,000.

118.17 (e) By June 30, 2015, the commissioner of management and budget shall transfer to  
118.18 the water and soil conservation easement stewardship account, established in Minnesota  
118.19 Statutes, section 103B.103, the following amounts:

118.20 (1) \$191,667 from Laws 2011, First Special Session chapter 6, article 1, section  
118.21 2, subdivision 2, paragraph (c);

118.22 (2) \$57,750 from Laws 2011, First Special Session chapter 6, article 1, section  
118.23 2, subdivision 4, paragraph (a);

118.24 (3) \$15,750 from Laws 2011, First Special Session chapter 6, article 1, section  
118.25 2, subdivision 4, paragraph (c);

118.26 (4) \$48,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 2,  
118.27 paragraph (a);

118.28 (5) \$1,821 from Laws 2012, chapter 264, article 1, section 2, subdivision 3,  
118.29 paragraph (a);

118.30 (6) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 3,  
118.31 paragraph (b);

118.32 (7) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
118.33 paragraph (e);

118.34 (8) \$4,800 from Laws 2013, chapter 137, article 1, section 2, subdivision 4,  
118.35 paragraph (d); and

119.1 (9) \$4,500 from Laws 2014, chapter 256, article 1, section 2, subdivision 2,  
119.2 paragraph (f).

119.3 (f) The commissioner of management and budget shall continue to transfer money,  
119.4 appropriated to the Board of Water and Soil Resources on or before June 30, 2015,  
119.5 for conservation easement monitoring and enforcement funds to the water and soil  
119.6 conservation easement stewardship account, established in Minnesota Statutes, section  
119.7 103B.103, upon closing on conservation easements, provided that total transfers to the  
119.8 account shall not exceed the "up to" amount specified in each appropriation.

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

119.10 Sec. 137. **FEDERAL REIMBURSEMENT; MCQUADE HARBOR.**

119.11 All money received by the state from the United States Army Corps of Engineers  
119.12 as reimbursement for state capital expenditures at McQuade Harbor, estimated to be  
119.13 \$1,605,775, must be credited to the bond proceeds fund and are appropriated to the  
119.14 commissioner of natural resources:

119.15 (1) to design and renovate the marina at Knife River;

119.16 (2) to improve the boat launch at the safe harbor at Grand Marais; and

119.17 (3) for site clean-up, design, and construction of facilities at the proposed small craft  
119.18 harbor in Two Harbors.

119.19 This appropriation is available until June 30, 2019.

119.20 Sec. 138. **REVISOR'S INSTRUCTIONS.**

119.21 (a) The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever  
119.22 it appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

119.23 (b) The revisor of statutes shall renumber the subdivisions of Minnesota Statutes,  
119.24 section 103G.005, to retain alphabetical order and shall correct cross-references to the  
119.25 renumbered subdivisions.

119.26 Sec. 139. **REPEALER.**

119.27 (a) Minnesota Statutes 2014, sections 84.68; 88.47; 88.48; 88.49, subdivisions 1, 2,  
119.28 and 10; 88.491, subdivision 1; 88.51, subdivision 2; 116.02, subdivisions 7, 8, and 10;  
119.29 and 282.013, are repealed.

119.30 (b) Minnesota Statutes 2014, section 86B.13, subdivisions 2 and 4, are repealed.

119.31 (c) Minnesota Statutes 2014, section 477A.19, is repealed.

120.1 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following  
 120.2 final enactment.

120.3 **ARTICLE 3**

120.4 **GAME AND FISH**

120.5 Section 1. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

120.6 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested  
 120.7 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),  
 120.8 (c), or (d), and section 97C.341.

120.9 (b) In waters that are listed as infested waters, except those listed ~~because they~~  
 120.10 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as  
 120.11 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

120.12 (1) commercial taking of wild animals for bait and aquatic farm purposes ~~according~~  
 120.13 ~~to~~ as provided in a permit issued under section 84D.11, subject to rules adopted by the  
 120.14 commissioner; and

120.15 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
 120.16 water milfoil, when the infested waters are listed solely because they contain Eurasian  
 120.17 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not  
 120.18 exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

120.19 ~~(3)~~ (c) In streams or rivers that are listed as infested waters, except those listed as  
 120.20 infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,  
 120.21 the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers  
 120.22 for bait from streams or rivers listed as infested waters, by hook and line for noncommercial  
 120.23 personal use. Other provisions that apply to this clause are is allowed as follows:

120.24 ~~(i)~~ (1) fish taken under this clause paragraph must be used on the same body of water  
 120.25 where caught and while still on that water body. Where the river or stream is divided by  
 120.26 barriers such as dams, the fish must be caught and used on the same section of the river  
 120.27 or stream;

120.28 ~~(ii)~~ (2) fish taken under this clause paragraph may not be transported live from or  
 120.29 off the water body;

120.30 ~~(iii)~~ (3) fish harvested under this clause paragraph may only be used in accordance  
 120.31 with this section;

120.32 ~~(iv)~~ (4) any other use of wild animals used for bait from infested waters is prohibited;

120.33 ~~(v)~~ (5) fish taken under this clause paragraph must meet all other size restrictions  
 120.34 and requirements as established in rules; and



121.1 ~~(vi)~~ (6) all species listed under this ~~clause~~ paragraph shall be included in the person's  
121.2 daily limit as established in rules, if applicable.

121.3 (d) In the Mississippi River downstream of St. Anthony Falls and the St.  
121.4 Croix River downstream of the dam at Taylors Falls, including portions described as  
121.5 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1,  
121.6 items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as  
121.7 bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

121.8 (1) nontarget species must immediately be returned to the water;

121.9 (2) gizzard shad taken under this paragraph must be used on the same body of water  
121.10 where caught and while still on that water body. Where the river is divided by barriers  
121.11 such as dams, the gizzard shad must be caught and used on the same section of the river;

121.12 (3) gizzard shad taken under this paragraph may not be transported off the water  
121.13 body; and

121.14 (4) gizzard shad harvested under this paragraph may only be used in accordance  
121.15 with this section.

121.16 This paragraph expires December 1, 2017.

121.17 ~~(e)~~ (e) Equipment authorized for minnow harvest in a listed infested water by permit  
121.18 issued under paragraph (b) may not be transported to, or used in, any waters other than  
121.19 waters specified in the permit.

121.20 Sec. 2. Minnesota Statutes 2014, section 86B.313, subdivision 1, is amended to read:

121.21 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws  
121.22 relating to watercraft, a person may not operate or permit the operation of a personal  
121.23 watercraft:

121.24 (1) without each person on board the personal watercraft wearing a United States  
121.25 Coast Guard (USCG) approved ~~Type I, II, III, or V~~ wearable personal flotation device  
121.26 with a USCG label indicating it either is approved for or does not prohibit use with  
121.27 personal watercraft or water skiing;

121.28 (2) between one hour before sunset and 9:30 a.m.;

121.29 (3) at greater than slow-no wake speed within 150 feet of:

121.30 (i) a shoreline;

121.31 (ii) a dock;

121.32 (iii) a swimmer;

121.33 (iv) a raft used for swimming or diving; or

121.34 (v) a moored, anchored, or nonmotorized watercraft;

122.1 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any  
122.2 other device unless:

122.3 (i) an observer is on board; or

122.4 (ii) the personal watercraft is equipped with factory-installed or factory-specified  
122.5 accessory mirrors that give the operator a wide field of vision to the rear;

122.6 (5) without the lanyard-type engine cutoff switch being attached to the person,  
122.7 clothing, or personal flotation device of the operator, if the personal watercraft is equipped  
122.8 by the manufacturer with such a device;

122.9 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or  
122.10 tampered with so as to interfere with the return-to-idle system;

122.11 (7) to chase or harass wildlife;

122.12 (8) through emergent or floating vegetation at other than a slow-no wake speed;

122.13 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,  
122.14 including weaving through congested watercraft traffic, jumping the wake of another  
122.15 watercraft within 150 feet of the other watercraft, or operating the watercraft while  
122.16 facing backwards;

122.17 (10) in any other manner that is not reasonable and prudent; or

122.18 (11) without a personal watercraft rules decal, issued by the commissioner, attached  
122.19 to the personal watercraft so as to be in full view of the operator.

122.20 (b) Paragraph (a), clause (3), does not apply to a person operating a personal  
122.21 watercraft to launch or land a person on water skis, a kneeboard, or similar device by the  
122.22 most direct route to open water.

122.23 Sec. 3. Minnesota Statutes 2014, section 86B.313, subdivision 4, is amended to read:

122.24 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall  
122.25 distribute a summary of the laws and rules governing the operation of personal watercraft  
122.26 and, upon request, shall provide instruction to a purchaser regarding:

122.27 (1) the laws and rules governing personal watercraft; and

122.28 (2) the safe operation of personal watercraft.

122.29 (b) A person who offers personal watercraft for rent:

122.30 (1) shall provide a summary of the laws and rules governing the operation of  
122.31 personal watercraft and provide instruction regarding the laws and rules and the safe  
122.32 operation of personal watercraft to each person renting a personal watercraft;

122.33 (2) shall provide a United States Coast Guard (USCG) approved ~~Type I, II, III, or V~~  
122.34 wearable personal flotation device with a USCG label indicating it either is approved for

123.1 or does not prohibit use with personal watercraft or water skiing and any other required  
 123.2 safety equipment to all persons who rent a personal watercraft at no additional cost; and

123.3 (3) shall require that a watercraft operator's permit from this state or from the  
 123.4 operator's state of residence be shown each time a personal watercraft is rented to any  
 123.5 person younger than age 18 and shall record the permit on the form provided by the  
 123.6 commissioner.

123.7 (c) Each dealer of personal watercraft or person offering personal watercraft for rent  
 123.8 shall have the person who purchases or rents a personal watercraft sign a form provided  
 123.9 by the commissioner acknowledging that the purchaser or renter has been provided a copy  
 123.10 of the laws and rules regarding personal watercraft operation and has read them. The form  
 123.11 must be retained by the dealer or person offering personal watercraft for rent for a period  
 123.12 of six months following the date of signature and must be made available for inspection  
 123.13 by sheriff's deputies or conservation officers during normal business hours.

123.14 Sec. 4. Minnesota Statutes 2014, section 86B.315, is amended to read:

123.15 **86B.315 TOWING PERSON ON WATER SKIS OR OTHER DEVICE.**

123.16 Subdivision 1. **Observer or mirror required.** A person may not operate a  
 123.17 watercraft on waters of this state and create a wake for a wake surfer or tow a person on  
 123.18 water skis, an aquaplane, a surfboard, a saucer, or a similar device unless:

123.19 (1) there is another person in the watercraft in addition to the operator who is in a  
 123.20 position to continually observe the person being towed; or

123.21 (2) the boat is equipped with a mirror providing the operator a wide field of vision  
 123.22 to the rear.

123.23 Subd. 2. ~~**Prohibited night skiing or towing prohibited activities.**~~ On waters of this  
 123.24 state, from one-half hour after sunset to sunrise of the following day, a person may not:

123.25 (1) wake surf;

123.26 (2) operate a watercraft creating a wake for a wake surfer;

123.27 (3) be towed by a watercraft; or

123.28 (4) operate a watercraft towing a person on water skis, an aquaplane, a surfboard, a  
 123.29 saucer, or another device on waters of this state from one hour after sunset to sunrise of  
 123.30 the following day.

123.31 Sec. 5. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

123.32 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner  
 123.33 determines that action is necessary to prevent or control a wildlife disease, the  
 123.34 commissioner may prevent or control wildlife disease in a species of wild animal in

124.1 addition to the protection provided by the game and fish laws by further limiting, closing,  
124.2 expanding, or opening seasons or areas of the state; by reducing or increasing limits in  
124.3 areas of the state; by establishing disease management zones; by authorizing free licenses;  
124.4 by allowing shooting from motor vehicles by persons designated by the commissioner;  
124.5 by issuing replacement licenses for sick animals; by requiring sample collection from  
124.6 hunter-harvested animals; by limiting wild animal possession, transportation, and  
124.7 disposition; and by restricting wildlife feeding.

124.8 (b) The commissioner shall restrict wildlife feeding within the modified accredited  
124.9 bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any  
124.10 other penalties provided by law, a person who violates wildlife feeding restrictions  
124.11 required under this paragraph may not obtain a hunting license to take a wild animal  
124.12 for two years after the date of conviction.

124.13 (c) The commissioner may prevent or control wildlife disease in a species of wild  
124.14 animal in the state by posting restrictions on public access to active disease areas or by  
124.15 emergency rule adopted under section 84.027, subdivision 13.

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

124.17 Sec. 6. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

124.18 Subdivision 1. **Compliance with federal law.** The commissioner shall take any  
124.19 action necessary to comply with the Federal Aid in Wildlife Restoration Act, United  
124.20 States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act,  
124.21 United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or  
124.22 any other law to the contrary, an appropriation for an information or telecommunications  
124.23 technology project from the game and fish fund, as established in section 97A.055, must  
124.24 be made to the commissioner. Any assets acquired with or expenditures made from the  
124.25 game and fish fund must remain under control of the commissioner.

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

124.27 Sec. 7. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

124.28 Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may  
124.29 conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any  
124.30 area. Only persons who are owners or tenants of and who live on at least 40 acres of land  
124.31 in the permit area, and their family members who live on the qualifying land, are eligible  
124.32 applicants for turkey licenses for the separate selection. The qualifying land may be  
124.33 noncontiguous. Persons who are unsuccessful in a separate selection must be included in

125.1 the selection for the remaining licenses. Persons who obtain a license in a separate selection  
125.2 must allow public turkey hunting on their land during that turkey season. A license issued  
125.3 under this subdivision is restricted to the permit area where the qualifying land is located.

125.4 (b) The commissioner may by rule establish criteria for determining eligible family  
125.5 members under this subdivision.

125.6 Sec. 8. Minnesota Statutes 2014, section 97A.465, is amended by adding a subdivision  
125.7 to read:

125.8 Subd. 7. **Residents of veterans homes.** (a) A resident from a Minnesota veterans  
125.9 home may obtain a firearm or muzzleloader deer license during the season and take  
125.10 antlerless deer without a permit in all areas of the state open during the respective regular  
125.11 firearms or muzzleloader deer seasons in any permit area. This subdivision does not  
125.12 authorize the taking of an antlerless deer by another member of a party under section  
125.13 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of  
125.14 antlerless deer that may be taken is limited by a quota on the number of permits.

125.15 (b) A person may assist a Minnesota veterans home resident during the firearms or  
125.16 muzzleloader deer season without having a deer hunting license, but the person may  
125.17 not shoot a deer.

125.18 Sec. 9. **[97A.56] FERAL SWINE.**

125.19 Subdivision 1. **Definition.** For purposes of this section, "feral swine" means a  
125.20 member of the genus and species *Sus scrofa* that lives in the wild.

125.21 Subd. 2. **Prohibited actions; penalty.** (a) A person may not possess or release  
125.22 feral swine or swine that were feral during any part of the swines' lifetime or allow feral  
125.23 swine to run at large.

125.24 (b) A person may not hunt or trap feral swine, except as authorized by the  
125.25 commissioner for feral swine control or eradication.

125.26 (c) A person who violates this subdivision is guilty of a misdemeanor.

125.27 Subd. 3. **Authorized removal of feral swine.** A person authorized under game and  
125.28 fish laws to take feral swine is not liable to the owner for the value of the animals.

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

125.30 Sec. 10. Minnesota Statutes 2014, section 97B.063, is amended to read:

125.31 **97B.063 HUNTER SATISFACTION SURVEY.**

126.1 The commissioner shall annually administer the collection of hunter information  
126.2 related to participation and satisfaction. This may include information on preferences,  
126.3 values, interests, participation rates and patterns, barriers to participation, or other factors.  
126.4 The data shall be collected using established social science methods. The commissioner  
126.5 shall annually submit a summary of the information gathered under this section to  
126.6 the chairs and ranking minority members of the house of representatives and senate  
126.7 committees and divisions with jurisdiction over environment and natural resources no  
126.8 later than January 1 for the preceding fiscal year. The commissioner shall also make the  
126.9 summary information available on the department's Web site.

126.10 Sec. 11. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

126.11 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

126.12 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons  
126.13 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

126.14 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial  
126.15 light, provided that the person is:

126.16 (i) on foot;

126.17 (ii) using a shotgun;

126.18 (iii) not within a public road right-of-way;

126.19 (iv) using a handheld or electronic calling device; and

126.20 (v) not within 200 feet of a motor vehicle; or

126.21 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game  
126.22 animals, provided that the person is:

126.23 (i) on foot; and

126.24 (ii) not in possession of a firearm or bow.

126.25 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,  
126.26 headlight, or other artificial light to:

126.27 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,  
126.28 or occupation-related activities that do not involve taking wild animals; or

126.29 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to  
126.30 spotting, locating, or taking a wild animal.

126.31 (c) Except as otherwise provided by the game and fish laws, it is not a violation of  
126.32 this section for a person to use an electronic range finder device from one-half hour before  
126.33 sunrise until one-half hour after sunset while lawfully hunting wild animals.

127.1 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a  
127.2 handheld artificial light to track or retrieve a wounded or dead bear while possessing a  
127.3 firearm, provided that the person:

127.4 (1) has the person's valid bear hunting license in possession;

127.5 (2) is on foot; and

127.6 (3) is following the blood trail of a bear that was shot during legal shooting hours.

127.7 Sec. 12. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

127.8 Subd. 2. **Taking unprotected wild animals; permit required.** A person may not  
127.9 use radio equipment to take unprotected wild animals without a permit. The commissioner  
127.10 may issue a permit to take unprotected animals with radio equipment. The commissioner  
127.11 shall cancel the permit upon receiving a valid complaint of misconduct regarding the  
127.12 permittee's hunting activities.

127.13 Sec. 13. Minnesota Statutes 2014, section 97B.301, is amended by adding a  
127.14 subdivision to read:

127.15 Subd. 9. **Residents age 84 or over may take deer of either sex.** A resident age 84  
127.16 or over may take a deer of either sex. This subdivision does not authorize the taking of an  
127.17 antlerless deer by another member of a party under subdivision 3.

127.18 Sec. 14. **[97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

127.19 (a) While afield hunting turkeys, licensees may not have in possession or control  
127.20 any firearm or bow and arrow except those defined as legal for taking turkeys in rules  
127.21 adopted by the commissioner.

127.22 (b) Paragraph (a) does not apply to a person carrying a handgun in compliance  
127.23 with section 624.714.

127.24 Sec. 15. **[97B.9251] BEAVER SEASON.**

127.25 The commissioner may establish open seasons and restrictions for taking beaver from  
127.26 9:00 a.m. on the Saturday nearest October 26 in the North Zone and from 9:00 a.m. on the  
127.27 Saturday nearest October 30 in the South Zone. The seasons shall be open until May 15.

127.28 Sec. 16. Minnesota Statutes 2014, section 97C.345, is amended by adding a  
127.29 subdivision to read:

127.30 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take  
127.31 gizzard shad for use as bait for angling:

128.1 (1) from July 1 to November 30; and  
128.2 (2) from the Mississippi River downstream of St. Anthony Falls and the St.  
128.3 Croix River downstream of the dam at Taylors Falls, including portions described as  
128.4 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart  
128.5 1, items A and B, that are listed as infested waters as allowed under section 84D.03,  
128.6 subdivision 3.

128.7 (b) Cast nets used under this subdivision must be monofilament and may not exceed  
128.8 seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar  
128.9 measure.

128.10 (c) This subdivision expires December 1, 2017. The commissioner must report  
128.11 to the chairs and ranking minority members of the house of representatives and senate  
128.12 committees with jurisdiction over environment and natural resources by March 1, 2018,  
128.13 on the number of permits issued, conservation impacts from the use of cast nets, and  
128.14 recommendations for any necessary changes in statutes or rules.

128.15 Sec. 17. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

128.16 Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a  
128.17 minnow dealer license except as provided in subdivision 3.

128.18 (b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor  
128.19 vehicle used to transport minnows. The serial number, motor vehicle license number,  
128.20 make, and model must be on the license. The license must be conspicuously displayed  
128.21 in the vehicle.

128.22 (c) A minnow dealer may not transport minnows out of the state without an  
128.23 exporting minnow dealer license. A minnow dealer must obtain an exporting minnow  
128.24 dealer's vehicle license for each motor vehicle used to transport minnows out of the state.  
128.25 The serial number, motor vehicle license number, make, and model must be on the license.  
128.26 The license must be conspicuously displayed in the vehicle.

128.27 (d) A person with a minnow dealer's license may sell minnows at one retail outlet.  
128.28 A minnow dealer must obtain a minnow retailer license for each additional retail outlet  
128.29 operated. A minnow dealer operating a retail outlet under a minnow dealer's license must  
128.30 list the following information for the retail outlet: name of the business; city; state; zip  
128.31 code; and legal description or fire number. The retail outlet name and location may be  
128.32 changed by making application to the commissioner.

128.33 (e) A minnow dealer may designate employees as helpers who are authorized to  
128.34 take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees  
128.35 designated as helpers must be listed on the minnow dealer's license, and a copy of the



129.1 license designating the employee as a helper must be in the helper's possession when  
129.2 acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers  
129.3 listed on the dealer's license within a license year by notifying the commissioner in writing  
129.4 of the change to the license. Employees who are acting under the direction and control of  
129.5 the minnow dealer but who are not designated as helpers may not buy or sell minnows on  
129.6 behalf of the minnow dealer. This paragraph does not apply to employees selling minnows  
129.7 at the retail outlet location under paragraph (d).

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

129.9 Sec. 18. **RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE**  
129.10 **REGULATIONS.**

129.11 (a) The commissioner of natural resources shall amend Minnesota Rules, parts  
129.12 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language  
129.13 prohibiting spearing.

129.14 (b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of  
129.15 natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the  
129.16 language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

129.17 (c) The commissioner may use the good cause exemption under Minnesota Statutes,  
129.18 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
129.19 Statutes, section 14.386, does not apply.

129.20 **EFFECTIVE DATE.** This section is effective July 1, 2015.

129.21 Sec. 19. **RULEMAKING; WATER SURFACE USE RESTRICTIONS.**

129.22 (a) The commissioner of natural resources shall amend Minnesota Rules, part  
129.23 6110.3700, subpart 9, to allow a longer period of temporary special controls in situations  
129.24 of local emergency by deleting "five" and inserting "30" and deleting "five-day" and  
129.25 inserting "30-day."

129.26 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
129.27 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
129.28 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
129.29 section 14.388.

129.30 Sec. 20. **RULEMAKING; PERSONAL FLOTATION DEVICES.**

129.31 (a) To conform with changes in federal regulation, the commissioner of natural  
129.32 resources shall amend Minnesota Rules, part 6110.1200, subpart 3, as follows:

- 130.1 (1) delete the term "Type I, II, or III" and insert "wearable";  
 130.2 (2) delete the term "Type IV" and insert "throwable";  
 130.3 (3) delete items B and D and reletter the remaining items; and  
 130.4 (4) insert a new item that reads:  
 130.5 "C. All personal flotation devices required by this subpart must be:  
 130.6 (1) approved by the U.S. Coast Guard;  
 130.7 (2) legibly marked with any requirements and the approval number issued by the  
 130.8 U.S. Coast Guard;  
 130.9 (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with  
 130.10 all straps and fasteners present and in good condition;  
 130.11 (4) of the appropriate size for the intended wearer, if the device is designed to be worn,  
 130.12 and in compliance with any requirements listed on the U.S. Coast Guard approval label;  
 130.13 (5) for wearable devices, either readily accessible or worn, except when:  
 130.14 (a) devices are required to be worn to be accepted as U.S. Coast Guard-approved; or  
 130.15 (b) wearing a U.S. Coast Guard-approved wearable personal flotation device is  
 130.16 mandatory; and  
 130.17 (6) for throwable devices, immediately available.  
 130.18 "Readily accessible" means easily retrievable within a reasonable amount of time  
 130.19 in an emergency. "Immediately available" means easily reached in time of emergency.  
 130.20 Personal flotation devices located in locked containers, under heavy objects, or left in  
 130.21 shipping bags are not considered readily accessible or immediately available."  
 130.22 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 130.23 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 130.24 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,  
 130.25 section 14.388.

130.26 Sec. 21. **RULEMAKING; MOTORIZED TRAIL ENVIRONMENTAL REVIEW.**

- 130.27 (a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to  
 130.28 allow the following without preparing a mandatory environmental assessment worksheet:  
 130.29 (1) constructing a recreational trail less than 25 miles long on forested or other  
 130.30 naturally vegetated land for a recreational use;  
 130.31 (2) adding a new motorized recreational use or a seasonal motorized recreational  
 130.32 use to an existing motorized recreational trail if the treadway width is not expanded as a  
 130.33 result of the added use; and  
 130.34 (3) designating an existing, legally constructed route, such as a logging road, for  
 130.35 motorized recreational trail use.

131.1           **(b)** The board may use the good cause exemption rulemaking procedure under  
131.2 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this  
131.3 section, and Minnesota Statutes, section 14.386, does not apply except as provided under  
131.4 Minnesota Statutes, section 14.388.

131.5           Sec. 22. **REPEALER.**

131.6           **(a)** Minnesota Statutes 2014, sections 97A.475, subdivision 25; and 97B.905,  
131.7 subdivision 3, are repealed.

131.8           **(b)** Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

131.9           **EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015.

APPENDIX  
Article locations in H0846-1

	ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS .....	Page.Ln 2.16
	ENVIRONMENT AND NATURAL RESOURCES STATUTORY	
ARTICLE 2	CHANGES .....	Page.Ln 32.11
ARTICLE 3	GAME AND FISH .....	Page.Ln 120.3

**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