

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 844**

(SENATE AUTHORS: INGEBRIGTSEN, Johnson and Utke)

DATE	D-PG	OFFICIAL STATUS
02/09/2017	562	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance
03/14/2017	1435a 1458	Comm report: To pass as amended Second reading
03/29/2017	1461 2600	Author added Ingebrigtsen Chief author stricken, shown as co-author Johnson Chief author added Ingebrigtsen
04/24/2017	3314	Special Order Third reading Passed
05/08/2017	3390	Returned from House with amendment Senate not concur, conference committee of 5 requested
05/16/2017	5290	Senate conferees Ingebrigtsen; Ruud; Westrom; Mathews; Tomassoni
05/18/2017	5390	House conferees Fabian; Uglem; Heintzeman; Swedzinski; Ecklund
05/21/2017	5583	Conference committee report, delete everything
	5701	Senate adopted CC report and repassed bill
	5701	Third reading
	5794	House adopted SCC report and repassed bill See SF865 See SF723, Art. 2

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; providing for disposition of

1.4 certain receipts; modifying grant, contract, and lease provisions; modifying state

1.5 park permit requirements; modifying water safety provisions; modifying provisions

1.6 to take, possess, and transport wildlife; modifying duties and authority; modifying

1.7 Minnesota Naturalist Corps provisions; modifying prescribed burn provisions;

1.8 modifying timber sales provisions; providing for certain hearings, appeals, and

1.9 reviews; modifying buffer requirements; modifying landfill cleanup program;

1.10 modifying tax-forfeited land provisions; providing for riparian protection aid;

1.11 modifying the Water Law; modifying invasive species provisions; modifying

1.12 off-highway vehicle provisions; modifying permit and license requirements;

1.13 modifying Petroleum Tank Release Cleanup Act; extending ban on open air swine

1.14 basins; modifying environmental review; modifying Environmental Quality Board;

1.15 requiring reports; requiring rulemaking; amending Minnesota Statutes 2016,

1.16 sections 84.01, by adding a subdivision; 84.027, subdivisions 14a, 14b; 84.788,

1.17 subdivision 2; 84.793, subdivision 1; 84.8031; 84.82, subdivisions 2, 3; 84.8205,

1.18 subdivision 1; 84.922, subdivision 5; 84.925, subdivision 1; 84.9256, subdivisions

1.19 1, 2; 84.9275, subdivision 1; 84.946, subdivision 2, by adding a subdivision; 84.992,

1.20 subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04, subdivision 1; 84D.05,

1.21 subdivision 1; 84D.108, subdivision 2a, by adding subdivisions; 84D.11, by adding

1.22 a subdivision; 85.052, subdivision 1; 85.053, subdivisions 8, 10; 85.054, by adding

1.23 a subdivision; 85.055, subdivision 1; 85.22, subdivision 2a; 85.32, subdivision 1;

1.24 86B.301, subdivision 2; 86B.313, subdivision 1; 86B.701, subdivision 3; 88.01,

1.25 subdivision 28; 88.523; 89.39; 90.01, subdivisions 8, 12, by adding a subdivision;

1.26 90.041, subdivision 2; 90.051; 90.101, subdivision 2; 90.14; 90.145, subdivision

1.27 2; 90.151, subdivision 1; 90.162; 90.252; 93.25, subdivision 2; 93.47, subdivision

1.28 4; 93.481, subdivision 2; 93.50; 94.343, subdivision 9; 94.344, subdivision 9;

1.29 97A.015, subdivisions 39, 43, 45, 52, 53, by adding a subdivision; 97A.045,

1.30 subdivision 10; 97A.055, subdivision 2; 97A.075, subdivision 1; 97A.137,

1.31 subdivision 5; 97A.201, subdivision 2, by adding a subdivision; 97A.225,

1.32 subdivision 8; 97A.301, subdivision 1; 97A.338; 97A.420, subdivision 1; 97A.421,

1.33 subdivision 2a; 97A.441, subdivision 1; 97A.473, subdivisions 2, 2a, 2b, 4, 5, 5a;

1.34 97A.474, subdivision 2; 97A.475, subdivisions 2, 3, 6, 7, 8, 45; 97B.031,

1.35 subdivision 6; 97B.071; 97B.405; 97B.431; 97B.516; 97B.655, subdivision 1;

1.36 97C.081, subdivision 3; 97C.355, subdivisions 2, 2a; 97C.401, subdivision 2;

1.37 97C.501, subdivision 1; 97C.701, by adding a subdivision; 103F.48, subdivisions

1.38 1, 3; 103G.005, subdivisions 10b, 10h, by adding a subdivision; 103G.222,

1.39 subdivisions 1, 3; 103G.223; 103G.2242, subdivisions 1, 2; 103G.2372, subdivision

2.1 1; 103G.271, subdivisions 1, 6, 6a, 7; 103G.287, subdivision 1; 103G.411; 114D.25,  
 2.2 by adding a subdivision; 115B.39, subdivision 2; 115B.40, subdivision 4; 115C.021,  
 2.3 subdivision 1, by adding a subdivision; 116.03, subdivision 2b, by adding a  
 2.4 subdivision; 116.07, subdivision 4d; 116.0714; 116C.03, subdivision 2; 116C.04,  
 2.5 subdivision 2; 116D.04, subdivisions 2a, 5b, 10; 116D.045, subdivision 1; 160.06;  
 2.6 168.1295, subdivision 1; 282.018, subdivision 1; 282.04, subdivision 1; 296A.18,  
 2.7 subdivision 6a; Laws 2000, chapter 486, section 4, as amended; Laws 2013, chapter  
 2.8 114, article 4, section 105; Laws 2015, First Special Session chapter 4, article 4,  
 2.9 sections 136; 146; Laws 2016, chapter 189, article 3, sections 6; 26; 46; proposing  
 2.10 coding for new law in Minnesota Statutes, chapters 85; 93; 115; 115B; 477A;  
 2.11 repealing Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031,  
 2.12 subdivision 5; 97C.701, subdivisions 1a, 6; 97C.705; 97C.711; 116C.03, subdivision  
 2.13 3a; 116C.04, subdivision 3; Minnesota Rules, parts 6258.0100; 6258.0200;  
 2.14 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts 1, 4, 5;  
 2.15 6258.0800; 6258.0900.

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

2.17 **ARTICLE 1**

2.18 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

2.20 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
 2.21 and for the purposes specified in this article. The appropriations are from the general fund,  
 2.22 or another named fund, and are available for the fiscal years indicated for each purpose.  
 2.23 The figures "2018" and "2019" used in this article mean that the appropriations listed under  
 2.24 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.  
 2.25 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"  
 2.26 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are  
 2.27 effective the day following final enactment.

2.28 **APPROPRIATIONS**  
 2.29 **Available for the Year**  
 2.30 **Ending June 30**  
 2.31 **2018** **2019**

2.32 Sec. 2. **POLLUTION CONTROL AGENCY**

2.33 **Subdivision 1. Total Appropriation** **\$** **101,821,000** **\$** **100,206,000**

2.34 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
2.35 <u>General</u>	<u>6,543,000</u>	<u>6,802,000</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>78,984,000</u>	<u>79,892,000</u>

3.1	<u>Remediation</u>	<u>13,219,000</u>	<u>13,437,000</u>
3.2	<u>Closed Landfill</u>		
3.3	<u>Investment</u>	<u>3,000,000</u>	<u>-0-</u>

3.4 The amounts that may be spent for each  
 3.5 purpose are specified in the following  
 3.6 subdivisions.

3.7 The commissioner must present the agency's  
 3.8 biennial budget for fiscal years 2020 and 2021  
 3.9 to the legislature in a transparent way by  
 3.10 agency division, including the proposed  
 3.11 budget bill and presentations of the budget to  
 3.12 committees and divisions with jurisdiction  
 3.13 over the agency's budget.

3.14	<b><u>Subd. 2. Environmental Analysis and Outcomes</u></b>	<u>12,577,000</u>	<u>12,558,000</u>
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3.15 Appropriations by Fund

3.16		<u>2018</u>	<u>2019</u>
3.17	<u>Environmental</u>	<u>12,308,000</u>	<u>12,289,000</u>
3.18	<u>Remediation</u>	<u>181,000</u>	<u>181,000</u>
3.19	<u>General</u>	<u>88,000</u>	<u>88,000</u>

3.20 (a) \$88,000 the first year and \$88,000 the  
 3.21 second year are from the general fund for:

3.22 (1) a municipal liaison to assist municipalities  
 3.23 in implementing and participating in the  
 3.24 water-quality standards rulemaking process  
 3.25 and navigating the NPDES/SDS permitting  
 3.26 process;

3.27 (2) enhanced economic analysis in the  
 3.28 water-quality standards rulemaking process,  
 3.29 including more-specific analysis and  
 3.30 identification of cost-effective permitting;

3.31 (3) developing statewide economic analyses  
 3.32 and templates to reduce the amount of  
 3.33 information and time required for

4.1 municipalities to apply for variances from  
4.2 water-quality standards; and  
4.3 (4) coordinating with the Public Facilities  
4.4 Authority to identify and advocate for the  
4.5 resources needed for municipalities to achieve  
4.6 permit requirements.

4.7 (b) \$204,000 the first year and \$204,000 the  
4.8 second year are from the environmental fund  
4.9 for a monitoring program under Minnesota  
4.10 Statutes, section 116.454.

4.11 (c) \$346,000 the first year and \$346,000 the  
4.12 second year are from the environmental fund  
4.13 for monitoring ambient air for hazardous  
4.14 pollutants.

4.15 (d) \$90,000 the first year and \$90,000 the  
4.16 second year are from the environmental fund  
4.17 for duties related to harmful chemicals in  
4.18 children's products under Minnesota Statutes,  
4.19 sections 116.9401 to 116.9407. Of this  
4.20 amount, \$57,000 each year is transferred to  
4.21 the commissioner of health.

4.22 (e) \$109,000 the first year and \$109,000 the  
4.23 second year are from the environmental fund  
4.24 for registration of wastewater laboratories.

4.25 (f) \$913,000 the first year and \$913,000 the  
4.26 second year are from the environmental fund  
4.27 to continue perfluorochemical biomonitoring  
4.28 in eastern-metropolitan communities, as  
4.29 recommended by the Environmental Health  
4.30 Tracking and Biomonitoring Advisory Panel,  
4.31 and address other environmental health risks,  
4.32 including air quality. The communities must  
4.33 include Hmong and other immigrant farming  
4.34 communities. Of this amount, up to \$677,000

5.1 the first year and \$677,000 the second year  
 5.2 are for transfer to the Department of Health.

5.3 (g) \$100,000 the first year and \$50,000 the  
 5.4 second year are from the environmental fund  
 5.5 for impaired waters listing procedures required  
 5.6 under this act.

5.7 **Subd. 3. Industrial** 14,079,000 14,200,000

5.8 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
5.9 <u>Environmental</u>	<u>13,099,000</u>	<u>13,220,000</u>
5.10 <u>Remediation</u>	<u>980,000</u>	<u>980,000</u>

5.11 \$980,000 the first year and \$980,000 the  
 5.12 second year are from the remediation fund for  
 5.13 the leaking underground storage tank program  
 5.14 to investigate, clean up, and prevent future  
 5.15 releases from underground petroleum storage  
 5.16 tanks and to the petroleum remediation  
 5.17 program for vapor assessment and  
 5.18 remediation. These same annual amounts are  
 5.19 transferred from the petroleum tank fund to  
 5.20 the remediation fund.

5.21 **Subd. 4. Municipal** 6,625,000 6,624,000

5.22 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
5.23 <u>General</u>	<u>162,000</u>	<u>162,000</u>
5.24 <u>Environmental</u>	<u>6,463,000</u>	<u>6,462,000</u>

5.25 (a) \$162,000 the first year and \$162,000 the  
 5.26 second year are from the general fund for:  
 5.27 (1) a municipal liaison to assist municipalities  
 5.28 in implementing and participating in the  
 5.29 water-quality standards rulemaking process  
 5.30 and navigating the NPDES/SDS permitting  
 5.31 process;

6.1 (2) enhanced economic analysis in the  
6.2 water-quality standards rulemaking process,  
6.3 including more specific analysis and  
6.4 identification of cost-effective permitting;  
6.5 (3) development of statewide economic  
6.6 analyses and templates to reduce the amount  
6.7 of information and time required for  
6.8 municipalities to apply for variances from  
6.9 water quality standards; and  
6.10 (4) coordinating with the Public Facilities  
6.11 Authority to identify and advocate for the  
6.12 resources needed for municipalities to achieve  
6.13 permit requirements.  
6.14 (b) \$50,000 the first year and \$50,000 the  
6.15 second year are from the environmental fund  
6.16 for transfer to the Office of Administrative  
6.17 Hearings to establish sanitary districts.  
6.18 (c) \$615,000 the first year and \$614,000 the  
6.19 second year are from the environmental fund  
6.20 for subsurface sewage treatment system  
6.21 (SSTS) program administration and  
6.22 community technical assistance and education,  
6.23 including grants and technical assistance to  
6.24 communities for water-quality protection. Of  
6.25 this amount, \$129,000 each year is for  
6.26 assistance to counties through grants for SSTS  
6.27 program administration. A county receiving  
6.28 a grant from this appropriation must submit  
6.29 the results achieved with the grant to the  
6.30 commissioner as part of its annual SSTS  
6.31 report. Any unexpended balance in the first  
6.32 year does not cancel but is available in the  
6.33 second year.

7.1 (d) \$639,000 the first year and \$640,000 the  
 7.2 second year are from the environmental fund  
 7.3 to address the need for continued increased  
 7.4 activity in the areas of new technology review,  
 7.5 technical assistance for local governments,  
 7.6 and enforcement under Minnesota Statutes,  
 7.7 sections 115.55 to 115.58, and to complete the  
 7.8 requirements of Laws 2003, chapter 128,  
 7.9 article 1, section 165.

7.10 (e) Notwithstanding Minnesota Statutes,  
 7.11 section 16A.28, the appropriations  
 7.12 encumbered on or before June 30, 2019, as  
 7.13 grants or contracts for subsurface sewage  
 7.14 treatment systems, surface water and  
 7.15 groundwater assessments, storm water, and  
 7.16 water-quality protection in this subdivision  
 7.17 are available until June 30, 2022.

7.18 Subd. 5. Operations 9,769,000 11,052,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
7.19		
7.20		
7.21	<u>6,349,000</u>	<u>7,154,000</u>
7.22	<u>1,074,000</u>	<u>1,293,000</u>
7.23	<u>2,346,000</u>	<u>2,605,000</u>

7.24 (a) \$174,000 the first year and \$174,000 the  
 7.25 second year are from the remediation fund for  
 7.26 purposes of the leaking underground storage  
 7.27 tank program to investigate, clean up, and  
 7.28 prevent future releases from underground  
 7.29 petroleum storage tanks, and to the petroleum  
 7.30 remediation program for vapor assessment  
 7.31 and remediation. These same annual amounts  
 7.32 are transferred from the petroleum tank fund  
 7.33 to the remediation fund.

7.34 (b) \$400,000 the first year and \$400,000 the  
 7.35 second year are from the environmental fund

8.1 to develop and maintain systems to support  
8.2 permitting and regulatory business processes  
8.3 and agency data. This is a onetime  
8.4 appropriation.

8.5 (c) \$300,000 the first year is from the  
8.6 environmental fund for a grant to the  
8.7 Metropolitan Council under Minnesota  
8.8 Statutes, section 116.195, for wastewater  
8.9 infrastructure to support waste to biofuel  
8.10 development. This is a onetime appropriation  
8.11 and is available until June 30, 2019.

8.12 (d) \$2,346,000 the first year and \$2,605,000  
8.13 the second year are from the general fund for  
8.14 agency operating adjustments. The  
8.15 commissioner shall make necessary  
8.16 adjustments to program appropriations in this  
8.17 article to distribute these funds. The  
8.18 commissioner may transfer an amount of this  
8.19 appropriation to the remediation fund. By  
8.20 September 1, 2017, the commissioner shall  
8.21 report to the chairs of the legislative  
8.22 committees with jurisdiction over environment  
8.23 and natural resources finance the distribution  
8.24 of funds and resulting base-level  
8.25 appropriations for each program.

8.26 (e) \$1,774,000 the first year and \$2,879,000  
8.27 the second year are from the environmental  
8.28 fund for agency operating adjustments. The  
8.29 commissioner shall make necessary  
8.30 adjustments to program appropriations in this  
8.31 article to distribute these funds. By September  
8.32 1, 2017, the commissioner shall report to the  
8.33 chairs of the legislative committees with  
8.34 jurisdiction over environment and natural  
8.35 resources finance the distribution of funds and



9.1 resulting base-level appropriations for each  
 9.2 program.

9.3 (f) \$310,000 the first year and \$528,000 the  
 9.4 second year are from the remediation fund for  
 9.5 agency operating adjustments. The  
 9.6 commissioner shall make necessary  
 9.7 adjustments to program appropriations in this  
 9.8 article to distribute these funds. By September  
 9.9 1, 2017, the commissioner shall report to the  
 9.10 chairs of the legislative committees with  
 9.11 jurisdiction over environment and natural  
 9.12 resources finance the distribution of funds and  
 9.13 resulting base-level appropriations for each  
 9.14 program. If any amount under this paragraph  
 9.15 is allocated for the leaking underground  
 9.16 storage-tank program, the same amount is  
 9.17 transferred from the petroleum tank fund to  
 9.18 the remediation fund.

9.19 Subd. 6. Remediation 14,670,000 11,669,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
9.22 <u>Environmental</u>	<u>688,000</u>	<u>688,000</u>
9.23 <u>Remediation</u>	<u>10,766,000</u>	<u>10,765,000</u>
9.24 <u>Closed Landfill</u>		
9.25 <u>Investment</u>	<u>3,000,000</u>	<u>-0-</u>
9.26 <u>General</u>	<u>216,000</u>	<u>216,000</u>

9.27 (a) All money for environmental response,  
 9.28 compensation, and compliance in the  
 9.29 remediation fund not otherwise appropriated  
 9.30 is appropriated to the commissioners of the  
 9.31 Pollution Control Agency and agriculture for  
 9.32 purposes of Minnesota Statutes, section  
 9.33 115B.20, subdivision 2, clauses (1), (2), (3),  
 9.34 (6), and (7). At the beginning of each fiscal  
 9.35 year, the two commissioners shall jointly  
 9.36 submit an annual spending plan to the

10.1 commissioner of management and budget that  
10.2 maximizes the use of resources and  
10.3 appropriately allocates the money between the  
10.4 two departments. This appropriation is  
10.5 available until June 30, 2019.

10.6 (b) \$216,000 the first year and \$216,000 the  
10.7 second year are from the general fund and  
10.8 \$216,000 the first year and \$216,000 the  
10.9 second year are from the environmental fund  
10.10 to manage contaminated sediment projects at  
10.11 multiple sites identified in the St. Louis River  
10.12 remedial action plan to restore water quality  
10.13 in the St. Louis River area of concern. This  
10.14 amount is added to the base for fiscal year  
10.15 2020 only.

10.16 (c) \$3,871,000 the first year and \$3,870,000  
10.17 the second year are from the remediation fund  
10.18 for purposes of the leaking underground  
10.19 storage tank program to investigate, clean up,  
10.20 and prevent future releases from underground  
10.21 petroleum storage tanks, and to the petroleum  
10.22 remediation program for purposes of vapor  
10.23 assessment and remediation. These same  
10.24 annual amounts are transferred from the  
10.25 petroleum tank fund to the remediation fund.

10.26 (d) \$252,000 the first year and \$252,000 the  
10.27 second year are from the remediation fund for  
10.28 transfer to the commissioner of health for  
10.29 private water-supply monitoring and health  
10.30 assessment costs in areas contaminated by  
10.31 unpermitted mixed municipal solid waste  
10.32 disposal facilities and drinking water  
10.33 advisories and public information activities  
10.34 for areas contaminated by hazardous releases.



- 12.1 appropriation is available until June 30, 2021.
- 12.2 Any unencumbered grant and loan balances
- 12.3 in the first year do not cancel but are available
- 12.4 for grants and loans in the second year.
- 12.5 (c) \$693,000 the first year and \$693,000 the
- 12.6 second year are from the environmental fund
- 12.7 for emission reduction activities and grants to
- 12.8 small businesses and other nonpoint emission
- 12.9 reduction efforts. Of this amount, \$100,000
- 12.10 the first year and \$100,000 the second year
- 12.11 are to continue work with Clean Air
- 12.12 Minnesota, and the commissioner may enter
- 12.13 into an agreement with Environmental
- 12.14 Initiative to support this effort. Any
- 12.15 unencumbered grant and loan balances in the
- 12.16 first year do not cancel but are available for
- 12.17 grants and loans in the second year.
- 12.18 (d) \$17,250,000 the first year and \$17,250,000
- 12.19 the second year are from the environmental
- 12.20 fund for SCORE block grants to counties.
- 12.21 (e) \$119,000 the first year and \$119,000 the
- 12.22 second year are from the environmental fund
- 12.23 for environmental assistance grants or loans
- 12.24 under Minnesota Statutes, section 115A.0716.
- 12.25 Any unencumbered grant and loan balances
- 12.26 in the first year do not cancel but are available
- 12.27 for grants and loans in the second year.
- 12.28 (f) \$68,000 the first year and \$69,000 the
- 12.29 second year are from the environmental fund
- 12.30 for subsurface sewage treatment system
- 12.31 (SSTS) program administration and
- 12.32 community technical assistance and education,
- 12.33 including grants and technical assistance to
- 12.34 communities for water-quality protection.

13.1 (g) \$125,000 the first year and \$126,000 the  
 13.2 second year are from the environmental fund  
 13.3 to address the need for continued increased  
 13.4 activity in the areas of new technology review,  
 13.5 technical assistance for local governments,  
 13.6 and enforcement under Minnesota Statutes,  
 13.7 sections 115.55 to 115.58, and to complete the  
 13.8 requirements of Laws 2003, chapter 128,  
 13.9 article 1, section 165.

13.10 (h) All money deposited in the environmental  
 13.11 fund for the metropolitan solid waste landfill  
 13.12 fee in accordance with Minnesota Statutes,  
 13.13 section 473.843, and not otherwise  
 13.14 appropriated, is appropriated for the purposes  
 13.15 of Minnesota Statutes, section 473.844.

13.16 (i) Notwithstanding Minnesota Statutes,  
 13.17 section 16A.28, the appropriations  
 13.18 encumbered on or before June 30, 2019, as  
 13.19 contracts or grants for environmental  
 13.20 assistance awarded under Minnesota Statutes,  
 13.21 section 115A.0716; technical and research  
 13.22 assistance under Minnesota Statutes, section  
 13.23 115A.152; technical assistance under  
 13.24 Minnesota Statutes, section 115A.52; and  
 13.25 pollution prevention assistance under  
 13.26 Minnesota Statutes, section 115D.04, are  
 13.27 available until June 30, 2021.

13.28 Subd. 8. Watershed 9,220,000 9,220,000

13.29 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
13.30		
13.31 <u>Environmental</u>	<u>7,043,000</u>	<u>7,043,000</u>
13.32 <u>Remediation</u>	<u>218,000</u>	<u>218,000</u>
13.33 <u>General</u>	<u>1,959,000</u>	<u>1,959,000</u>

13.34 (a) \$1,959,000 the first year and \$1,959,000  
 13.35 the second year are from the general fund for

14.1 grants to delegated counties to administer the  
 14.2 county feedlot program under Minnesota  
 14.3 Statutes, section 116.0711, subdivisions 2 and  
 14.4 3. Money remaining after the first year is  
 14.5 available for the second year.

14.6 (b) \$207,000 the first year and \$207,000 the  
 14.7 second year are from the environmental fund  
 14.8 for the costs of implementing general  
 14.9 operating permits for feedlots over 1,000  
 14.10 animal units.

14.11 (c) \$118,000 the first year and \$118,000 the  
 14.12 second year are from the remediation fund for  
 14.13 purposes of the leaking underground storage  
 14.14 tank program to investigate, clean up, and  
 14.15 prevent future releases from underground  
 14.16 petroleum storage tanks, and to the petroleum  
 14.17 remediation program for vapor assessment  
 14.18 and remediation. These same annual amounts  
 14.19 are transferred from the petroleum tank fund  
 14.20 to the remediation fund.

14.21 **Subd. 9. Environmental Quality Board** 1,264,000 1,264,000

14.22 Appropriations by Fund

14.23 2018 2019

14.24 General 1,072,000 1,072,000

14.25 Environmental 192,000 192,000

14.26 **Subd. 10. Transfers**

14.27 The commissioner shall transfer up to  
 14.28 \$44,000,000 from the environmental fund to  
 14.29 the remediation fund for the purposes of the  
 14.30 remediation fund under Minnesota Statutes,  
 14.31 section 116.155, subdivision 2.

14.32 **Sec. 3. NATURAL RESOURCES**

14.33 **Subdivision 1. Total Appropriation** **\$ 283,249,000** **\$ 286,475,000**

15.1	<u>Appropriations by Fund</u>		
15.2		<u>2018</u>	<u>2019</u>
15.3	<u>General</u>	<u>86,508,000</u>	<u>84,699,000</u>
15.4	<u>Natural Resources</u>	<u>94,744,000</u>	<u>97,773,000</u>
15.5	<u>Game and Fish</u>	<u>101,689,000</u>	<u>103,688,000</u>
15.6	<u>Remediation</u>	<u>102,000</u>	<u>103,000</u>
15.7	<u>Permanent School</u>	<u>206,000</u>	<u>212,000</u>
15.8	<u>The amounts that may be spent for each</u>		
15.9	<u>purpose are specified in the following</u>		
15.10	<u>subdivisions.</u>		
15.11	<b><u>Subd. 2. Land and Mineral Resources</u></b>		
15.12	<b><u>Management</u></b>	<u>5,652,000</u>	<u>5,658,000</u>
15.13	<u>Appropriations by Fund</u>		
15.14		<u>2018</u>	<u>2019</u>
15.15	<u>General</u>	<u>1,710,000</u>	<u>1,710,000</u>
15.16	<u>Natural Resources</u>	<u>3,392,000</u>	<u>3,392,000</u>
15.17	<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
15.18	<u>Permanent School</u>	<u>206,000</u>	<u>212,000</u>
15.19	<u>(a) \$319,000 the first year and \$319,000 the</u>		
15.20	<u>second year are for environmental research</u>		
15.21	<u>relating to mine permitting, of which \$200,000</u>		
15.22	<u>each year is from the minerals management</u>		
15.23	<u>account and \$119,000 each year is from the</u>		
15.24	<u>general fund.</u>		
15.25	<u>(b) \$2,815,000 the first year and \$2,815,000</u>		
15.26	<u>the second year are from the minerals</u>		
15.27	<u>management account in the natural resources</u>		
15.28	<u>fund for use as provided in Minnesota Statutes,</u>		
15.29	<u>section 93.2236, paragraph (c), for mineral</u>		
15.30	<u>resource management, projects to enhance</u>		
15.31	<u>future mineral income, and projects to promote</u>		
15.32	<u>new mineral resource opportunities.</u>		
15.33	<u>(c) \$206,000 the first year and \$212,000 the</u>		
15.34	<u>second year are from the state forest suspense</u>		
15.35	<u>account in the permanent school fund to secure</u>		

16.1 maximum long-term economic return from  
 16.2 the school trust lands consistent with fiduciary  
 16.3 responsibilities and sound natural resources  
 16.4 conservation and management principles.

16.5 (d) \$125,000 the first year and \$125,000 the  
 16.6 second year are for conservation easement  
 16.7 stewardship.

16.8 **Subd. 3. Ecological and Water Resources** 32,740,000 32,629,000

16.9 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
16.10		
16.11	<u>17,213,000</u>	<u>17,046,000</u>
16.12	<u>10,576,000</u>	<u>10,576,000</u>
16.13	<u>4,951,000</u>	<u>5,007,000</u>

16.14 (a) \$3,242,000 the first year and \$3,242,000  
 16.15 the second year are from the invasive species  
 16.16 account in the natural resources fund and  
 16.17 \$3,206,000 the first year and \$3,206,000 the  
 16.18 second year are from the general fund for  
 16.19 management, public awareness, assessment  
 16.20 and monitoring research, and water access  
 16.21 inspection to prevent the spread of invasive  
 16.22 species; management of invasive plants in  
 16.23 public waters; and management of terrestrial  
 16.24 invasive species on state-administered lands.

16.25 (b) \$5,000,000 the first year and \$5,000,000  
 16.26 the second year are from the water  
 16.27 management account in the natural resources  
 16.28 fund for only the purposes specified in  
 16.29 Minnesota Statutes, section 103G.27,  
 16.30 subdivision 2.

16.31 (c) \$124,000 the first year and \$124,000 the  
 16.32 second year are for a grant to the Mississippi  
 16.33 Headwaters Board for up to 50 percent of the  
 16.34 cost of implementing the comprehensive plan



- 17.1 for the upper Mississippi within areas under  
17.2 the board's jurisdiction.
- 17.3 (d) \$10,000 the first year and \$10,000 the  
17.4 second year are for payment to the Leech Lake  
17.5 Band of Chippewa Indians to implement the  
17.6 band's portion of the comprehensive plan for  
17.7 the upper Mississippi.
- 17.8 (e) \$264,000 the first year and \$264,000 the  
17.9 second year are for grants for up to 50 percent  
17.10 of the cost of implementation of the Red River  
17.11 mediation agreement.
- 17.12 (f) \$2,078,000 the first year and \$2,134,000  
17.13 the second year are from the heritage  
17.14 enhancement account in the game and fish  
17.15 fund for only the purposes specified in  
17.16 Minnesota Statutes, section 297A.94,  
17.17 paragraph (e), clause (1).
- 17.18 (g) \$950,000 the first year and \$950,000 the  
17.19 second year are from the nongame wildlife  
17.20 management account in the natural resources  
17.21 fund for the purpose of nongame wildlife  
17.22 management. Notwithstanding Minnesota  
17.23 Statutes, section 290.431, \$100,000 the first  
17.24 year and \$100,000 the second year may be  
17.25 used for nongame wildlife information,  
17.26 education, and promotion.
- 17.27 (h) Notwithstanding Minnesota Statutes,  
17.28 section 84.943, \$13,000 the first year and  
17.29 \$13,000 the second year from the critical  
17.30 habitat private sector matching account may  
17.31 be used to publicize the critical habitat license  
17.32 plate match program.

- 18.1 (i) \$6,000,000 the first year and \$6,000,000  
18.2 the second year are from the general fund for  
18.3 the following activities:
- 18.4 (1) financial reimbursement and technical  
18.5 support to soil and water conservation districts  
18.6 or other local units of government for  
18.7 groundwater level monitoring;
- 18.8 (2) surface water monitoring and analysis,  
18.9 including installation of monitoring gauges;
- 18.10 (3) groundwater analysis to assist with water  
18.11 appropriation permitting decisions;
- 18.12 (4) permit application review incorporating  
18.13 surface water and groundwater technical  
18.14 analysis;
- 18.15 (5) precipitation data and analysis to improve  
18.16 the use of irrigation;
- 18.17 (6) information technology, including  
18.18 electronic permitting and integrated data  
18.19 systems; and
- 18.20 (7) compliance and monitoring.
- 18.21 (j) \$167,000 the first year is for a grant to the  
18.22 Koronis Lake Association for purposes of  
18.23 removing and preventing aquatic invasive  
18.24 species. This is a onetime appropriation and  
18.25 is available until June 30, 2022.
- 18.26 (k) \$410,000 the first year and \$410,000 the  
18.27 second year are from the heritage enhancement  
18.28 account in the game and fish fund for grants  
18.29 to the Minnesota Aquatic Invasive Species  
18.30 Research Center at the University of  
18.31 Minnesota to prioritize, support, and develop  
18.32 research-based solutions that can reduce the  
18.33 effects of aquatic invasive species in

19.1 Minnesota by preventing spread, controlling  
 19.2 populations, and managing ecosystems and to  
 19.3 advance knowledge to inspire action by others.

19.4 **Subd. 4. Forest Management** 47,185,000      45,981,000

19.5 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
19.6 <u>General</u>	<u>31,719,000</u>	<u>30,481,000</u>
19.7 <u>Natural Resources</u>	<u>14,144,000</u>	<u>14,144,000</u>
19.8 <u>Game and Fish</u>	<u>1,322,000</u>	<u>1,356,000</u>

19.10 (a) \$7,145,000 the first year and \$7,145,000  
 19.11 the second year are for prevention,  
 19.12 presuppression, and suppression costs of  
 19.13 emergency firefighting and other costs  
 19.14 incurred under Minnesota Statutes, section  
 19.15 88.12. The amount necessary to pay for  
 19.16 presuppression and suppression costs during  
 19.17 the biennium is appropriated from the general  
 19.18 fund. By January 15 of each year, the  
 19.19 commissioner of natural resources shall submit  
 19.20 a report to the chairs and ranking minority  
 19.21 members of the house and senate committees  
 19.22 and divisions having jurisdiction over  
 19.23 environment and natural resources finance,  
 19.24 identifying all firefighting costs incurred and  
 19.25 reimbursements received in the prior fiscal  
 19.26 year. These appropriations may not be  
 19.27 transferred. Any reimbursement of firefighting  
 19.28 expenditures made to the commissioner from  
 19.29 any source other than federal mobilizations  
 19.30 must be deposited into the general fund.

19.31 (b) \$11,644,000 the first year and \$11,644,000  
 19.32 the second year are from the forest  
 19.33 management investment account in the natural  
 19.34 resources fund for only the purposes specified

- 20.1 in Minnesota Statutes, section 89.039,  
20.2 subdivision 2.
- 20.3 (c) \$1,322,000 the first year and \$1,356,000  
20.4 the second year are from the heritage  
20.5 enhancement account in the game and fish  
20.6 fund to advance ecological classification  
20.7 systems (ECS) scientific management tools  
20.8 for forest and invasive species management.
- 20.9 (d) \$780,000 the first year and \$780,000 the  
20.10 second year are for the Forest Resources  
20.11 Council to implement the Sustainable Forest  
20.12 Resources Act.
- 20.13 (e) \$500,000 the first year is from the general  
20.14 fund for a study of the ability to sustainably  
20.15 harvest at least 1,000,000 cords of wood  
20.16 annually on state-administered forest lands.  
20.17 No later than March 1, 2018, the commissioner  
20.18 must report the study's findings to the  
20.19 legislative committees with jurisdiction over  
20.20 environment and natural resources policy and  
20.21 finance. This is a onetime appropriation.
- 20.22 (f) \$2,000,000 the first year and \$2,000,000  
20.23 the second year are from the forest  
20.24 management investment account in the natural  
20.25 resources fund for state forest reforestation.  
20.26 The base from the forest management  
20.27 investment account in the natural resources  
20.28 fund for fiscal year 2020 and later is  
20.29 \$1,250,000.
- 20.30 (g) \$1,869,000 the first year and \$1,131,000  
20.31 the second year are from the general fund for  
20.32 the Next Generation Core Forestry data  
20.33 system. The appropriation is available until  
20.34 June 30, 2021.

21.1 (h) \$500,000 the first year and \$500,000 the  
 21.2 second year are from the forest management  
 21.3 investment account in the natural resources  
 21.4 fund for forest road maintenance on state  
 21.5 forest roads.

21.6 (i) \$500,000 the first year and \$500,000 the  
 21.7 second year are from the general fund for  
 21.8 forest road maintenance on county forest  
 21.9 roads.

21.10 (j) \$500,000 the first year and \$500,000 the  
 21.11 second year are from the general fund for  
 21.12 additional private forest management.

21.13 (k) The base for the natural resources fund in  
 21.14 fiscal year 2020 and later is \$13,394,000.

21.15 **Subd. 5. Parks and Trails Management**

79,830,000

81,100,000

21.16 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
21.17 <u>General</u>	<u>25,057,000</u>	<u>24,927,000</u>
21.18 <u>Natural Resources</u>	<u>52,500,000</u>	<u>53,900,000</u>
21.19 <u>Game and Fish</u>	<u>2,273,000</u>	<u>2,273,000</u>

21.21 (a) \$1,075,000 the first year and \$1,075,000  
 21.22 the second year are from the water recreation  
 21.23 account in the natural resources fund for  
 21.24 enhancing and maintaining public  
 21.25 water-access facilities.

21.26 (b) \$5,740,000 the first year and \$5,740,000  
 21.27 the second year are from the natural resources  
 21.28 fund for state trail, park, and recreation area  
 21.29 operations. This appropriation is from the  
 21.30 revenue deposited in the natural resources fund  
 21.31 under Minnesota Statutes, section 297A.94,  
 21.32 paragraph (e), clause (2).

21.33 (c) \$17,350,000 the first year and \$17,750,000  
 21.34 the second year are from the state parks

- 22.1 account in the natural resources fund for state  
22.2 park and state recreation area operation and  
22.3 maintenance.
- 22.4 (d) \$1,005,000 the first year and \$1,005,000  
22.5 the second year are from the natural resources  
22.6 fund for park and trail grants to local units of  
22.7 government on land to be maintained for at  
22.8 least 20 years for the purposes of the grants.
- 22.9 This appropriation is from the revenue  
22.10 deposited in the natural resources fund under  
22.11 Minnesota Statutes, section 297A.94,  
22.12 paragraph (e), clause (4). Any unencumbered  
22.13 balance does not cancel at the end of the first  
22.14 year and is available for the second year.
- 22.15 (e) \$130,000 the first year is from the general  
22.16 fund, and \$8,424,000 the first year and  
22.17 \$9,624,000 the second year are from the  
22.18 snowmobile trails and enforcement account  
22.19 in the natural resources fund for the  
22.20 snowmobile grants-in-aid program. Any  
22.21 unencumbered balance does not cancel at the  
22.22 end of the first year and is available for the  
22.23 second year.
- 22.24 (f) \$1,835,000 the first year and \$1,835,000  
22.25 the second year are from the natural resources  
22.26 fund for the off-highway vehicle grants-in-aid  
22.27 program. Of this amount, \$1,360,000 the first  
22.28 year and \$1,360,000 the second year are from  
22.29 the all-terrain vehicle account; \$150,000 each  
22.30 year is from the off-highway motorcycle  
22.31 account; and \$325,000 each year is from the  
22.32 off-road vehicle account. Any unencumbered  
22.33 balance does not cancel at the end of the first  
22.34 year and is available for the second year.

- 23.1 (g) \$75,000 the first year and \$75,000 the  
23.2 second year are from the cross-country ski  
23.3 account in the natural resources fund for  
23.4 grooming and maintaining cross-country ski  
23.5 trails in state parks, trails, and recreation areas.
- 23.6 (h) \$250,000 the first year and \$250,000 the  
23.7 second year are from the state land and water  
23.8 conservation account in the natural resources  
23.9 fund for priorities established by the  
23.10 commissioner for eligible state projects and  
23.11 administrative and planning activities  
23.12 consistent with Minnesota Statutes, section  
23.13 84.0264, and the federal Land and Water  
23.14 Conservation Fund Act. Any unencumbered  
23.15 balance does not cancel at the end of the first  
23.16 year and is available for the second year.
- 23.17 (i) \$150,000 the first year is from the  
23.18 all-terrain vehicle account in the natural  
23.19 resources fund for a grant to the city of Orr to  
23.20 predesign, design, and construct the Voyageur  
23.21 all-terrain vehicle trail system, including:
- 23.22 (1) design of the alignment for phase I of the  
23.23 Voyageur all-terrain vehicle trail system and  
23.24 development of a preliminary phase II  
23.25 alignment;
- 23.26 (2) completion of wetland delineation and  
23.27 wetland permitting;
- 23.28 (3) completion of the engineering design and  
23.29 cost estimates for a snowmobile and  
23.30 off-highway vehicle bridge over the Vermilion  
23.31 River to establish a trail connection; and
- 23.32 (4) completion of the master plan for the  
23.33 Voyageur all-terrain vehicle trail system.

24.1 This is a onetime appropriation and is  
 24.2 available until June 30, 2020.

24.3 (j) \$250,000 the first year and \$250,000 the  
 24.4 second year are from the general fund for  
 24.5 matching grants for local parks and outdoor  
 24.6 recreation areas under Minnesota Statutes,  
 24.7 section 85.019, subdivision 2.

24.8 (k) \$250,000 the first year and \$250,000 the  
 24.9 second year are from the general fund for  
 24.10 matching grants for local trail connections  
 24.11 under Minnesota Statutes, section 85.019,  
 24.12 subdivision 4c.

24.13 (l) \$50,000 the first year is from the all-terrain  
 24.14 vehicle account in the natural resources fund  
 24.15 for a grant to the city of Virginia to assist the  
 24.16 Virginia Area All-Terrain Vehicle Club to  
 24.17 plan, design, engineer, and permit a  
 24.18 comprehensive all-terrain vehicle system in  
 24.19 the Virginia area and to connect with the Iron  
 24.20 Range Off-Highway Vehicle Recreation Area.

24.21 This is a onetime appropriation and is  
 24.22 available until June 30, 2020.

24.23 **Subd. 6. Fish and Wildlife Management** 68,207,000 67,750,000

24.24 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
24.25 <u>Natural Resources</u>	<u>1,912,000</u>	<u>1,912,000</u>
24.26 <u>Game and Fish</u>	<u>66,295,000</u>	<u>65,838,000</u>

24.28 (a) \$8,283,000 the first year and \$8,386,000  
 24.29 the second year are from the heritage  
 24.30 enhancement account in the game and fish  
 24.31 fund only for activities specified in Minnesota  
 24.32 Statutes, section 297A.94, paragraph (e),  
 24.33 clause (1). Notwithstanding Minnesota  
 24.34 Statutes, section 297A.94, five percent of this



25.1 appropriation may be used for expanding  
25.2 hunter and angler recruitment and retention.

25.3 (b) Notwithstanding Minnesota Statutes,  
25.4 section 297A.94, \$30,000 the first year is from  
25.5 the heritage enhancement account in the game  
25.6 and fish fund for the commissioner of natural  
25.7 resources to contract with a private entity to  
25.8 search for a site to construct a world-class  
25.9 shooting range and club house for use by the  
25.10 Minnesota State High School League and for  
25.11 other regional, statewide, national, and  
25.12 international shooting events. The  
25.13 commissioner must provide public notice of  
25.14 the search, including making the public aware  
25.15 of the process through the Department of  
25.16 Natural Resources' media outlets, and solicit  
25.17 input on the location and building options for  
25.18 the facility. The siting search process must  
25.19 include a public process to determine if any  
25.20 business or individual is interested in donating  
25.21 land for the facility, anticipated to be at least  
25.22 500 acres. The site search team must meet  
25.23 with interested third parties affected by or  
25.24 interested in the facility. The commissioner  
25.25 must submit a report with the results of the  
25.26 site search to the chairs and ranking minority  
25.27 members of the legislative committees and  
25.28 divisions with jurisdiction over environment  
25.29 and natural resources by March 1, 2018. This  
25.30 is a onetime appropriation.

25.31 (c) Notwithstanding Minnesota Statutes,  
25.32 section 297A.94, \$30,000 the first year is from  
25.33 the heritage enhancement account in the game  
25.34 and fish fund for a study of lead shot  
25.35 deposition on state lands. By March 1, 2018,

26.1 the commissioner shall provide a report of the  
 26.2 study to the chairs and ranking minority  
 26.3 members of the legislative committees with  
 26.4 jurisdiction over natural resources policy and  
 26.5 finance. This is a onetime appropriation.

26.6 (d) Notwithstanding Minnesota Statutes,  
 26.7 section 297A.94, \$500,000 the first year is  
 26.8 from the heritage enhancement account in the  
 26.9 game and fish fund for planning and  
 26.10 emergency response to disease outbreaks in  
 26.11 wildlife. This is a onetime appropriation and  
 26.12 is available until June 30, 2019.

26.13 Subd. 7. Enforcement 40,879,000 40,880,000

26.14 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
26.15 <u>General</u>	<u>6,640,000</u>	<u>6,640,000</u>
26.16 <u>Natural Resources</u>	<u>10,309,000</u>	<u>10,309,000</u>
26.17 <u>Game and Fish</u>	<u>23,828,000</u>	<u>23,828,000</u>
26.18 <u>Remediation</u>	<u>102,000</u>	<u>103,000</u>

26.20 (a) \$1,718,000 the first year and \$1,718,000  
 26.21 the second year are from the general fund for  
 26.22 enforcement efforts to prevent the spread of  
 26.23 aquatic invasive species.

26.24 (b) \$1,580,000 the first year and \$1,580,000  
 26.25 the second year are from the heritage  
 26.26 enhancement account in the game and fish  
 26.27 fund for only the purposes specified in  
 26.28 Minnesota Statutes, section 297A.94,  
 26.29 paragraph (e), clause (1).

26.30 (c) \$1,082,000 the first year and \$1,082,000  
 26.31 the second year are from the water recreation  
 26.32 account in the natural resources fund for grants  
 26.33 to counties for boat and water safety. Any  
 26.34 unencumbered balance does not cancel at the

27.1 end of the first year and is available for the  
27.2 second year.

27.3 (d) \$315,000 the first year and \$315,000 the  
27.4 second year are from the snowmobile trails  
27.5 and enforcement account in the natural  
27.6 resources fund for grants to local law  
27.7 enforcement agencies for snowmobile  
27.8 enforcement activities. Any unencumbered  
27.9 balance does not cancel at the end of the first  
27.10 year and is available for the second year.

27.11 (e) \$250,000 the first year and \$250,000 the  
27.12 second year are from the all-terrain vehicle  
27.13 account for grants to qualifying organizations  
27.14 to assist in safety and environmental education  
27.15 and monitoring trails on public lands under  
27.16 Minnesota Statutes, section 84.9011. Grants  
27.17 issued under this paragraph must be issued  
27.18 through a formal agreement with the  
27.19 organization. By December 15 each year, an  
27.20 organization receiving a grant under this  
27.21 paragraph shall report to the commissioner  
27.22 with details on expenditures and outcomes  
27.23 from the grant. Of this appropriation, \$25,000  
27.24 each year is for administration of these grants.  
27.25 Any unencumbered balance does not cancel  
27.26 at the end of the first year and is available for  
27.27 the second year.

27.28 (f) \$510,000 the first year and \$510,000 the  
27.29 second year are from the natural resources  
27.30 fund for grants to county law enforcement  
27.31 agencies for off-highway vehicle enforcement  
27.32 and public education activities based on  
27.33 off-highway vehicle use in the county. Of this  
27.34 amount, \$498,000 each year is from the  
27.35 all-terrain vehicle account; \$11,000 each year

28.1 is from the off-highway motorcycle account;  
 28.2 and \$1,000 each year is from the off-road  
 28.3 vehicle account. The county enforcement  
 28.4 agencies may use money received under this  
 28.5 appropriation to make grants to other local  
 28.6 enforcement agencies within the county that  
 28.7 have a high concentration of off-highway  
 28.8 vehicle use. Of this appropriation, \$25,000  
 28.9 each year is for administration of these grants.  
 28.10 Any unencumbered balance does not cancel  
 28.11 at the end of the first year and is available for  
 28.12 the second year.

28.13 (g) \$1,000,000 each year is for recruiting,  
 28.14 training, and maintaining additional  
 28.15 conservation officers.

28.16 (h) The commissioner may hold a conservation  
 28.17 officer academy if necessary.

28.18 **Subd. 8. Operations Support** 8,436,000 12,157,000

28.19	<u>Appropriations by Fund</u>	
28.20	<u>2018</u>	<u>2019</u>
28.21 <u>General</u>	<u>4,169,000</u>	<u>3,895,000</u>
28.22 <u>Natural Resources</u>	<u>1,591,000</u>	<u>3,220,000</u>
28.23 <u>Game and Fish</u>	<u>2,676,000</u>	<u>5,042,000</u>

28.24 (a) \$1,965,000 the first year is available for  
 28.25 legal costs. Of this amount, up to \$500,000  
 28.26 may be transferred to the Minnesota Pollution  
 28.27 Control Agency. This is a onetime  
 28.28 appropriation and is available until June 30,  
 28.29 2021.

28.30 (b) \$2,204,000 the first year and \$3,895,000  
 28.31 the second year are from the general fund for  
 28.32 agency operating adjustments. The  
 28.33 commissioner shall make necessary  
 28.34 adjustments to program appropriations in this  
 28.35 article to distribute these funds. By September

29.1 1, 2017, the commissioner shall report to the  
 29.2 chairs of the legislative committees with  
 29.3 jurisdiction over environment and natural  
 29.4 resources finance the distribution of funds and  
 29.5 resulting base-level appropriations for each  
 29.6 program.

29.7 (c) \$2,676,000 the first year and \$5,042,000  
 29.8 the second year are from the game and fish  
 29.9 fund for agency operating adjustments. The  
 29.10 commissioner shall make necessary  
 29.11 adjustments to program appropriations in this  
 29.12 article to distribute these funds. By September  
 29.13 1, 2017, the commissioner shall report to the  
 29.14 chairs of the legislative committees with  
 29.15 jurisdiction over environment and natural  
 29.16 resources finance the distribution of funds and  
 29.17 resulting base-level appropriations for each  
 29.18 program.

29.19 (d) \$1,591,000 the first year and \$3,220,000  
 29.20 the second year are from the natural resources  
 29.21 fund for agency operating adjustments. The  
 29.22 commissioner shall make necessary  
 29.23 adjustments to program appropriations in this  
 29.24 article to distribute these funds. By September  
 29.25 1, 2017, the commissioner shall report to the  
 29.26 chairs of the legislative committees with  
 29.27 jurisdiction over environment and natural  
 29.28 resources finance the distribution of funds and  
 29.29 resulting base-level appropriations for each  
 29.30 program.

29.31 **Subd. 9. Pass Through Funds** 320,000 320,000

29.32 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
29.33		
29.34 <u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

30.1 \$320,000 the first year and \$320,000 the  
 30.2 second year are from the natural resources  
 30.3 fund for grants to be divided equally between  
 30.4 the city of St. Paul for the Como Park Zoo and  
 30.5 Conservatory and the city of Duluth for the  
 30.6 Duluth Zoo. This appropriation is from the  
 30.7 revenue deposited to the natural resources fund  
 30.8 under Minnesota Statutes, section 297A.94,  
 30.9 paragraph (e), clause (5).

30.10 **Subd. 10. Cancellation**

30.11 The remaining amount of the general fund  
 30.12 appropriation in Laws 2016, chapter 189,  
 30.13 article 3, section 3, subdivision 3, for a grant  
 30.14 to the Koronis Lake Association, estimated to  
 30.15 be \$167,000, is canceled on June 30, 2017.

30.16 This subdivision is effective the day following  
 30.17 final enactment.

30.18 **Sec. 4. BOARD OF WATER AND SOIL**  
 30.19 **RESOURCES**

**\$ 14,311,000 \$ 14,164,000**

30.20 (a) \$3,423,000 the first year and \$3,423,000  
 30.21 the second year are for natural resources block  
 30.22 grants to local governments. Grants must be  
 30.23 matched with a combination of local cash or  
 30.24 in-kind contributions. The base grant portion  
 30.25 related to water planning must be matched by  
 30.26 an amount as specified by Minnesota Statutes,  
 30.27 section 103B.3369. The board may reduce the  
 30.28 amount of the natural resources block grant  
 30.29 to a county by an amount equal to any  
 30.30 reduction in the county's general services  
 30.31 allocation to a soil and water conservation  
 30.32 district from the county's previous year  
 30.33 allocation when the board determines that the  
 30.34 reduction was disproportionate.

- 31.1 (b) \$3,116,000 the first year and \$3,116,000  
31.2 the second year are for grants to soil and water  
31.3 conservation districts for the purposes of  
31.4 Minnesota Statutes, sections 103C.321 and  
31.5 103C.331, and for general purposes, nonpoint  
31.6 engineering, and implementation and  
31.7 stewardship of the reinvest in Minnesota  
31.8 reserve program. Expenditures may be made  
31.9 from these appropriations for supplies and  
31.10 services benefiting soil and water conservation  
31.11 districts. Any district receiving a payment  
31.12 under this paragraph shall maintain a Web  
31.13 page that publishes, at a minimum, its annual  
31.14 report, annual audit, annual budget, and  
31.15 meeting notices.
- 31.16 (c) \$260,000 the first year and \$260,000 the  
31.17 second year are for feedlot water quality cost  
31.18 share grants for feedlots under 300 animal  
31.19 units and nutrient and manure management  
31.20 projects in watersheds where there are  
31.21 impaired waters.
- 31.22 (d) \$1,200,000 the first year and \$1,200,000  
31.23 the second year are for soil and water  
31.24 conservation district cost-sharing contracts for  
31.25 perennially vegetated riparian buffers, erosion  
31.26 control, water retention and treatment, and  
31.27 other high-priority conservation practices.
- 31.28 (e) \$100,000 the first year and \$100,000 the  
31.29 second year are for county cooperative weed  
31.30 management cost-share programs and to  
31.31 restore native plants in selected invasive  
31.32 species management sites.
- 31.33 (f) \$761,000 the first year and \$761,000 the  
31.34 second year are for implementation,  
31.35 enforcement, and oversight of the Wetland

32.1 Conservation Act, including administration of  
32.2 the wetland banking program and in-lieu fee  
32.3 mechanism.

32.4 (g) \$300,000 the first year is for improving  
32.5 the efficiency and effectiveness of Minnesota's  
32.6 wetland regulatory programs through  
32.7 continued examination of United States Clean  
32.8 Water Act section 404 assumption including  
32.9 negotiation of draft agreements with the  
32.10 United States Environmental Protection  
32.11 Agency and the United States Army Corps of  
32.12 Engineers, planning for an online permitting  
32.13 system, upgrading the existing wetland  
32.14 banking database, and developing an in-lieu  
32.15 fee wetland banking program as authorized  
32.16 by statute. This is a onetime appropriation.

32.17 (h) \$166,000 the first year and \$166,000 the  
32.18 second year are to provide technical assistance  
32.19 to local drainage management officials and  
32.20 for the costs of the Drainage Work Group. The  
32.21 Board of Water and Soil Resources must  
32.22 coordinate the stakeholder drainage work  
32.23 group in accordance with Minnesota Statutes,  
32.24 section 103B.101, subdivision 13, to evaluate  
32.25 and make recommendations to accelerate  
32.26 drainage system acquisition and establishment  
32.27 of ditch buffer strips under Minnesota Statutes,  
32.28 chapter 103E, or compatible alternative  
32.29 practices required by Minnesota Statutes,  
32.30 section 103F.48. The evaluation and  
32.31 recommendations must be submitted in a  
32.32 report to the senate and house of  
32.33 representatives committees with jurisdiction  
32.34 over agriculture and environment policy by  
32.35 February 1, 2018.



- 33.1 (i) \$100,000 the first year and \$100,000 the  
33.2 second year are for a grant to the Red River  
33.3 Basin Commission for water quality and  
33.4 floodplain management, including  
33.5 administration of programs. This appropriation  
33.6 must be matched by nonstate funds. If the  
33.7 appropriation in either year is insufficient, the  
33.8 appropriation in the other year is available for  
33.9 it.
- 33.10 (j) \$140,000 the first year and \$140,000 the  
33.11 second year are for grants to Area II  
33.12 Minnesota River Basin Projects for floodplain  
33.13 management.
- 33.14 (k) \$125,000 the first year and \$125,000 the  
33.15 second year are for conservation easement  
33.16 stewardship.
- 33.17 (l) \$240,000 the first year and \$240,000 the  
33.18 second year are for a grant to the Lower  
33.19 Minnesota River Watershed District to defray  
33.20 the annual cost of operating and maintaining  
33.21 sites for dredge spoil to sustain the state,  
33.22 national, and international commercial and  
33.23 recreational navigation on the lower Minnesota  
33.24 River.
- 33.25 (m) \$4,380,000 the first year and \$4,533,000  
33.26 the second year are for Board of Water and  
33.27 Soil Resources agency administration and  
33.28 operations.
- 33.29 (n) Notwithstanding Minnesota Statutes,  
33.30 section 103C.501, the board may shift  
33.31 cost-share funds in this section and may adjust  
33.32 the technical and administrative assistance  
33.33 portion of the grant funds to leverage federal  
33.34 or other nonstate funds or to address



35.1 **Sec. 6. CONSERVATION CORPS**35.2 **MINNESOTA** \$ **945,000** \$ **945,000**35.3 Appropriations by Fund

35.4	<u>2018</u>	<u>2019</u>
35.5	<u>455,000</u>	<u>455,000</u>
35.6	<u>490,000</u>	<u>490,000</u>

35.7 Conservation Corps Minnesota may receive  
 35.8 money appropriated from the natural resources  
 35.9 fund under this section only as provided in an  
 35.10 agreement with the commissioner of natural  
 35.11 resources.

35.12 **Sec. 7. ZOOLOGICAL BOARD** \$ **9,227,000** \$ **9,303,000**35.13 Appropriations by Fund

35.14	<u>2018</u>	<u>2019</u>
35.15	<u>9,067,000</u>	<u>9,143,000</u>
35.16	<u>160,000</u>	<u>160,000</u>

35.17 \$160,000 the first year and \$160,000 the  
 35.18 second year are from the natural resources  
 35.19 fund from the revenue deposited under  
 35.20 Minnesota Statutes, section 297A.94,  
 35.21 paragraph (e), clause (5).

35.22 **Sec. 8. SCIENCE MUSEUM** \$ **1,079,000** \$ **1,079,000**35.23 **Sec. 9. ADMINISTRATION** \$ **800,000** \$ **300,000**

35.24 (a) \$300,000 the first year and \$300,000 the  
 35.25 second year are from the state forest suspense  
 35.26 account in the permanent school fund for the  
 35.27 school trust lands director. This appropriation  
 35.28 is to be used for securing long-term economic  
 35.29 return from the school trust lands consistent  
 35.30 with fiduciary responsibilities and sound  
 35.31 natural resources conservation and  
 35.32 management principles.

36.1 (b) \$500,000 the first year is from the state  
 36.2 forest suspense account in the permanent  
 36.3 school fund for the school trust lands director  
 36.4 to initiate the private sale of surplus school  
 36.5 trust lands identified according to Minnesota  
 36.6 Statutes, section 92.82, paragraph (d),  
 36.7 including but not limited to valuation  
 36.8 expenses, legal fees, and transactional staff  
 36.9 costs. This is a onetime appropriation and is  
 36.10 available until June 30, 2019.

36.11 **Sec. 10. EXPLORE MINNESOTA TOURISM \$ 15,684,000 \$ 14,321,000**

36.12 (a) To develop maximum private sector  
 36.13 involvement in tourism, \$500,000 the first  
 36.14 year and \$500,000 the second year must be  
 36.15 matched by Explore Minnesota Tourism from  
 36.16 nonstate sources. Each \$1 of state incentive  
 36.17 must be matched with \$6 of private sector  
 36.18 funding. Cash match is defined as revenue to  
 36.19 the state or documented cash expenditures  
 36.20 directly expended to support Explore  
 36.21 Minnesota Tourism programs. Up to one-half  
 36.22 of the private sector contribution may be  
 36.23 in-kind or soft match. The incentive in fiscal  
 36.24 year 2018 shall be based on fiscal year 2017  
 36.25 private sector contributions. The incentive in  
 36.26 fiscal year 2019 shall be based on fiscal year  
 36.27 2018 private sector contributions. This  
 36.28 incentive is ongoing.

36.29 (b) Funding for the marketing grants is  
 36.30 available either year of the biennium.  
 36.31 Unexpended grant funds from the first year  
 36.32 are available in the second year.

36.33 (c) \$100,000 each year is for a grant to the  
 36.34 Northern Lights International Music Festival.

37.1 (d) \$900,000 the first year is for the major  
 37.2 events grant program. This is a onetime  
 37.3 appropriation and is available until June 30,  
 37.4 2021.

37.5 (e) \$500,000 the first year is for updating the  
 37.6 board's Web site, developing digital content,  
 37.7 and making system upgrades. This is a  
 37.8 onetime appropriation and is available until  
 37.9 June 30, 2019.

37.10 Sec. 11. **REVENUE** **\$** **2,000,000** **\$** **2,000,000**

37.11 \$2,000,000 each year is for riparian protection  
 37.12 aid payments under Minnesota Statutes,  
 37.13 section 477A.21. Notwithstanding Minnesota  
 37.14 Statutes, section 477A.21, subdivisions 3 and  
 37.15 4, the first year appropriation may be paid only  
 37.16 to counties. Unexpended funds from the first  
 37.17 year are available the second year.

37.18 Sec. 12. Laws 2016, chapter 189, article 3, section 6, is amended to read:

37.19 Sec. 6. **ADMINISTRATION** **\$** **250,000** **\$** **-0-**

37.20 \$250,000 the first year is from the state forest  
 37.21 suspense account in the permanent school fund  
 37.22 for the school trust lands director to initiate  
 37.23 real estate development projects on school  
 37.24 trust lands as determined by the school trust  
 37.25 lands director. This is a onetime appropriation  
 37.26 and is available until June 30, 2019.

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

37.28 **ARTICLE 2**

37.29 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

37.30 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision  
 37.31 to read:

38.1 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
38.2 or outside counsel to render title opinions, represent the department in severed mineral  
38.3 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
38.4 to the contrary, represent the state in quiet title or title registration actions affecting land or  
38.5 interests in land administered by the commissioner.

38.6 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

38.7 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that  
38.8 environmental and resource management permits be issued or denied within 90 days for  
38.9 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.  
38.10 The commissioner of natural resources shall establish management systems designed to  
38.11 achieve the goal.

38.12 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
38.13 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit  
38.14 categories. The report is due August 1 each year. For permit applications that have not met  
38.15 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
38.16 for not meeting the goal, the commissioner shall separately identify delays caused by the  
38.17 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
38.18 level of public engagement. The report must specify the number of days from initial  
38.19 submission of the application to the day of determination that the application is complete.  
38.20 The report must aggregate the data for the year and assess whether program or system  
38.21 changes are necessary to achieve the goal. The report must be posted on the department's  
38.22 Web site and submitted to the governor and the chairs and ranking minority members of  
38.23 the house of representatives and senate committees having jurisdiction over natural resources  
38.24 policy and finance.

38.25 (c) The commissioner shall allow electronic submission of environmental review and  
38.26 permit documents to the department.

38.27 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
38.28 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~  
38.29 permit applicant, in writing, whether the application is complete or incomplete. If the  
38.30 commissioner determines that an application is incomplete, the notice to the applicant must  
38.31 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
38.32 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
38.33 determines that the application is complete, the notice must confirm the application's Tier  
38.34 1 or Tier 2 permit status. If the commissioner believes that a complete application for a Tier

39.1 2 construction permit cannot be issued within the 150-day goal, the commissioner must  
 39.2 provide notice to the applicant with the commissioner's notice that the application is complete  
 39.3 and, upon request of the applicant, provide the permit applicant with a schedule estimating  
 39.4 when the agency will begin drafting the permit and issue the public notice of the draft permit.  
 39.5 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
 39.6 agreement under chapter 446A.

39.7 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner  
 39.8 must provide the applicant a draft permit for review by the applicant within 30 days after  
 39.9 determining the proposal conforms to all federal and state laws and rules, unless the permit  
 39.10 applicant and the commissioner mutually agree to a different date. The commissioner must  
 39.11 consider all comments submitted by the applicant before issuing the permit.

39.12 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

39.13 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~  
 39.14 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of  
 39.15 natural resources to construct, reconstruct, or modify a project or to operate a facility may  
 39.16 offer to reimburse the department for the costs of staff time or consultant services needed  
 39.17 to expedite the preapplication process and permit development process through the final  
 39.18 decision on the permit, including the analysis of environmental review documents. The  
 39.19 reimbursement shall be in addition to permit application fees imposed by law. When the  
 39.20 commissioner determines that additional resources are needed to develop the permit  
 39.21 application in an expedited manner, and that expediting the development is consistent with  
 39.22 permitting program priorities, the commissioner may accept the reimbursement. The  
 39.23 commissioner must give the permit applicant an estimate of costs for the expedited service  
 39.24 to be incurred by the commissioner. The estimate must include a brief description of the  
 39.25 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each  
 39.26 task. The proposer and the commissioner shall enter into a written agreement detailing the  
 39.27 estimated costs for the expedited service to be incurred by the department. The agreement  
 39.28 must also identify staff anticipated to be assigned to the project. The commissioner must  
 39.29 not issue a permit until the applicant has paid all fees in full. The commissioner must refund  
 39.30 any unobligated balance of fees paid. Reimbursements accepted by the commissioner are  
 39.31 appropriated to the commissioner for the purpose of developing the permit or analyzing  
 39.32 environmental review documents. Reimbursement by a permit applicant shall precede and  
 39.33 not be contingent upon issuance of a permit; shall not affect the commissioner's decision  
 39.34 on whether to issue or deny a permit, what conditions are included in a permit, or the

40.1 application of state and federal statutes and rules governing permit determinations; and shall  
 40.2 not affect final decisions regarding environmental review.

40.3 Sec. 4. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

40.4 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

40.5 (1) owned and used by the United States, an Indian tribal government, the state, another  
 40.6 state, or a political subdivision;

40.7 (2) registered in another state or country that have not been within this state for more  
 40.8 than 30 consecutive days;

40.9 (3) registered under chapter 168, when operated on forest roads to gain access to a state  
 40.10 forest campground;

40.11 (4) used exclusively in organized track racing events;

40.12 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
 40.13 off-highway motorcycle state trail pass; ~~or~~

40.14 (6) operated by a person participating in an event for which the commissioner has issued  
 40.15 a special use permit; or

40.16 (7) operated on boundary trails and registered in another state or country providing equal  
 40.17 reciprocal registration or licensing exemptions for registrants of this state.

40.18 Sec. 5. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

40.19 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but  
 40.20 less than 16 years of age operating an off-highway motorcycle on public lands or waters  
 40.21 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

40.22 (b) Except for operation on public road rights-of-way that is permitted under section  
 40.23 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
 40.24 operate an off-highway motorcycle along or on a public road right-of-way.

40.25 (c) A person under 12 years of age may not:

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

40.27 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

40.28 (3) operate an off-highway motorcycle on public lands or waters unless accompanied  
 40.29 by a person 18 years of age or older or participating in an event for which the commissioner  
 40.30 has issued a special use permit.



41.1 (d) Except for public road rights-of-way of interstate highways, a person less than 16  
 41.2 years of age may make a direct crossing of a public road right-of-way of a trunk, county  
 41.3 state-aid, or county highway only if that person is accompanied by a person 18 years of age  
 41.4 or older who holds a valid driver's license.

41.5 (e) A person less than 16 years of age may operate an off-highway motorcycle on public  
 41.6 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if  
 41.7 that person is accompanied by a person 18 years of age or older who holds a valid driver's  
 41.8 license.

41.9 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate  
 41.10 an off-highway motorcycle on public lands or waters if the nonresident youth has in  
 41.11 possession evidence of completing an off-road safety course offered by the Motorcycle  
 41.12 Safety Foundation or another state as provided in section 84.791, subdivision 4.

41.13 Sec. 6. Minnesota Statutes 2016, section 84.8031, is amended to read:

41.14 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

41.15 The commissioner must review an off-road vehicle grant-in-aid application and, if  
 41.16 approved, ~~commence~~ begin public review of the application within 60 days after the  
 41.17 completed application has been locally approved and submitted to an area parks and trails  
 41.18 office. If the commissioner fails to approve or deny the application within 60 days after  
 41.19 submission, the application is deemed approved and the commissioner must provide for a  
 41.20 30-day public review period. If the commissioner denies an application, the commissioner  
 41.21 must provide the applicant with a written explanation for denying the application at the time  
 41.22 the applicant is notified of the denial.

41.23 Sec. 7. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

41.24 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or  
 41.25 reregistration shall be made to the commissioner or an authorized deputy registrar of motor  
 41.26 vehicles in a format prescribed by the commissioner and shall state the legal name and  
 41.27 address of every owner of the snowmobile.

41.28 (b) A person who purchases a snowmobile from a retail dealer shall make application  
 41.29 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary  
 41.30 21-day registration permit to each purchaser who applies to the dealer for registration. The  
 41.31 temporary permit must contain the dealer's identification number and phone number. Each  
 41.32 retail dealer shall submit completed registration and fees to the deputy registrar at least once

42.1 a week. No fee may be charged by a dealer to a purchaser for providing the temporary  
42.2 permit.

42.3 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy  
42.4 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number  
42.5 or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration  
42.6 number must be affixed to the snowmobile in a clearly visible and permanent manner for  
42.7 enforcement purposes as the commissioner of natural resources shall prescribe. A dealer  
42.8 subject to paragraph (b) shall provide the registration materials or temporary permit to the  
42.9 purchaser within the temporary 21-day permit period. The registration is not valid unless  
42.10 signed by at least one owner.

42.11 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also  
42.12 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement  
42.13 with the commissioner of public safety may prescribe the accounting and procedural  
42.14 requirements necessary to assure efficient handling of registrations and registration fees.  
42.15 Deputy registrars shall strictly comply with these accounting and procedural requirements.

42.16 (e) ~~A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged~~  
42.17 ~~for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate  
42.18 or replacement registration card, and replacement decal and an issuing fee of \$7 is charged  
42.19 for each snowmobile registration and registration transfer issued by:

42.20 (1) ~~each snowmobile registered by the~~ a registrar or a deputy registrar and ~~the additional~~  
42.21 ~~fee shall be disposed of~~ must be deposited in the manner provided in section 168.33,  
42.22 subdivision 2; or

42.23 (2) ~~each snowmobile registered by the~~ commissioner and ~~the additional fee shall~~ must  
42.24 be deposited in the state treasury and credited to the snowmobile trails and enforcement  
42.25 account in the natural resources fund.

42.26 Sec. 8. Minnesota Statutes 2016, section 84.82, subdivision 3, is amended to read:

42.27 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile, other  
42.28 than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c,  
42.29 those registered by a dealer or manufacturer pursuant to paragraph (b) or (c), or those  
42.30 registered under subdivision 2a shall be as follows: ~~\$75~~ \$105 for three years and \$10 for a  
42.31 duplicate or transfer.

42.32 (b) The total registration fee for all snowmobiles owned by a dealer and operated for  
42.33 demonstration or testing purposes shall be \$50 per year.

43.1 (c) The total registration fee for all snowmobiles owned by a manufacturer and operated  
43.2 for research, testing, experimentation, or demonstration purposes shall be \$150 per year.  
43.3 Dealer and manufacturer registrations are not transferable.

43.4 (d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is  
43.5 \$6.

43.6 Sec. 9. Minnesota Statutes 2016, section 84.8205, subdivision 1, is amended to read:

43.7 Subdivision 1. **Sticker required; fee.** (a) A snowmobile that is not registered in the state  
43.8 under section 84.82, subdivision 3, paragraph (a), or that is registered by a manufacturer or  
43.9 dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not be operated on a  
43.10 state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to  
43.11 the snowmobile.

43.12 (b) The commissioner of natural resources shall issue a sticker upon application and  
43.13 payment of a fee. The fee is:

43.14 (1) ~~\$35~~ \$50 for a one-year snowmobile state trail sticker purchased by an individual;  
43.15 and

43.16 (2) \$15 for a one-year snowmobile state trail sticker purchased by a dealer or  
43.17 manufacturer.

43.18 (c) In addition to other penalties prescribed by law, an individual in violation of this  
43.19 subdivision must purchase an annual state trail sticker for a fee of \$70. The sticker is valid  
43.20 from November 1 through June 30. Fees collected under this section, except for the issuing  
43.21 fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile  
43.22 trails and enforcement account in the natural resources fund and, except for the electronic  
43.23 licensing system commission established by the commissioner under section 84.027,  
43.24 subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement  
43.25 acquisition.

43.26 (d) A state trail sticker is not required under this section for:

43.27 (1) a snowmobile that is owned and used by the United States, an Indian tribal  
43.28 government, another state, or a political subdivision thereof that is exempt from registration  
43.29 under section 84.82, subdivision 6;

43.30 (2) a collector snowmobile that is operated as provided in a special permit issued for the  
43.31 collector snowmobile under section 84.82, subdivision 7a;

44.1 (3) a person operating a snowmobile only on the portion of a trail that is owned by the  
44.2 person or the person's spouse, child, or parent; or

44.3 (4) a snowmobile while being used to groom a state or grant-in-aid trail.

44.4 Sec. 10. Minnesota Statutes 2016, section 84.922, subdivision 5, is amended to read:

44.5 Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of an all-terrain  
44.6 vehicle under this section, other than those registered by a dealer or manufacturer under  
44.7 paragraph (b) or (c), is:

44.8 (1) for public use, ~~\$45~~ \$60;

44.9 (2) for private use, \$6; and

44.10 (3) for a duplicate or transfer, \$4.

44.11 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated for  
44.12 demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

44.13 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated  
44.14 for research, testing, experimentation, or demonstration purposes is \$150 per year.

44.15 Manufacturer registrations are not transferable.

44.16 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b is \$6.

44.17 (e) The fees collected under this subdivision must be credited to the all-terrain vehicle  
44.18 account.

44.19 Sec. 11. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

44.20 Subdivision 1. **Program established.** (a) The commissioner shall establish a  
44.21 comprehensive all-terrain vehicle environmental and safety education and training program,  
44.22 including the preparation and dissemination of vehicle information and safety advice to the  
44.23 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle  
44.24 safety certificates to vehicle operators over the age of 12 years who successfully complete  
44.25 the all-terrain vehicle environmental and safety education and training course. A parent or  
44.26 guardian must be present at the hands-on training portion of the program for youth who are  
44.27 six through ten years of age.

44.28 (b) For the purpose of administering the program and to defray the expenses of training  
44.29 and certifying vehicle operators, the commissioner shall collect a fee from each person who  
44.30 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for  
44.31 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The

45.1 commissioner shall establish both fees in a manner that neither significantly overrecovers  
45.2 nor underrecovers costs, including overhead costs, involved in providing the services. The  
45.3 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not  
45.4 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.  
45.5 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall  
45.6 be deposited in the all-terrain vehicle account in the natural resources fund and the amount  
45.7 thereof, except for the electronic licensing system commission established by the  
45.8 commissioner under section 84.027, subdivision 15, and issuing fees collected by the  
45.9 commissioner, is appropriated annually to the Enforcement Division of the Department of  
45.10 Natural Resources for the administration of the programs. In addition to the fee established  
45.11 by the commissioner, instructors may charge each person up to the established fee amount  
45.12 for class materials and expenses.

45.13 (c) The commissioner shall cooperate with private organizations and associations, private  
45.14 and public corporations, and local governmental units in furtherance of the program  
45.15 established under this section. School districts may cooperate with the commissioner and  
45.16 volunteer instructors to provide space for the classroom portion of the training. The  
45.17 commissioner shall consult with the commissioner of public safety in regard to training  
45.18 program subject matter and performance testing that leads to the certification of vehicle  
45.19 operators. The commissioner shall incorporate a riding component in the safety education  
45.20 and training program.

45.21 Sec. 12. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

45.31 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age  
45.32 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,  
45.33 county state-aid, or county highway or operate on public lands and waters or state or

46.1 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate  
46.2 issued by the commissioner and is accompanied by a person 18 years of age or older who  
46.3 holds a valid driver's license.

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

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

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

46.10 (e) A person at least ~~14~~ six years of age may take the safety education and training  
46.11 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
46.12 the certificate is not valid until the person reaches age 12.

46.13 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain  
46.14 vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle  
46.15 with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with  
46.16 side-by-side-style seating on public lands or waters if accompanied by a parent or legal  
46.17 guardian.

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

46.19 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands  
46.20 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

46.21 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the  
46.22 all-terrain vehicle with straddle-style seating; or

46.23 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with  
46.24 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

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

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

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

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

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

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

47.9 Sec. 13. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

47.10 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall  
47.11 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public  
47.12 waters, or on a public road right-of-way unless wearing a safety helmet approved by the  
47.13 commissioner of public safety.

47.14 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of  
47.15 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

47.16 Sec. 14. Minnesota Statutes 2016, section 84.9275, subdivision 1, is amended to read:

47.17 Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration under  
47.18 section 84.922, subdivision 1a, clause (2), or a nonresident may not operate an all-terrain  
47.19 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid  
47.20 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be  
47.21 available for inspection by a peace officer, a conservation officer, or an employee designated  
47.22 under section 84.0835.

47.23 (b) The commissioner of natural resources shall issue a pass upon application and payment  
47.24 of a ~~\$20~~ \$30 fee. The pass is valid from January 1 through December 31. Fees collected  
47.25 under this section, except for the issuing fee for licensing agents, shall be deposited in the  
47.26 state treasury and credited to the all-terrain vehicle account in the natural resources fund  
47.27 and, except for the electronic licensing system commission established by the commissioner  
47.28 under section 84.027, subdivision 15, must be used for grants-in-aid to counties and  
47.29 municipalities for all-terrain vehicle organizations to construct and maintain all-terrain  
47.30 vehicle trails and use areas.

47.31 (c) A nonresident all-terrain vehicle state trail pass is not required for:

48.1 (1) an all-terrain vehicle that is owned and used by the United States, another state, or  
48.2 a political subdivision thereof that is exempt from registration under section 84.922,  
48.3 subdivision 1a;

48.4 (2) a person operating an all-terrain vehicle only on the portion of a trail that is owned  
48.5 by the person or the person's spouse, child, or parent; or

48.6 (3) a nonresident operating an all-terrain vehicle that is registered according to section  
48.7 84.922.

48.8 Sec. 15. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

48.9 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a  
48.10 capital expenditure on a capital asset previously owned by the state, within the meaning of  
48.11 generally accepted accounting principles as applied to public expenditures. The commissioner  
48.12 of natural resources will consult with the commissioner of management and budget to the  
48.13 extent necessary to ensure this and will furnish the commissioner of management and budget  
48.14 a list of projects to be financed from the account in order of their priority. The legislature  
48.15 assumes that many projects for preservation and replacement of portions of existing capital  
48.16 assets will constitute betterments and capital improvements within the meaning of the  
48.17 Constitution and capital expenditures under generally accepted accounting principles, and  
48.18 will be financed more efficiently and economically under this section than by direct  
48.19 appropriations for specific projects.

48.20 (b) An appropriation for asset preservation must not be used to acquire land or to acquire  
48.21 or construct buildings or other facilities.

48.22 (c) Capital budget expenditures for natural resource asset preservation and replacement  
48.23 projects must be for one or more of the following types of capital projects that support the  
48.24 existing programmatic mission of the department: code compliance including health and  
48.25 safety, Americans with Disabilities Act requirements, hazardous material abatement, access  
48.26 improvement, or air quality improvement; building energy efficiency improvements using  
48.27 current best practices; building or infrastructure repairs necessary to preserve the interior  
48.28 and exterior of existing buildings; projects to remove life safety hazards such as building  
48.29 code violations or structural defects; or renovation of other existing improvements to land,  
48.30 including but not limited to trails and bridges.

48.31 (d) Up to ten percent of an appropriation awarded under this section may be used for  
48.32 design costs for projects eligible to be funded from this account in anticipation of future  
48.33 funding from the account.



49.1 Sec. 16. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to  
49.2 read:

49.3 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish  
49.4 priorities for natural resource asset preservation and replacement projects. By January 15  
49.5 each year, the commissioner must submit to the commissioner of management and budget  
49.6 a list of the projects that have been paid for with money from a natural resource asset  
49.7 preservation and replacement appropriation during the preceding calendar year.

49.8 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

49.9 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a  
49.10 training program that adequately prepares Minnesota Naturalist Corps members for the  
49.11 tasks assigned. Each corps member ~~shall be~~ is assigned a ~~state park~~ an interpretive naturalist  
49.12 as a mentor.

49.13 Sec. 18. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

49.14 Subd. 4. **Uniform ~~patch~~ pin.** Uniforms worn by members of the Minnesota Naturalist  
49.15 Corps must have a ~~patch~~ pin that includes the name of the Minnesota Naturalist Corps and  
49.16 information that the program is funded by the clean water, land, and legacy amendment to  
49.17 the Minnesota Constitution adopted by the voters in November 2008.

49.18 Sec. 19. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

49.19 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if  
49.20 the person:

49.21 (1) is a permanent resident of the state;

49.22 (2) is a participant in an approved college internship program ~~or has a postsecondary~~  
49.23 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or  
49.24 ~~conservation related field~~; and

49.25 (3) has completed at least one year of postsecondary education.

49.26 Sec. 20. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

49.27 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible  
49.28 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~  
49.29 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members  
49.30 are not employees of the state within the meaning of section 43A.02, subdivision 21.

50.1 Sec. 21. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

50.2 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested  
50.3 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),  
50.4 (c), or (d), and section 97C.341.

50.5 (b) In waters that are listed as infested waters, except those listed as infested with  
50.6 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
50.7 17.4982, subdivision 6, taking wild animals may be permitted for:

50.8 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided  
50.9 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

50.10 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
50.11 watermilfoil, when the infested waters are listed solely because they contain Eurasian  
50.12 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not  
50.13 exceeding 16 inches in diameter and 32 inches in length.

50.14 (c) In streams or rivers that are listed as infested waters, except those listed as infested  
50.15 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest  
50.16 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by  
50.17 hook and line for noncommercial personal use is allowed as follows:

50.18 (1) fish taken under this paragraph must be used on the same body of water where caught  
50.19 and while still on that water body. Where the river or stream is divided by barriers such as  
50.20 dams, the fish must be caught and used on the same section of the river or stream;

50.21 (2) fish taken under this paragraph may not be transported live from or off the water  
50.22 body;

50.23 (3) fish harvested under this paragraph may only be used in accordance with this section;

50.24 (4) any other use of wild animals used for bait from infested waters is prohibited;

50.25 (5) fish taken under this paragraph must meet all other size restrictions and requirements  
50.26 as established in rules; and

50.27 (6) all species listed under this paragraph shall be included in the person's daily limit as  
50.28 established in rules, if applicable.

50.29 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River  
50.30 downstream of the dam at Taylors Falls, including portions described as  
50.31 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items

51.1 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for  
51.2 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

51.3 (1) nontarget species must immediately be returned to the water;

51.4 (2) gizzard shad taken under this paragraph must be used on the same body of water  
51.5 where caught and while still on that water body. Where the river is divided by barriers such  
51.6 as dams, the gizzard shad must be caught and used on the same section of the river;

51.7 (3) gizzard shad taken under this paragraph may not be transported off the water body;  
51.8 and

51.9 (4) gizzard shad harvested under this paragraph may only be used in accordance with  
51.10 this section.

51.11 This paragraph expires December 1, 2017.

51.12 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued  
51.13 under paragraph (b) may not be transported to, or used in, any waters other than waters  
51.14 specified in the permit.

51.15 (f) Bait intended for sale may not be held in infested water after taking and before sale,  
51.16 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

51.17 Sec. 22. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

51.18 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**  
51.19 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines  
51.20 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that  
51.21 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined  
51.22 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~  
51.23 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~  
51.24 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~  
51.25 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~  
51.26 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~  
51.27 tagged with tags provided by the commissioner, as specified in the commercial licensee's  
51.28 license or permit. Tagged gear must not be used in water bodies other than those specified  
51.29 in the license or permit. The permit may authorize department staff to remove tags after the  
51.30 gear is decontaminated. This tagging requirement does not apply to commercial fishing  
51.31 equipment used in Lake Superior.

52.1 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,  
 52.2 frog, or crayfish harvesting in an infested water that is listed solely because it contains  
 52.3 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum  
 52.4 of two days before they are used in any other waters, except as provided in this paragraph.  
 52.5 Commercial licensees must notify the department's regional or area fisheries office or a  
 52.6 conservation officer before removing nets or equipment from an infested water listed solely  
 52.7 because it contains Eurasian watermilfoil and before resetting those nets or equipment in  
 52.8 any other waters. Upon notification, the commissioner may authorize a commercial licensee  
 52.9 to move nets or equipment to another water without freezing or drying, if that water is listed  
 52.10 as infested solely because it contains Eurasian watermilfoil.

52.11 (c) A commercial licensee must remove all aquatic macrophytes from nets and other  
 52.12 equipment before placing the equipment into waters of the state.

52.13 (d) The commissioner shall provide a commercial licensee with a current listing of listed  
 52.14 infested waters at the time that a license or permit is issued.

52.15 Sec. 23. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

52.16 Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify  
 52.17 nonnative species of aquatic plants and wild animals, including subspecies, genotypes,  
 52.18 cultivars, hybrids, or genera of nonnative species, according to the following categories:

52.19 (1) prohibited invasive species, which may not be possessed, imported, purchased, sold,  
 52.20 propagated, transported, or introduced except as provided in section 84D.05;

52.21 (2) regulated invasive species, which may not be introduced except as provided in section  
 52.22 84D.07;

52.23 (3) unlisted nonnative species, which are subject to the classification procedure in section  
 52.24 84D.06; and

52.25 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

52.26 Sec. 24. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

52.27 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell,  
 52.28 propagate, transport, or introduce a prohibited invasive species, except:

52.29 (1) under a permit issued by the commissioner under section 84D.11;

52.30 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

52.31 (3) under a restricted species permit issued under section 17.457;

53.1 (4) when being transported to the department, or another destination as the commissioner  
 53.2 may direct, in a sealed container for purposes of identifying the species or reporting the  
 53.3 presence of the species;

53.4 (5) when being transported for disposal as part of a harvest or control activity when  
 53.5 specifically authorized under a permit issued by the commissioner according to section  
 53.6 103G.615, when being transported for disposal as specified under a commercial fishing  
 53.7 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,  
 53.8 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

53.9 (6) when being removed from watercraft and equipment, or caught while angling, and  
 53.10 immediately returned to the water from which they came; ~~or~~

53.11 (7) when being transported from riparian property to a legal disposal site that is at least  
 53.12 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited  
 53.13 invasive species are in a covered commercial vehicle specifically designed and used for  
 53.14 hauling trash; or

53.15 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

53.16 Sec. 25. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

53.17 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional  
 53.18 permit to service providers to return to Lake Minnetonka water-related equipment with  
 53.19 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.  
 53.20 The permit must include verification and documentation requirements and any other  
 53.21 conditions the commissioner deems necessary.

53.22 (b) Water-related equipment with zebra mussels attached may be returned only to Lake  
 53.23 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted  
 53.24 under subdivision 1.

53.25 (c) The service provider's place of business must be within the Lake Minnetonka  
 53.26 Conservation District as established according to sections 103B.601 to 103B.645 or within  
 53.27 a municipality immediately bordering the Lake Minnetonka Conservation District's  
 53.28 boundaries.

53.29 (d) A service provider applying for a permit under this subdivision must, if approved  
 53.30 for a permit and before the permit is valid, furnish a corporate surety bond in favor of the  
 53.31 state for \$50,000 payable upon violation of this chapter while the service provider is acting  
 53.32 under a permit issued according to this subdivision.

54.1 (e) This subdivision expires December 1, ~~2018~~ 2019.

54.2 Sec. 26. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
54.3 to read:

54.4 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
54.5 targeted pilot study to include water-related equipment with zebra mussels attached for the  
54.6 Gull Narrows State Water Access Site, Government Point State Water Access Site, and  
54.7 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)  
54.8 in Cass and Crow Wing Counties using the same authorities, general procedures, and  
54.9 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service  
54.10 providers participating in the Gull Lake targeted pilot study place of business must be located  
54.11 in Cass or Crow Wing County.

54.12 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
54.13 the report to the chairs and ranking minority members of the senate and house of  
54.14 representatives committees having jurisdiction over natural resources required under Laws  
54.15 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
54.16 recommendations and assessments.

54.17 (c) This subdivision expires December 1, 2019.

54.18 Sec. 27. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
54.19 to read:

54.20 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
54.21 targeted pilot study to include water-related equipment with zebra mussels attached for the  
54.22 Cross Lake #1 State Water Access Site on Cross Lake (DNR Division of Waters number  
54.23 18-0312) in Crow Wing County using the same authorities, general procedures, and  
54.24 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place  
54.25 of business of lake service providers participating in the Cross Lake targeted pilot study  
54.26 must be located in Cass or Crow Wing County.

54.27 (b) If an additional targeted pilot project for Cross Lake is implemented under this  
54.28 section, the report to the chairs and ranking minority members of the senate and house of  
54.29 representatives committees having jurisdiction over natural resources required under Laws  
54.30 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot  
54.31 study recommendations and assessments.

54.32 (c) This subdivision expires December 1, 2019.

55.1 Sec. 28. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to  
55.2 read:

55.3 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to  
55.4 departmental divisions for tagging bighead, black, grass, or silver carp for research or  
55.5 control. Under the permit, the carp may be released into the water body from which the carp  
55.6 was captured. This subdivision expires December 31, 2021.

55.7 Sec. 29. [85.0507] **FORT RIDGELY GOLF COURSE; GOLF CARTS.**

55.8 The commissioner may by contract, concession agreement, or lease, authorize the use  
55.9 of golf carts on the golf course at Fort Ridgely State Park.

55.10 Sec. 30. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

55.11 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written  
55.12 order, provisions for the use of state parks for the following:

55.13 (1) special parking space for automobiles or other motor-driven vehicles in a state park  
55.14 or state recreation area;

55.15 (2) special parking spurs, campgrounds for automobiles, sites for tent camping, other  
55.16 types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces,  
55.17 for the use of the individual charged for the space or facility;

55.18 (3) improvement and maintenance of golf courses already established in state parks, and  
55.19 charging reasonable use fees; and

55.20 (4) providing water, sewer, and electric service to trailer or tent campsites and charging  
55.21 a reasonable use fee.

55.22 (b) Provisions established under paragraph (a) are exempt from section 16A.1283 and  
55.23 the rulemaking provisions of chapter 14. Section 14.386 does not apply.

55.24 (c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or  
55.25 building with furnishings for overnight use.

55.26 Sec. 31. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

55.27 Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual~~  
55.28 ~~permits under subdivision 4, shall~~ 1 must be issued without a fee for a motor vehicle being  
55.29 ~~used by a person who is serving in~~ to active military service personnel in any branch or unit  
55.30 ~~of the United States armed forces and who is stationed outside Minnesota, during the period~~

56.1 ~~of active service and for 90 days immediately thereafter, if the~~ or their dependents and to  
 56.2 recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a  
 56.3 ~~person presents the person's current military orders~~ must present qualifying military  
 56.4 identification or an annual pass for the United States military issued through the National  
 56.5 Parks and Federal Recreational Lands Pass program to the park attendant on duty or other  
 56.6 designee of the commissioner.

56.7 (b) For purposes of this section, ~~"active service" has the meaning given under section~~  
 56.8 ~~190.05, subdivision 5e, when performed outside Minnesota~~ subdivision, the commissioner  
 56.9 shall establish what constitutes qualifying military identification in the State Register.

56.10 (c) ~~A permit is not required for a motor vehicle being used by military personnel or their~~  
 56.11 ~~dependents who have in their possession the annual pass for United States military and their~~  
 56.12 ~~dependents issued by the federal government for access to federal recreation sites~~ For  
 56.13 vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is  
 56.14 valid only when displayed on a vehicle owned and occupied by the person to whom the  
 56.15 permit is issued.

56.16 (d) The commissioner may issue a daily vehicle permit free of charge to an individual  
 56.17 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

56.18 Sec. 32. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

56.19 Subd. 10. **Free ~~entrance~~ permit; disabled veterans.** (a) The commissioner shall issue  
 56.20 an annual park permit for no charge to any veteran with a total and permanent  
 56.21 ~~service-connected disability, and a daily park permit to any resident veteran~~ with any level  
 56.22 of service-connected disability, as determined by the United States Department of Veterans  
 56.23 Affairs, who presents each year a copy of the veteran's determination letter or other official  
 56.24 form of validation issued by the United States Department of Veterans Affairs or the United  
 56.25 States Department of Defense to a park attendant or commissioner's designee. For the  
 56.26 purposes of this section subdivision, "veteran" has the meaning given in section 197.447.

56.27 (b) For vehicles permitted under paragraph (a), the permit or decal issued under this  
 56.28 subdivision is valid only when displayed on a vehicle owned and occupied by the person  
 56.29 to whom the permit is issued.

56.30 (c) The commissioner may issue a daily vehicle permit free of charge to an individual  
 56.31 who qualifies under paragraph (a) and does not own or operate a motor vehicle.



57.1 Sec. 33. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to  
57.2 read:

57.3 Subd. 19. **Fort Ridgely golf course.** The commissioner may by contract, concession  
57.4 agreement, or lease waive a state park permit and associated fee for motor vehicle entry or  
57.5 parking for persons playing golf at the Fort Ridgely State Park golf course provided that  
57.6 the contract, concession agreement, or lease payment to the state is set, in part, to compensate  
57.7 the state park system for the loss of the state park fees.

57.8 Sec. 34. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

57.9 Subdivision 1. **Fees.** The fee for state park permits for:

57.10 (1) an annual use of state parks is ~~\$25~~ \$35;

57.11 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

57.12 (3) a state park permit valid for one day is ~~\$5~~ \$7;

57.13 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

57.14 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

57.15 (6) an employee's state park permit is without charge; and

57.16 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,  
57.17 paragraph (a), clauses (1) to (3), is \$12.

57.18 The fees specified in this subdivision include any sales tax required by state law.

57.19 Sec. 35. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

57.20 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state  
57.21 park items, tours at ~~Forestville-Mystery Cave State Park~~, interpretation programs, educational  
57.22 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be  
57.23 credited to the state parks working capital account. Receipts and expenses from Douglas  
57.24 Lodge shall be tracked separately within the account. Money in the account is annually  
57.25 appropriated for the purchase and payment of expenses attributable to items for resale or  
57.26 rental and operation of Douglas Lodge. Any excess receipts in this account are annually  
57.27 appropriated for state park management and interpretive programs.

57.28 Sec. 36. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

57.29 Subdivision 1. ~~Areas marked~~ **Designation.** The commissioner of natural resources is  
57.30 authorized in cooperation with local units of government and private individuals and groups

58.1 when feasible to ~~mark~~ manage state water trails on the Lake Superior water trail under  
 58.2 section 85.0155 and on the following rivers, which have historic, recreational, and scenic  
 58.3 values: Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon,  
 58.4 Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro,  
 58.5 Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa  
 58.6 from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River  
 58.7 of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, Shell Rock, and Vermilion in  
 58.8 St. Louis County, North Fork of the Crow, and South Fork of the Crow Rivers, which have  
 58.9 historic and scenic values, and to mark appropriately. The commissioner may map and sign  
 58.10 points of interest, public water access sites, portages, camp sites, and all dams, rapids,  
 58.11 waterfalls, whirlpools, and other serious hazards that are dangerous to canoe, kayak, and  
 58.12 watercraft travelers. The commissioner may maintain passageway for watercraft on state  
 58.13 water trails.

58.14 Sec. 37. **[85.47] SPECIAL USE PERMITS; FEES.**

58.15 Fees collected for special use permits to use state trails not on state forest, state park, or  
 58.16 state recreation area lands and for use of state water access sites must be deposited in the  
 58.17 natural resources fund.

58.18 Sec. 38. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

58.19 Subd. 2. **Exemptions.** A watercraft license is not required for:

58.20 (1) a watercraft that is covered by a license or number in full force and effect under  
 58.21 federal law or a federally approved licensing or numbering system of another state, or a  
 58.22 watercraft that is owned by a person from another state and that state does not require  
 58.23 licensing that type of watercraft, and the watercraft has not been within this state for more  
 58.24 than 90 consecutive days, which does not include days that a watercraft is laid up at dock  
 58.25 over winter or for repairs at a Lake Superior port or another port in the state;

58.26 (2) a watercraft from a country other than the United States that has not been within this  
 58.27 state for more than 90 consecutive days, which does not include days that a watercraft is  
 58.28 laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

58.29 (3) a watercraft owned by the United States, an Indian tribal government, a state, or a  
 58.30 political subdivision of a state, except watercraft used for recreational purposes;

58.31 (4) a ship's lifeboat;

59.1 (5) a watercraft that has been issued a valid marine document by the United States  
59.2 government;

59.3 (6) a waterfowl boat during waterfowl-hunting season;

59.4 (7) a rice boat during the harvest season;

59.5 (8) a seaplane;

59.6 (9) a nonmotorized watercraft ten feet in length or less; and

59.7 (10) a watercraft that is covered by a valid license or number issued by a federally  
59.8 recognized Indian tribe in the state under a federally approved licensing or numbering system  
59.9 and that is owned by a member of that tribe.

59.10 Sec. 39. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

59.11 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws  
59.12 relating to watercraft, a person may not operate or permit the operation of a personal  
59.13 watercraft:

59.14 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~  
59.15 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the  
59.16 United States Coast Guard (USCG) and has a USCG label indicating ~~it~~ the flotation device  
59.17 ~~either is approved for or does not prohibit use with personal watercraft or water skiing;~~

59.18 (2) between one hour before sunset and 9:30 a.m.;

59.19 (3) at greater than slow-no wake speed within 150 feet of:

59.20 (i) a shoreline;

59.21 (ii) a dock;

59.22 (iii) a swimmer;

59.23 (iv) a raft used for swimming or diving; or

59.24 (v) a moored, anchored, or nonmotorized watercraft;

59.25 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other  
59.26 device unless:

59.27 (i) an observer is on board; or

59.28 (ii) the personal watercraft is equipped with factory-installed or factory-specified  
59.29 accessory mirrors that give the operator a wide field of vision to the rear;

60.1 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,  
 60.2 or personal flotation device of the operator, if the personal watercraft is equipped by the  
 60.3 manufacturer with such a device;

60.4 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or  
 60.5 tampered with so as to interfere with the return-to-idle system;

60.6 (7) to chase or harass wildlife;

60.7 (8) through emergent or floating vegetation at other than a slow-no wake speed;

60.8 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,  
 60.9 including weaving through congested watercraft traffic, jumping the wake of another  
 60.10 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing  
 60.11 backwards;

60.12 (10) in any other manner that is not reasonable and prudent; or

60.13 (11) without a personal watercraft rules decal, issued by the commissioner, attached to  
 60.14 the personal watercraft so as to be in full view of the operator.

60.15 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft  
 60.16 to launch or land a person on water skis, a kneeboard, or similar device by the most direct  
 60.17 route to open water.

60.18 Sec. 40. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

60.19 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures  
 60.20 directly related to each appropriation's purpose made on or after January 1 of the fiscal year  
 60.21 in which the grant is made or the date of work plan approval, whichever is later, are eligible  
 60.22 for reimbursement unless otherwise provided.

60.23 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be  
 60.24 determined by the commissioner on the basis of the following criteria:

60.25 (1) the number of watercraft using the waters wholly or partially within the county;

60.26 (2) the number of watercraft using particular bodies of water, wholly or partially within  
 60.27 the county, in relation to the size of the body of water and the type, speed, and size of the  
 60.28 watercraft utilizing the water body;

60.29 (3) the amount of water acreage wholly or partially within the county;

60.30 (4) the overall performance of the county in the area of boat and water safety;

61.1 (5) special considerations, such as volume of transient or nonresident watercraft use,  
 61.2 number of rental watercraft, extremely large bodies of water wholly or partially in the  
 61.3 county; or

61.4 (6) any other factor as determined by the commissioner.

61.5 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate  
 61.6 surveys or studies, or utilize local surveys or studies to determine the criteria required in  
 61.7 allocation funds.

61.8 Sec. 41. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

61.9 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,  
 61.10 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats  
 61.11 by an entity meeting certification requirements established by the commissioner ~~for the~~  
 61.12 ~~purpose of managing vegetation~~. A prescribed burn that has exceeded its prescribed  
 61.13 boundaries and requires immediate suppression action by a local fire department or other  
 61.14 agency with wildfire suppression responsibilities is considered a wildfire.

61.15 Sec. 42. Minnesota Statutes 2016, section 88.523, is amended to read:

61.16 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

61.17 Upon application of the owner, any auxiliary forest contract may be made subject to any  
 61.18 provisions of law enacted subsequent to the execution of the contract and in force at the  
 61.19 time of application, so far as not already applicable, with the approval of the county board  
 61.20 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format  
 61.21 prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by  
 61.22 the commissioner in behalf of the state and by the owner. The supplemental agreement must  
 61.23 be filed and recorded in like manner as the supplemental contract under section 88.49,  
 61.24 subdivision 9, and takes effect upon filing and recording.

61.25 Sec. 43. Minnesota Statutes 2016, section 89.39, is amended to read:

61.26 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

61.27 Every individual, partnership, or private corporation to whom any planting stock is  
 61.28 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must  
 61.29 execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~  
 61.30 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~  
 61.31 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an

62.1 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition  
 62.2 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three  
 62.3 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees  
 62.4 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for  
 62.5 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty ~~shall be~~  
 62.6 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil  
 62.7 action brought in the name of the state by the attorney general.

62.8 Sec. 44. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to  
 62.9 read:

62.10 Subd. 1a. **Affiliate.** "Affiliate" means a person who:

62.11 (1) controls, is controlled by, or is under common control with any other person,  
 62.12 including, without limitation, a partner, business entity with common ownership, or principal  
 62.13 of any business entity or a subsidiary, parent company, or holding company of any person;  
 62.14 or

62.15 (2) bids as a representative for another person.

62.16 Sec. 45. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

62.17 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who  
 62.18 is the signatory of a permit to cut timber on state lands.

62.19 Sec. 46. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

62.20 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a  
 62.21 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,  
 62.22 and integrity requisite and necessary to perform according to the terms of a permit issued  
 62.23 under this chapter; and is not currently debarred by ~~another~~ a government entity for any  
 62.24 cause.

62.25 Sec. 47. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

62.26 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~  
 62.27 ~~notification to the attorney general,~~ upon terms the commissioner deems just, any claim of  
 62.28 the state for casual and involuntary trespass upon state lands or timber; provided that no  
 62.29 claim shall be settled for less than the full value of all timber or other materials taken in  
 62.30 casual trespass or the full amount of all actual damage or loss suffered by the state as a  
 62.31 result. Upon request, the commissioner shall advise the Executive Council of any information

63.1 acquired by the commissioner concerning any trespass on state lands, giving all details and  
 63.2 names of witnesses and all compromises and settlements made under this subdivision.

63.3 Sec. 48. Minnesota Statutes 2016, section 90.051, is amended to read:

63.4 **90.051 SUPERVISION OF SALES; BOND.**

63.5 The department employee delegated to supervise state timber appraisals and sales shall  
 63.6 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum  
 63.7 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

63.8 Sec. 49. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

63.9 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner  
 63.10 shall compile a list containing a description of each tract of land upon which any timber to  
 63.11 be offered is situated and a statement of the estimated quantity of timber and of the appraised  
 63.12 price of each kind of timber thereon as shown by the report of the state appraiser. No  
 63.13 description shall be added after the list is posted and no timber shall be sold from land not  
 63.14 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.  
 63.15 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet  
 63.16 or conspicuously posted in the forest office or other public facility most accessible to potential  
 63.17 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to  
 63.18 be published once not less than one week before the date of sale in a legal newspaper in the  
 63.19 county or counties where the land is situated. The notice shall state the time and place of  
 63.20 the sale and the location at which further information regarding the sale may be obtained.  
 63.21 The commissioner may give other published or posted notice as the commissioner deems  
 63.22 proper to reach prospective bidders.

63.23 Sec. 50. Minnesota Statutes 2016, section 90.14, is amended to read:

63.24 **90.14 AUCTION SALE PROCEDURE.**

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

63.29 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,  
 63.30 or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
 63.31 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
 63.32 appraised value. In case any purchaser fails to make such payment, the purchaser shall be

64.1 liable therefor to the state in a civil action, and the commissioner may reoffer the timber  
64.2 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been  
64.3 made.

64.4 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
64.5 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of  
64.6 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~  
64.7 commissioner to purchase a permit based solely on the appraiser's estimate of the volume  
64.8 of timber described in the permit, provided that the commissioner has expressly designated  
64.9 the availability of such option for that tract on the list of tracts available for sale as required  
64.10 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the  
64.11 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate  
64.12 of the volume of timber described on the permit does not have recourse to the provisions  
64.13 of section 90.281.

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

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

64.28 Sec. 51. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

64.29 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section  
64.30 90.151, the commissioner may establish a registration system to verify the qualifications  
64.31 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system  
64.32 implemented by the commissioner shall be limited in scope to only that information that is  
64.33 required for the efficient administration of the purchaser qualification requirements of this



65.1 chapter. The registration system established under this subdivision is not subject to the  
65.2 rulemaking provisions of chapter 14 and section 14.386 does not apply.

65.3 Sec. 52. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

65.4 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for  
65.5 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered  
65.6 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,  
65.7 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut  
65.8 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report  
65.9 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be  
65.10 correctly dated and executed by the commissioner and signed by the purchaser. If a permit  
65.11 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels  
65.12 and the down payment for timber required under section 90.14 forfeits to the state. The  
65.13 commissioner may grant an additional period for the purchaser to sign the permit, not to  
65.14 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

65.15 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the  
65.16 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must  
65.17 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit  
65.18 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and  
65.19 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and  
65.20 removing all equipment and buildings. All cut timber, equipment, and buildings not removed  
65.21 from the land after expiration of the permit becomes the property of the state.

65.22 (c) The commissioner may grant ~~an additional period of~~ time not to exceed 240 days  
65.23 ~~for the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written  
65.24 request by the permit holder for good and sufficient reasons. The permit holder may combine  
65.25 in the written request under this paragraph the request for additional time under paragraph  
65.26 (b).

65.27 Sec. 53. Minnesota Statutes 2016, section 90.162, is amended to read:

65.28 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

65.29 In lieu of the security deposit equal to the value of all timber covered by the permit  
65.30 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format  
65.31 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state  
65.32 of Minnesota equal to the purchase price for any designated cutting block identified on the

66.1 permit before the date the purchaser enters upon the land to begin harvesting the timber on  
66.2 the designated cutting block.

66.3 Sec. 54. Minnesota Statutes 2016, section 90.252, is amended to read:

66.4 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**  
66.5 **FEES.**

66.6 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with  
66.7 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling  
66.8 of the cut timber and the collection of the payment for the same can be consummated by  
66.9 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the  
66.10 ~~attorney general~~ commissioner and ~~shall~~ must provide for a bond or cash in lieu of a bond  
66.11 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling  
66.12 and payment collection procedure may be used for any state timber sale, except that no  
66.13 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the  
66.14 scaling is supervised by a state scaler.

66.15 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an  
66.16 agreement with the owner or operator of any weight scale inspected, tested, and approved  
66.17 under chapter 239 to provide weight measurements for ~~the~~ scaling of state timber according  
66.18 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the  
66.19 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any  
66.20 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect  
66.21 the interests of the state. Except as otherwise provided by the commissioner, the cost of any  
66.22 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit  
66.23 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the  
66.24 statement of the amount due for the permit under section 90.181, subdivision 1.

66.25 Sec. 55. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

66.26 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum  
66.27 must be approved by the Executive Council, and any other mineral lease issued pursuant  
66.28 to this section that covers 160 or more acres must be approved by the Executive Council.  
66.29 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by  
66.30 the commissioner according to rules adopted by the commissioner, but no lease shall be for  
66.31 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall  
66.32 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to

67.1 meet production requirements prior to the 36th year of the lease. The rents and royalties  
67.2 shall be credited to the funds as provided in section 93.22.

67.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
67.4 applies to leases in effect or issued on or after that date.

67.5 Sec. 56. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

67.6 Subd. 4. **Administration and enforcement.** The commissioner shall administer and  
67.7 enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the  
67.8 commissioner may (1) conduct such investigations and inspections as the commissioner  
67.9 deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon  
67.10 any parts of the mining areas in connection with any such investigation and inspection  
67.11 without liability to the operator or landowner provided that reasonable prior notice of  
67.12 intention to do so shall have been given the operator or landowner; (3) conduct such research  
67.13 or enter into contracts related to mining areas and the reclamation thereof as may be necessary  
67.14 to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits  
67.15 that are approved by the commissioner under a permit to mine on or after July 1, 1991, and  
67.16 that are not otherwise deposited in a state wetland bank.

67.17 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.

67.18 Sec. 57. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

67.19 Subd. 2. **Commissioner's review; hearing; ~~burden of proof.~~** Within 120 days after  
67.20 receiving the an application, ~~or after receiving additional information requested, or after~~  
67.21 ~~holding a hearing as provided in this section~~ the commissioner has deemed complete and  
67.22 filed, the commissioner shall grant the permit applied for, with or without modifications or  
67.23 conditions, or deny the application unless a contested case hearing is requested or ordered  
67.24 under section 93.483. ~~If written objections to the proposed application are filed with the~~  
67.25 ~~commissioner within 30 days after the last publication required pursuant to this section or~~  
67.26 ~~within seven days after publication in the case of an application to conduct lean ore stockpile~~  
67.27 ~~removal, by any person owning property which will be affected by the proposed operation~~  
67.28 ~~or by any federal, state, or local governmental agency having responsibilities affected by~~  
67.29 ~~the proposed operations, a public hearing shall be held by the commissioner in the locality~~  
67.30 ~~of the proposed operations within 30 days of receipt of such written objections and after~~  
67.31 ~~appropriate notice and publication of the date, time, and location of the hearing.~~ The  
67.32 commissioner's decision to grant the permit, with or without modifications, or deny the  
67.33 application constitutes a final order for purposes of section 93.50. The commissioner in

68.1 granting a permit with or without modifications shall determine that the reclamation or  
 68.2 restoration planned for the operation complies with lawful requirements and can be  
 68.3 accomplished under available technology and that a proposed reclamation or restoration  
 68.4 technique is practical and workable under available technology. The commissioner may  
 68.5 hold public meetings on the application.

68.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 68.7 applies to all pending applications submitted before that date.

68.8 Sec. 58. **[93.483] CONTESTED CASE.**

68.9 Subdivision 1. **Petition for contested case hearing.** Any person owning property that  
 68.10 will be affected by the proposed operation or any federal, state, or local government having  
 68.11 responsibilities affected by the proposed operation identified in the application for a permit  
 68.12 to mine under section 93.481 may file a petition with the commissioner to hold a contested  
 68.13 case hearing on the completed application. To be considered by the commissioner, a petition  
 68.14 must be submitted in writing, must contain the information specified in subdivision 2, and  
 68.15 must be submitted to the commissioner within 30 days after the application is deemed  
 68.16 complete and filed. In addition, the commissioner may, on the commissioner's own motion,  
 68.17 order a contested case hearing on the completed application.

68.18 Subd. 2. **Petition contents.** (a) A petition for a contested case hearing must include the  
 68.19 following information:

68.20 (1) a statement of reasons or proposed findings supporting the commissioner's decision  
 68.21 to hold a contested case hearing pursuant to the criteria in subdivision 3; and

68.22 (2) a statement of the issues proposed to be addressed by a contested case hearing and  
 68.23 the specific relief requested or resolution of the matter.

68.24 (b) To the extent known by the petitioner, a petition for a contested case hearing may  
 68.25 also include:

68.26 (1) a proposed list of prospective witnesses to be called, including experts, with a brief  
 68.27 description of the proposed testimony or a summary of evidence to be presented at a contested  
 68.28 case hearing;

68.29 (2) a proposed list of publications, references, or studies to be introduced and relied  
 68.30 upon at a contested case hearing; and

68.31 (3) an estimate of time required for the petitioner to present the matter at a contested  
 68.32 case hearing.

69.1 (c) A petitioner is not bound or limited to the witnesses, materials, or estimated time  
69.2 identified in the petition if the requested contested case is granted by the commissioner.

69.3 (d) Any person may serve timely responses to a petition for a contested case hearing.  
69.4 The commissioner shall establish deadlines for responses to be submitted.

69.5 Subd. 3. **Commissioner's decision to hold hearing.** (a) The commissioner must grant  
69.6 the petition to hold a contested case hearing or order upon the commissioner's own motion  
69.7 that a contested case hearing be held if the commissioner finds that:

69.8 (1) there is a material issue of fact in dispute concerning the completed application before  
69.9 the commissioner;

69.10 (2) the commissioner has jurisdiction to make a determination on the disputed material  
69.11 issue of fact; and

69.12 (3) there is a reasonable basis underlying a disputed material issue of fact so that a  
69.13 contested case hearing would allow the introduction of information that would aid the  
69.14 commissioner in resolving the disputed facts in order to make a final decision on the  
69.15 completed application.

69.16 (b) The commissioner must make the determination of whether to grant a petition or  
69.17 otherwise order a contested case hearing within 120 days after the commissioner deems the  
69.18 application complete and filed.

69.19 Subd. 4. **Hearing upon request of applicant.** The applicant may, within 30 days after  
69.20 the application is deemed complete and filed, submit a request for a contested case. Within  
69.21 30 days of the applicant's request, the commissioner shall grant the petition and initiate the  
69.22 contested case hearing process.

69.23 Subd. 5. **Scope of hearing.** If the commissioner decides to hold a contested case hearing,  
69.24 the commissioner shall identify the issues to be resolved and limit the scope and conduct  
69.25 of the hearing in accordance with applicable law, due process, and fundamental fairness.  
69.26 The commissioner may, before granting or ordering a contested case hearing, develop a  
69.27 proposed permit or permit conditions to inform the contested case. The contested case  
69.28 hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision  
69.29 by the commissioner to grant, with or without modifications or conditions, or deny the  
69.30 application after a contested case shall constitute a final order for purposes of section 93.50.

69.31 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
69.32 applies to all pending applications submitted before that date.

70.1 Sec. 59. Minnesota Statutes 2016, section 93.50, is amended to read:

70.2 **93.50 APPEAL.**

70.3 Any person aggrieved by any final order, ruling, or decision of the commissioner may  
 70.4 ~~appeal~~ obtain judicial review of such order, ruling, or decision in the manner provided in  
 70.5 ~~chapter 14~~ under sections 14.63 to 14.69.

70.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 70.7 applies to all final orders, rulings, and decisions issued after that date.

70.8 Sec. 60. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

70.9 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land  
 70.10 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~  
 70.11 commissioner determines that the title to the land proposed to be conveyed to the state is  
 70.12 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except  
 70.13 reservations herein authorized. The commissioner may use title insurance to aid in the title  
 70.14 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must  
 70.15 submit an abstract of title and make and file with the commissioner an affidavit as to  
 70.16 possession of the land, improvements, liens, and encumbrances thereon, and other matters  
 70.17 affecting the title.

70.18 Sec. 61. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

70.19 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be  
 70.20 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be  
 70.21 approved by the county attorney in like manner as provided for approval by the ~~attorney~~  
 70.22 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title  
 70.23 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

70.24 Sec. 62. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision  
 70.25 to read:

70.26 Subd. 35a. **Portable shelter.** "Portable shelter" means a fish house, dark house, or other  
 70.27 shelter that is set on the ice of state waters to provide shelter and that collapses, folds, or is  
 70.28 disassembled for transportation.

71.1 Sec. 63. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

71.2 Subd. 39. **Protected wild animals.** "~~Protected wild animals~~" ~~are the following wild~~  
 71.3 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,  
 71.4 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,  
 71.5 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal  
 71.6 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter  
 71.7 6134, and wild animals that are protected by a restriction in the time or manner of taking,  
 71.8 other than a restriction in the use of artificial lights, poison, or motor vehicles.

71.9 Sec. 64. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

71.10 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,  
 71.11 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,  
 71.12 threatened, or of special concern in Minnesota Rules, chapter 6134.

71.13 Sec. 65. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

71.14 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,  
 71.15 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,  
 71.16 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,  
 71.17 wolverine, muskrat, mink, otter, and beaver.

71.18 Sec. 66. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

71.19 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~  
 71.20 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,  
 71.21 quail other than bobwhite quail, and mute swan.

71.22 Sec. 67. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

71.23 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals  
 71.24 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,  
 71.25 striped skunk, and unprotected birds, except any animal species listed as endangered,  
 71.26 threatened, or of special concern in Minnesota Rules, chapter 6134.

71.27 Sec. 68. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

71.28 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~  
 71.29 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities  
 71.30 in other states and the United States government to provide for:

72.1 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents  
 72.2 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result  
 72.3 in license revocation in that jurisdiction;

72.4 (2) reporting convictions and license revocations of residents of signatory states for  
 72.5 violations of game and fish laws of Minnesota to game and fish authorities in the  
 72.6 nonresident's state of residence; and

72.7 (3) release upon signature without posting of bail for residents of signatory states accused  
 72.8 of game and fish law violations in this state, providing for recovery, in the resident  
 72.9 jurisdiction, of fines levied if the citation is not answered in this state.

72.10 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

72.11 Sec. 69. Minnesota Statutes 2016, section 97A.055, subdivision 2, is amended to read:

72.12 Subd. 2. **Receipts.** The commissioner of management and budget shall credit to the  
 72.13 game and fish fund all money received under the game and fish laws and all income from  
 72.14 state lands acquired by purchase or gift for game or fish purposes, including receipts from:

72.15 (1) licenses and permits issued;

72.16 (2) fines and forfeited bail;

72.17 (3) sales of contraband, wild animals, and other property under the control of the division,  
 72.18 except as provided in section 97A.225, subdivision 8, clause (2);

72.19 (4) fees from advanced education courses for hunters and trappers;

72.20 (5) reimbursements of expenditures by the division;

72.21 (6) contributions to the division; and

72.22 (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e),  
 72.23 clause (1).

72.24 Sec. 70. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

72.25 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
 72.26 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
 72.27 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
 72.28 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

72.29 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife  
 72.30 trust fund, established in section 97A.4742, for each license issued under section 97A.473,



73.1 subdivision 4, shall be credited to the deer management account and is appropriated to the  
73.2 commissioner for deer habitat improvement or deer management programs.

73.3 (c) \$1 from each annual deer license and each bear license and \$1 annually from the  
73.4 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued  
73.5 under section 97A.473, subdivision 4, shall be credited to the deer and bear management  
73.6 account and is appropriated to the commissioner for deer and bear management programs,  
73.7 including a computerized licensing system.

73.8 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
73.9 cervidae health management account and is appropriated for emergency deer feeding and  
73.10 wild cervidae health management. Money appropriated for emergency deer feeding and  
73.11 wild cervidae health management is available until expended.

73.12 When the unencumbered balance in the appropriation for emergency deer feeding and  
73.13 wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
73.14 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear  
73.15 management programs and computerized licensing.

73.16 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~  
73.17 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~  
73.18 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~  
73.19 ~~account under subdivision 7.~~

73.20 **EFFECTIVE DATE.** This section is effective July 1 of the year following the year the  
73.21 wolf is delisted under the federal Endangered Species Act.

73.22 Sec. 71. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

73.23 Subd. 5. **Portable stands.** (a) Prior to the Saturday on or nearest September 16, a portable  
73.24 stand may be left overnight in a wildlife management area by a person with a valid bear  
73.25 license who is hunting within 100 yards of a bear bait site that is legally tagged and registered  
73.26 as prescribed under section 97B.425. Any person leaving a portable stand overnight under  
73.27 this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's  
73.28 driver's license number; or (3) the "MDNR#" license identification number issued to the  
73.29 licensee. The tag must be affixed to the stand in a manner that it can be read from the ground.

73.30 (b) From November 1 through December 31, a portable stand may be left overnight by  
73.31 a person possessing a license to take deer in a wildlife management area located in whole  
73.32 or in part north and west of a line described as follows:

74.1 State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89;  
 74.2 then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid  
 74.3 Highway 44, Beltrami County, to County Road 704, Beltrami County; then north on County  
 74.4 Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County  
 74.5 State-Aid Highway 5, Roseau County; then north on County State-Aid Highway 5 to  
 74.6 Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north  
 74.7 on State Trunk Highway 313 to the north boundary of the state.

74.8 A person leaving a portable stand overnight under this paragraph must affix a tag with: (1)  
 74.9 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"  
 74.10 license identification number issued to the licensee. The tag must be affixed to the stand so  
 74.11 that it can be read from the ground and must be made of a material sufficient to withstand  
 74.12 weather conditions. A person leaving a portable stand overnight in a wildlife management  
 74.13 area under this paragraph may not leave more than two portable stands in any one wildlife  
 74.14 management area. Unoccupied portable stands left overnight under this paragraph may be  
 74.15 used by any member of the public. This paragraph expires December 31, 2019.

74.16 Sec. 72. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

74.17 Subd. 2. **Duty of ~~county attorneys and~~ peace officers.** ~~County attorneys and~~ All peace  
 74.18 officers must enforce the game and fish laws.

74.19 Sec. 73. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision  
 74.20 to read:

74.21 Subd. 3. **Prosecuting authority.** County attorneys are the primary prosecuting authority  
 74.22 for violations under section 97A.205, clause (5). Prosecution includes associated civil  
 74.23 forfeiture actions provided by law.

74.24 Sec. 74. Minnesota Statutes 2016, section 97A.225, subdivision 8, is amended to read:

74.25 Subd. 8. **Proceeds of sale.** ~~After determining the expense~~ The proceeds from the sale  
 74.26 after payment of the costs of seizing, towing, keeping, and selling the property, the  
 74.27 commissioner must pay the and satisfying valid liens ~~from the proceeds according to the~~  
 74.28 court order. The remaining proceeds against the property must be distributed as follows:

74.29 (1) 70 percent of the money or proceeds shall be deposited in the state treasury and  
 74.30 credited to the game and fish fund; and

75.1 (2) 30 percent of the money or proceeds is considered a cost of forfeiting the property  
 75.2 and must be forwarded to the prosecuting authority that handled the forfeiture for deposit  
 75.3 as a supplement to its operating fund or similar fund for prosecutorial purposes.

75.4 Sec. 75. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

75.5 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty  
 75.6 of a misdemeanor if that person:

75.7 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the  
 75.8 game and fish laws;

75.9 (2) aids or assists in committing the violation;

75.10 (3) knowingly shares in the proceeds of the violation;

75.11 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

75.12 (5) knowingly makes a false statement related to an affidavit regarding a violation or  
 75.13 requirement of the game and fish laws; or

75.14 (6) violates or attempts to violate a rule under the game and fish laws.

75.15 Sec. 76. Minnesota Statutes 2016, section 97A.338, is amended to read:

75.16 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

75.17 (a) A person who takes, possesses, or transports wild animals over the legal limit, in  
 75.18 closed season, or without a valid license, when the restitution value of the wild animals is  
 75.19 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a  
 75.20 violation under this section paragraph is a gross misdemeanor.

75.21 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or  
 75.22 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one  
 75.23 animal is taken, possessed, or transported in violation of the game and fish laws.

75.24 Sec. 77. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

75.25 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license  
 75.26 of a person who unlawfully takes, transports, or possesses wild animals when the restitution  
 75.27 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the  
 75.28 person may not use or obtain any license to take the same type of wild animals involved,  
 75.29 including a duplicate license, until an action is taken under subdivision 6. If the license  
 75.30 seized under this paragraph was for a big game animal, the license seizure applies to all

76.1 licenses to take big game issued to the individual. If the license seized under this paragraph  
 76.2 was for small game animals, the license seizure applies to all licenses to take small game  
 76.3 issued to the individual.

76.4 (b) In addition to the license seizure under paragraph (a), if the restitution value of the  
 76.5 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other  
 76.6 game and fish licenses held by the person shall be immediately seized. Except as provided  
 76.7 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,  
 76.8 including a duplicate license, until an action is taken under subdivision 6.

76.9 (c) A person may not take wild animals covered by a license seized under this subdivision  
 76.10 until an action is taken under subdivision 6.

76.11 Sec. 78. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

76.12 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a  
 76.13 license to take a wild animal and is prohibited from taking wild animals for ten years after  
 76.14 the date of conviction of a violation when the restitution value of the wild animals is \$2,000  
 76.15 or more.

76.16 (b) A person may not obtain a license to take a wild animal and is prohibited from taking  
 76.17 wild animals for ~~a period of~~ five years after the date of conviction of:

76.18 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,  
 76.19 but less than \$2,000; or

76.20 (2) a violation when the restitution value of the wild animals exceeds \$500 and the  
 76.21 violation occurs within ten years of one or more previous license revocations under this  
 76.22 subdivision.

76.23 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a  
 76.24 violation when the restitution value of the wild animals exceeds \$500 and is prohibited from  
 76.25 taking the type of wild animals involved in the violation for ~~a period of~~ three years after the  
 76.26 date of conviction of a violation.

76.27 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),  
 76.28 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire  
 76.29 revocation period.

76.30 (e) If a wild animal involved in the conviction is listed as a threatened or endangered  
 76.31 wild animal, the revocations under this subdivision do not apply unless more than one animal  
 76.32 is taken, possessed, or transported in violation of the game and fish laws.

77.1 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions  
77.2 under this subdivision.

77.3 Sec. 79. Minnesota Statutes 2016, section 97A.441, subdivision 1, is amended to read:

77.4 Subdivision 1. **Angling and spearing; disabled residents.** (a) A person authorized to  
77.5 issue licenses must issue, without a fee, licenses to take fish by angling or spearing to a  
77.6 resident who is:

77.7 (1) blind;

77.8 (2) a recipient of Supplemental Security Income for the aged, blind, and disabled;

77.9 (3) a recipient of Social Security aid to the disabled under United States Code, title 42,  
77.10 section 416, paragraph (i)(l), or section 423(d);

77.11 (4) a recipient of workers' compensation based on a finding of total and permanent  
77.12 disability;

77.13 (5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64;

77.14 ~~or~~

77.15 (6) permanently disabled and meets the disability requirements for Supplemental Security  
77.16 Income or Social Security aid to the disabled under United States Code, title 42, section  
77.17 416, paragraph (i)(l), or section 423(d);

77.18 (7) receiving aid under the federal Railroad Retirement Act of 1974, United States Code,  
77.19 title 45, section 231a(a)(1)(v); or

77.20 (8) a former employee of the United States Postal Service receiving disability pay under  
77.21 United States Code, title 5, section 8337.

77.22 (b) A driver's license or Minnesota identification card bearing the applicable designation  
77.23 under section 171.07, subdivision 17, serves as satisfactory evidence to obtain a license  
77.24 under this subdivision at all agent locations.

77.25 Sec. 80. Minnesota Statutes 2016, section 97A.473, subdivision 2, is amended to read:

77.26 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes  
77.27 a person to take fish by angling in the state. The license authorizes those activities authorized  
77.28 by the annual resident angling license. The license does not include a trout-and-salmon  
77.29 stamp validation, a walleye stamp validation, or other stamps required by law.

77.30 (b) The fees for a resident lifetime angling license are:

78.1 (1) age 3 and under, ~~\$304~~ \$344;

78.2 (2) age 4 to age 15, ~~\$415~~ \$469;

78.3 (3) age 16 to age 50, ~~\$508~~ \$574; and

78.4 (4) age 51 and over, ~~\$335~~ \$379.

78.5 **EFFECTIVE DATE.** This section is effective March 1, 2018.

78.6 Sec. 81. Minnesota Statutes 2016, section 97A.473, subdivision 2a, is amended to read:

78.7 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license  
78.8 authorizes a person to take fish by spearing in the state. The license authorizes those activities  
78.9 authorized by the annual resident spearing license.

78.10 (b) The fees for a resident lifetime spearing license are:

78.11 (1) age 3 and under, ~~\$77~~ \$90;

78.12 (2) age 4 to age 15, ~~\$106~~ \$124;

78.13 (3) age 16 to age 50, ~~\$100~~ \$117; and

78.14 (4) age 51 and over, ~~\$52~~ \$61.

78.15 **EFFECTIVE DATE.** This section is effective March 1, 2018.

78.16 Sec. 82. Minnesota Statutes 2016, section 97A.473, subdivision 2b, is amended to read:

78.17 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling  
78.18 and spearing license authorizes a person to take fish by angling or spearing in the state. The  
78.19 license authorizes those activities authorized by the annual resident angling and spearing  
78.20 licenses.

78.21 (b) The fees for a resident lifetime angling and spearing license are:

78.22 (1) age 3 and under, ~~\$380~~ \$432;

78.23 (2) age 4 to age 15, ~~\$509~~ \$579;

78.24 (3) age 16 to age 50, ~~\$596~~ \$678; and

78.25 (4) age 51 and over, ~~\$386~~ \$439.

78.26 **EFFECTIVE DATE.** This section is effective March 1, 2018.

79.1 Sec. 83. Minnesota Statutes 2016, section 97A.473, subdivision 4, is amended to read:

79.2 Subd. 4. **Lifetime deer-hunting license; fee.** (a) A resident lifetime deer-hunting license  
 79.3 authorizes a person to take deer with firearms or by archery in the state. The license  
 79.4 authorizes those activities authorized by the annual resident firearm deer-hunting license  
 79.5 or the annual resident archery deer-hunting license. The licensee must register and receive  
 79.6 tags each year that the license is used. The tags shall be issued at no charge to the licensee.

79.7 (b) The fees for a resident lifetime firearm or archery deer-hunting license are:

79.8 (1) age 3 and under, ~~\$406~~ \$458;

79.9 (2) age 4 to age 15, ~~\$538~~ \$607;

79.10 (3) age 16 to age 50, ~~\$656~~ \$741; and

79.11 (4) age 51 and over, ~~\$468~~ \$528.

79.12 **EFFECTIVE DATE.** This section is effective March 1, 2018.

79.13 Sec. 84. Minnesota Statutes 2016, section 97A.473, subdivision 5, is amended to read:

79.14 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes  
 79.15 a person to take fish by angling and hunt and trap small game, other than wolves, in the  
 79.16 state. The license authorizes those activities authorized by the annual resident angling and  
 79.17 resident small-game-hunting licenses and the resident trapping license for fur-bearing  
 79.18 animals other than wolves. The license does not include a trout-and-salmon stamp validation,  
 79.19 a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required  
 79.20 by law.

79.21 (b) The fees for a resident lifetime sporting license are:

79.22 (1) age 3 and under, ~~\$485~~ \$522;

79.23 (2) age 4 to age 15, ~~\$659~~ \$710;

79.24 (3) age 16 to age 50, ~~\$864~~ \$927; and

79.25 (4) age 51 and over, ~~\$560~~ \$603.

79.26 **EFFECTIVE DATE.** This section is effective March 1, 2018.

79.27 Sec. 85. Minnesota Statutes 2016, section 97A.473, subdivision 5a, is amended to read:

79.28 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime  
 79.29 sporting with spearing option license authorizes a person to take fish by angling or spearing

80.1 and hunt and trap small game, other than wolves, in the state. The license authorizes those  
 80.2 activities authorized by the annual resident angling, spearing, and resident  
 80.3 small-game-hunting licenses and the resident trapping license for fur-bearing animals other  
 80.4 than wolves. The license does not include a trout-and-salmon stamp validation, a turkey  
 80.5 stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

80.6 (b) The fees for a resident lifetime sporting with spearing option license are:

80.7 (1) age 3 and under, ~~\$562~~ \$612;

80.8 (2) age 4 to age 15, ~~\$765~~ \$833;

80.9 (3) age 16 to age 50, ~~\$961~~ \$1,046; and

80.10 (4) age 51 and over, ~~\$612~~ \$666.

80.11 **EFFECTIVE DATE.** This section is effective March 1, 2018.

80.12 Sec. 86. Minnesota Statutes 2016, section 97A.474, subdivision 2, is amended to read:

80.13 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling  
 80.14 license authorizes a person to take fish by angling in the state. The license authorizes those  
 80.15 activities authorized by the annual nonresident angling license. The license does not include  
 80.16 a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required  
 80.17 by law.

80.18 (b) The fees for a nonresident lifetime angling license are:

80.19 (1) age 3 and under, ~~\$726~~ \$821;

80.20 (2) age 4 to age 15, ~~\$925~~ \$1,046;

80.21 (3) age 16 to age 50, ~~\$1,054~~ \$1,191; and

80.22 (4) age 51 and over, ~~\$702~~ \$794.

80.23 **EFFECTIVE DATE.** This section is effective March 1, 2018.

80.24 Sec. 87. Minnesota Statutes 2016, section 97A.475, subdivision 2, is amended to read:

80.25 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
 80.26 only, are:

80.27 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;

80.28 (2) for persons age 65 or over, \$7 to take small game;

80.29 (3) for persons age 18 or over to take turkey, \$26;



- 81.1 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- 81.2 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
81.3 season, ~~\$30~~ \$34;
- 81.4 (6) for persons age 18 or over to take deer by archery, ~~\$30~~ \$34;
- 81.5 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
81.6 season, ~~\$30~~ \$34;
- 81.7 (8) to take moose, for a party of not more than six persons, \$356;
- 81.8 (9) for persons age 18 or over to take bear, \$44;
- 81.9 (10) to take elk, for a party of not more than two persons, \$287;
- 81.10 (11) to take Canada geese during a special season, \$4;
- 81.11 (12) to take prairie chickens, \$23;
- 81.12 (13) for persons age 13 or over and under age 18 to take deer with firearms during the  
81.13 regular firearms season, \$5;
- 81.14 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 81.15 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader during  
81.16 the muzzleloader season, \$5;
- 81.17 (16) for persons age 10, 11, or 12 to take bear, no fee;
- 81.18 (17) for persons age 13 or over and under age 18 to take bear, \$5;
- 81.19 (18) for persons age 18 or over to take small game for a consecutive 72-hour period  
81.20 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the  
81.21 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
81.22 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
81.23 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
81.24 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half  
81.25 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition  
81.26 account;
- 81.27 (19) for persons age 16 or over and under age 18 to take small game, \$5;
- 81.28 (20) to take wolf, \$30;
- 81.29 (21) for persons age 12 and under to take turkey, no fee;
- 81.30 (22) for persons age 10, 11, or 12 to take deer by firearm, no fee;

82.1 (23) for persons age 10, 11, or 12 to take deer by archery, no fee; and

82.2 (24) for persons age 10, 11, or 12 to take deer by muzzleloader during the muzzleloader  
82.3 season, no fee.

82.4 **EFFECTIVE DATE.** This section is effective March 1, 2018.

82.5 Sec. 88. Minnesota Statutes 2016, section 97A.475, subdivision 3, is amended to read:

82.6 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to  
82.7 nonresidents, are:

82.8 (1) for persons age 18 or over to take small game, \$90.50;

82.9 (2) for persons age 18 or over to take deer with firearms during the regular firearms  
82.10 season, ~~\$160~~ \$180;

82.11 (3) for persons age 18 or over to take deer by archery, ~~\$160~~ \$180;

82.12 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
82.13 season, ~~\$160~~ \$180;

82.14 (5) for persons age 18 or over to take bear, \$225;

82.15 (6) for persons age 18 or over to take turkey, \$91;

82.16 (7) for persons age 13 or over and under age 18 to take turkey, \$5;

82.17 (8) to take raccoon or bobcat, \$178;

82.18 (9) to take Canada geese during a special season, \$4;

82.19 (10) for persons age 13 or over and under age 18 to take deer with firearms during the  
82.20 regular firearms season in any open season option or time period, \$5;

82.21 (11) for persons age 13 or over and under age 18 to take deer by archery, \$5;

82.22 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader  
82.23 season, \$5;

82.24 (13) for persons age 13 or over and under 18 to take bear, \$5;

82.25 (14) for persons age 18 or over to take small game for a consecutive 72-hour period  
82.26 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the  
82.27 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
82.28 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
82.29 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
82.30 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half

83.1 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife  
83.2 acquisition account;

83.3 (15) for persons age 16 or 17 to take small game, \$5;

83.4 (16) to take wolf, \$250;

83.5 (17) for persons age 12 and under to take turkey, no fee;

83.6 (18) for persons age ten, 11, or 12 to take deer by firearm, no fee;

83.7 (19) for persons age ten, 11, or 12 to take deer by archery, no fee;

83.8 (20) for persons age ten, 11, or 12 to take deer by muzzleloader during the muzzleloader  
83.9 season, no fee; and

83.10 (21) for persons age 10, 11, or 12 to take bear, no fee.

83.11 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph  
83.12 (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this  
83.13 surcharge.

83.14 **EFFECTIVE DATE.** This section is effective March 1, 2018.

83.15 Sec. 89. Minnesota Statutes 2016, section 97A.475, subdivision 6, is amended to read:

83.16 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only,  
83.17 are:

83.18 (1) for persons age 18 or over to take fish by angling, ~~\$22~~ \$25;

83.19 (2) for persons age 18 or over to take fish by angling, for a combined license for a married  
83.20 couple, ~~\$35~~ \$40;

83.21 (3) for persons age 18 or over to take fish by spearing from a dark house, ~~\$5~~ \$6, and the  
83.22 person must possess an angling license;

83.23 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by  
83.24 the licensee, ~~\$10~~ \$12;

83.25 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period  
83.26 selected by the licensee, ~~\$12~~ \$14;

83.27 (6) for persons age 18 or over to take fish by angling for three consecutive years, ~~\$63~~  
83.28 \$71; and

83.29 (7) for persons age 16 or over and under age 18 to take fish by angling, \$5.

84.1 **EFFECTIVE DATE.** This section is effective March 1, 2018.

84.2 Sec. 90. Minnesota Statutes 2016, section 97A.475, subdivision 7, is amended to read:

84.3 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to  
84.4 nonresidents, are:

84.5 (1) for persons age 18 or over to take fish by angling, ~~\$40~~ \$46;

84.6 (2) for persons age 18 or over to take fish by angling limited to seven consecutive days  
84.7 selected by the licensee, ~~\$33~~ \$38;

84.8 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period  
84.9 selected by the licensee, ~~\$27~~ \$31;

84.10 (4) for persons age 18 or over to take fish by angling for a combined license for a family  
84.11 for one or both parents and dependent children under the age of 16, ~~\$55~~ \$63;

84.12 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by  
84.13 the licensee, ~~\$12~~ \$14;

84.14 (6) to take fish by angling for a combined license for a married couple, limited to 14  
84.15 consecutive days selected by one of the licensees, ~~\$43~~ \$49;

84.16 (7) for persons age 18 or over to take fish by spearing from a dark house, ~~\$10~~ \$12, and  
84.17 the person must possess an angling license; and

84.18 (8) for persons age 16 or over and under age 18 to take fish by angling, \$5.

84.19 (b) A \$5 surcharge shall be added to all nonresident fishing licenses, except licenses  
84.20 issued under paragraph (a), clauses (5) and (8). An additional commission may not be  
84.21 assessed on this surcharge.

84.22 **EFFECTIVE DATE.** This section is effective March 1, 2018.

84.23 Sec. 91. Minnesota Statutes 2016, section 97A.475, subdivision 8, is amended to read:

84.24 Subd. 8. **Minnesota sporting; supersports.** (a) The commissioner shall issue Minnesota  
84.25 sporting licenses to residents only. The licensee may take fish by angling and small game.  
84.26 The fee for the license is:

84.27 (1) for an individual, ~~\$31.50~~ \$34.50; and

84.28 (2) for a combined license for a married couple to take fish and for one spouse to take  
84.29 small game, ~~\$45.50~~ \$50.50.

85.1 (b) The commissioner shall issue Minnesota supersports licenses to residents only. The  
 85.2 licensee may take fish by angling, including trout; small game, including pheasant and  
 85.3 waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the supersports  
 85.4 license, including all required stamp validations is:

85.5 (1) for an individual age 18 or over, ~~\$86.50~~ \$93.50; and

85.6 (2) for a combined license for a married couple to take fish, including the  
 85.7 trout-and-salmon stamp validation, and for one spouse to take small game, including pheasant  
 85.8 and waterfowl, and deer, ~~\$110.50~~ \$119.50.

85.9 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according  
 85.10 to section 97A.075, subdivisions 2, 3, and 4.

85.11 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited  
 85.12 according to section 97A.075, subdivision 1.

85.13 **EFFECTIVE DATE.** This section is effective March 1, 2018.

85.14 Sec. 92. Minnesota Statutes 2016, section 97A.475, subdivision 45, is amended to read:

85.15 Subd. 45. **Camp Ripley archery deer hunt.** The application fee for the Camp Ripley  
 85.16 archery deer hunt is ~~\$12~~ \$14.

85.17 **EFFECTIVE DATE.** This section is effective March 1, 2018.

85.18 Sec. 93. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

85.19 Subd. 6. **Scopes; ~~age 60 or over~~.** A person ~~age 60 or over~~ may use a muzzleloader with  
 85.20 a scope to take deer during the muzzleloader season. The scope may have magnification  
 85.21 capabilities.

85.22 Sec. 94. Minnesota Statutes 2016, section 97B.071, is amended to read:

85.23 **97B.071 ~~BLAZE ORANGE~~ CLOTHING REQUIREMENTS; BLAZE ORANGE**  
 85.24 **OR BLAZE PINK.**

85.25 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt or  
 85.26 trap during the open season where deer may be taken by firearms under applicable laws and  
 85.27 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,  
 85.28 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink  
 85.29 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each

86.1 foot square. This section does not apply to migratory-waterfowl hunters on waters of this  
86.2 state or in a stationary shooting location or to trappers on waters of this state.

86.3 (b) Except as provided in rules adopted under paragraph (c), and in addition to the  
86.4 requirement in paragraph (a), a person may not take small game other than turkey, migratory  
86.5 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one  
86.6 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph  
86.7 does not apply to a person when in a stationary location while hunting deer by archery or  
86.8 when hunting small game by falconry.

86.9 (c) The commissioner may, by rule, prescribe an alternative color in cases where  
86.10 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public  
86.11 Law 103-141.

86.12 (d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by  
86.13 a safety warning.

86.14 Sec. 95. Minnesota Statutes 2016, section 97B.405, is amended to read:

86.15 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

86.16 (a) The commissioner may limit the number of persons that may hunt bear in an area,  
86.17 if it is necessary to prevent an overharvest or improve the distribution of hunters. The  
86.18 commissioner may establish, by rule, a method, including a drawing, to impartially select  
86.19 the hunters for an area. The commissioner shall give preference to hunters that have  
86.20 previously applied and have not been selected.

86.21 (b) If the commissioner limits the number of persons that may hunt bear in an area under  
86.22 paragraph (a), the commissioner must reserve one permit and give first preference for that  
86.23 permit to a resident of a Minnesota veterans home.

86.24 ~~(b)~~ (c) A person selected through a drawing must purchase a license by August 1. Any  
86.25 remaining available licenses not purchased shall be issued to any eligible person as prescribed  
86.26 by the commissioner on a first-come, first-served basis beginning three business days after  
86.27 August 1.

86.28 Sec. 96. Minnesota Statutes 2016, section 97B.431, is amended to read:

86.29 **97B.431 BEAR-HUNTING OUTFITTERS.**

86.30 (a) A person may not place bait for bear, or guide hunters to take bear, for compensation  
86.31 without a bear-hunting-outfitter license. A bear-hunting outfitter is not required to have a

87.1 license to take bear unless the outfitter is attempting to shoot a bear. The commissioner  
87.2 shall adopt rules for qualifications for issuance and administration of the licenses.

87.3 (b) The commissioner shall establish a resident master bear-hunting-outfitter license  
87.4 under which one person serves as the bear-hunting outfitter and one other person is eligible  
87.5 to guide and bait bear. Additional persons may be added to the license and are eligible to  
87.6 guide and bait bear under the license, provided the additional fee under section 97A.475,  
87.7 subdivision 16, is paid for each person added. The commissioner shall adopt rules for  
87.8 qualifications for issuance and administration of the licenses. The commissioner must not  
87.9 require a person to have certification or training in first aid or CPR to be eligible for a license  
87.10 under this section.

87.11 Sec. 97. Minnesota Statutes 2016, section 97B.516, is amended to read:

87.12 **97B.516 ELK MANAGEMENT PLAN.**

87.13 (a) The commissioner of natural resources must adopt an elk management plan that:

87.14 (1) recognizes the value and uniqueness of elk;

87.15 (2) provides for integrated management of an elk population in harmony with the  
87.16 environment; and

87.17 (3) affords optimum recreational opportunities.

87.18 (b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in  
87.19 Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size  
87.20 of the herd, including adoption or implementation of an elk management plan designed to  
87.21 increase an elk herd, unless the commissioner of agriculture verifies that crop and fence  
87.22 damages paid under section 3.7371 and attributed to the herd have not increased for at least  
87.23 two years.

87.24 (c) At least 60 days prior to implementing a plan to increase an elk herd, the  
87.25 commissioners of natural resources and agriculture must hold a joint public meeting in the  
87.26 county where the elk herd to be increased is located. At the meeting, the commissioners  
87.27 must present evidence that crop and fence damages have not increased in the prior two years  
87.28 and must detail the practices that will be used to reduce elk conflicts with area landowners.

87.29 Sec. 98. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

87.30 Subdivision 1. **Owners and occupants may take certain animals.** A person or the  
87.31 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,

88.1 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the  
 88.2 person where the animal is causing damage. The person or the person's agent may take the  
 88.3 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed  
 88.4 season or by poison. Raccoons may be taken under this subdivision with artificial lights  
 88.5 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,  
 88.6 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer  
 88.7 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

88.8 Sec. 99. Minnesota Statutes 2016, section 97C.081, subdivision 3, is amended to read:

88.9 Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person must  
 88.10 have a permit from the commissioner to conduct a fishing contest if:

88.11 (1) there are more than 25 boats for open water contests, more than 150 participants for  
 88.12 ice fishing contests, or more than 100 participants for shore fishing contests;

88.13 (2) entry fees are more than \$25 per person; or

88.14 (3) the contest is limited to trout species.

88.15 (b) The commissioner shall charge a fee for the permit that recovers the costs of issuing  
 88.16 the permit and of monitoring the activities allowed by the permit. Notwithstanding section  
 88.17 16A.1283, the commissioner may, by written order published in the State Register, establish  
 88.18 contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and  
 88.19 section 14.386 does not apply.

88.20 (c) The commissioner may require the applicant to furnish evidence of financial  
 88.21 responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000  
 88.22 if entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and  
 88.23 if the applicant has either:

88.24 (1) not previously conducted a fishing contest requiring a permit under this subdivision;

88.25 or

88.26 (2) ever failed to make required prize awards in a fishing contest conducted by the  
 88.27 applicant.

88.28 (d) The permit fee for any individual contest may not exceed the following amounts:

88.29 (1) ~~\$60~~ \$70 for an open water contest not exceeding 50 boats and without off-site  
 88.30 weigh-in;

88.31 (2) ~~\$200~~ \$225 for an open water contest with more than 50 boats and without off-site  
 88.32 weigh-in;



- 89.1 (3) ~~\$250~~ \$280 for an open water contest not exceeding 50 boats with off-site weigh-in;
- 89.2 (4) ~~\$500~~ \$560 for an open water contest with more than 50 boats with off-site weigh-in;
- 89.3 or
- 89.4 (5) ~~\$120~~ \$135 for an ice fishing contest with more than 150 participants.

89.5 **EFFECTIVE DATE.** This section is effective March 1, 2018.

89.6 Sec. 100. Minnesota Statutes 2016, section 97C.355, subdivision 2, is amended to read:

89.7 Subd. 2. **License required.** (a) A person may not ~~leave~~ place a dark house, fish house,  
89.8 or shelter ~~unattended~~, except a portable shelter, on the ice ~~at any time between midnight~~  
89.9 ~~and one hour before sunrise~~ unless:

89.10 (1) the house or shelter is licensed; and

89.11 (2) has the license tag attached to the exterior in a readily visible location, except as  
89.12 provided in this subdivision.

89.13 (b) The commissioner must issue a tag with a dark house, fish house, or shelter license,  
89.14 marked with a number to correspond with the license and the year of issue. A dark house,  
89.15 fish house, or shelter license is not required of a resident on boundary waters where the  
89.16 adjacent state does not charge a fee for the same activity.

89.17 Sec. 101. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

89.18 Subd. 2a. **Portable shelters.** (a) A person using a portable shelter that is not identified  
89.19 under subdivision 1 may not leave the portable shelter unattended between midnight and  
89.20 sunrise and must remain within 200 feet of the shelter while the shelter is on the ice of state  
89.21 waters.

89.22 (b) If a person leaves the portable shelter unattended any time between midnight and  
89.23 one hour before sunrise or is not within 200 feet of the portable shelter, the portable shelter  
89.24 must be licensed as provided under subdivision 2.

89.25 Sec. 102. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

89.26 Subd. 2. **Walleye; northern pike.** (a) ~~Except as provided in paragraph (b),~~ A person  
89.27 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~  
89.28 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

89.29 (b) ~~The restrictions in paragraph (a) do not apply to boundary waters.~~

90.1 Sec. 103. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

90.2 Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without  
90.3 a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A  
90.4 person must purchase a minnow retailer license for each minnow retail outlet operated,  
90.5 except as provided by subdivision 2, paragraph (d).

90.6 (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor  
90.7 vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow  
90.8 retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not  
90.9 required to obtain a minnow retailer's vehicle license:

90.10 (1) as provided in subdivision 3;

90.11 (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting  
90.12 minnows purchased from a minnow dealer's place of business directly to the resort, possesses  
90.13 a detailed receipt, including the date and time of purchase, and presents the receipt and  
90.14 minnows for inspection upon request; or

90.15 (3) if minnows are being transported by common carrier and information is provided  
90.16 that allows the commissioner to find out the location of the shipment in the state.

90.17 Sec. 104. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision  
90.18 to read:

90.19 Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person  
90.20 possessing a valid resident or nonresident angling license or a person not required to have  
90.21 an angling license to take fish may take and possess at any time, for personal use only, not  
90.22 more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may  
90.23 be harvested in waters of the state where fish may be taken by angling. Mussel shells must  
90.24 be harvested by hand-picking only and may not be purchased or sold.

90.25 Sec. 105. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

90.26 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
90.27 the meanings given them.

90.28 (b) "Board" means the Board of Water and Soil Resources.

90.29 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants  
90.30 and noxious weeds, adjacent to all bodies of water within the state and that protects the

91.1 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and  
 91.2 protects or provides riparian corridors.

91.3 (d) "Buffer protection map" means buffer maps established and maintained by the  
 91.4 commissioner of natural resources.

91.5 (e) "Commissioner" means the commissioner of natural resources.

91.6 (f) "Executive director" means the executive director of the Board of Water and Soil  
 91.7 Resources.

91.8 (g) "Local water management authority" means a watershed district, metropolitan water  
 91.9 management organization, or county operating separately or jointly in its role as local water  
 91.10 management authority under chapter 103B or 103D.

91.11 (h) "Normal water level" means the level evidenced by the long-term presence of surface  
 91.12 water as indicated directly by hydrophytic plants or hydric soils or indirectly determined  
 91.13 via hydrological models or analysis.

91.14 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~  
 91.15 means public waters as used in this section applies to waters that are on the public waters  
 91.16 inventory as provided in section 103G.201.

91.17 (j) "With jurisdiction" means a board determination that the county or watershed district  
 91.18 has adopted a rule, ordinance, or official controls providing procedures for the issuance of  
 91.19 administrative penalty orders, enforcement, and appeals for purposes of this section and  
 91.20 section 103B.101, subdivision 12a.

91.21 Sec. 106. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

91.22 Subd. 3. **Water resources riparian protection requirements on public waters and**  
 91.23 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning  
 91.24 property adjacent to a water body identified and mapped on a buffer protection map must  
 91.25 maintain a buffer to protect the state's water resources as follows:

91.26 (1) for all public waters, the more restrictive of:

91.27 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially  
 91.28 rooted vegetation; or

91.29 (ii) the state shoreland standards and criteria adopted by the commissioner under section  
 91.30 103F.211; and

92.1 (2) for public drainage systems established under chapter 103E , a 16.5-foot minimum  
 92.2 width continuous buffer as provided in section 103E.021, subdivision 1. The buffer vegetation  
 92.3 shall not impede future maintenance of the ditch.

92.4 (b) A landowner owning property adjacent to a water body identified in a buffer protection  
 92.5 map and whose property is used for cultivation farming may meet the requirements under  
 92.6 paragraph (a) by adopting an alternative riparian water quality practice, or combination of  
 92.7 structural, vegetative, and management practices, based on the Natural Resources  
 92.8 Conservation Service Field Office Technical Guide ~~or~~, common alternative practices adopted  
 92.9 and published by the board, other practices approved by the board, or practices based on  
 92.10 local conditions approved by the local soil and water conservation district that are consistent  
 92.11 with the Field Office Technical Guide, that provide water quality protection comparable to  
 92.12 the buffer protection for the water body that the property abuts. Included in these practices  
 92.13 are retention ponds and alternative measures that prevent overland flow to the water resource.

92.14 (c) The width of a buffer on public waters must be measured from the top or crown of  
 92.15 the bank. Where there is no defined bank, measurement must be from the edge of the normal  
 92.16 water level. The width of the buffer on public drainage systems must be measured as provided  
 92.17 in section 103E.021, subdivision 1.

92.18 (d) Upon request by a landowner or authorized agent or operator of a landowner, a  
 92.19 technical professional employee or contractor of the soil and water conservation district or  
 92.20 its delegate may issue a validation of compliance with the requirements of this subdivision.  
 92.21 The soil and water conservation district validation may be appealed to the board as described  
 92.22 in subdivision 9.

92.23 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)  
 92.24 must be in place on or before:

92.25 (1) November 1, 2017, for public waters; and

92.26 (2) November 1, 2018, for public drainage systems.

92.27 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or  
 92.28 operator of a landowner to participate in federal or state conservation programs, including  
 92.29 enrolling or reenrolling in federal conservation programs.

92.30 (g) After the effective date of this section, a person planting buffers or water quality  
 92.31 protection practices to meet the requirements in paragraph (a) must use only seed mixes  
 92.32 verified by the Department of Agriculture as consistent with chapter 18G or 21 to prevent  
 92.33 contamination with Palmer amaranth or other noxious weed seeds.

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

93.2 Sec. 107. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision  
93.3 to read:

93.4 **Subd. 8a. Constructed management facilities for storm water.** "Constructed  
93.5 management facilities for storm water" means ponds, basins, holding tanks, cisterns,  
93.6 infiltration trenches and swales, or other best management practices that have been designed,  
93.7 constructed, and operated to store or treat storm water in accordance with local, state, or  
93.8 federal requirements.

93.9 Sec. 108. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to  
93.10 read:

93.11 **Subd. 10b. Greater than 80 percent area.** "Greater than 80 percent area" means a  
93.12 county or watershed, or, for purposes of wetland replacement, bank service area where 80  
93.13 percent or more of the presettlement wetland acreage is intact and:

93.14 (1) ten percent or more of the current total land area is wetland; or

93.15 (2) 50 percent or more of the current total land area is state or federal land.

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

93.17 Sec. 109. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to  
93.18 read:

93.19 **Subd. 10h. Less than 50 percent area.** "Less than 50 percent area" means a county or  
93.20 watershed, or, for purposes of wetland replacement, bank service area with less than 50  
93.21 percent of the presettlement wetland acreage intact or any county or watershed, or bank  
93.22 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

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

93.24 Sec. 110. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

93.25 **Subdivision 1. Requirements.** (a) Wetlands must not be drained or filled, wholly or  
93.26 partially, unless replaced by actions that provide at least equal public value under a  
93.27 replacement plan approved as provided in section 103G.2242, a replacement plan under a  
93.28 local governmental unit's comprehensive wetland protection and management plan approved  
93.29 by the board under section 103G.2243, or, if a permit to mine is required under section  
93.30 93.481, under a mining reclamation plan approved by the commissioner under the permit

94.1 to mine. Project-specific wetland replacement plans submitted as part of a project for which  
94.2 a permit to mine is required and approved by the commissioner on or after July 1, 1991,  
94.3 may include surplus wetland credits to be allocated by the commissioner to offset future  
94.4 mining-related wetland impacts under any permits to mine held by the permittee, the operator,  
94.5 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an  
94.6 assignment under section 93.481, subdivision 5. For project-specific wetland replacement  
94.7 completed prior to wetland impacts authorized or conducted under a permit to mine within  
94.8 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
94.9 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
94.10 plans shall apply the same principles and standards for replacing wetlands that are applicable  
94.11 to mitigation plans approved as provided in section 103G.2242. The commissioner must  
94.12 provide notice of an application for wetland replacement under a permit to mine to the  
94.13 county in which the impact is proposed and the county in which a mitigation site is proposed.  
94.14 Public value must be determined in accordance with section 103B.3355 or a comprehensive  
94.15 wetland protection and management plan established under section 103G.2243. Sections  
94.16 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently  
94.17 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

94.31 For a project involving the draining or filling of wetlands in an amount not exceeding  
94.32 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,

95.1 paragraph (a), the local government unit may make an on-site sequencing determination  
95.2 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

95.26 (i) Except in a greater than 80 percent area, only wetlands that have been restored from  
95.27 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
95.28 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
95.29 created by dikes or dams associated with the restoration of previously drained or filled  
95.30 wetlands may be used for wetland replacement according to rules adopted under section  
95.31 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring  
95.32 wetlands from one type to another are not eligible for wetland replacement.

96.1 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
96.2 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
96.3 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
96.4 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
96.5 to believe that the wetland characteristics may change substantially, the panel shall postpone  
96.6 its recommendation until the wetland has stabilized.

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

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

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

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

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

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

96.33 Those required to receive notice of public transportation projects may appeal  
96.34 minimization, delineation, and on-site mitigation decisions made by the public transportation



97.1 authority to the board according to the provisions of section 103G.2242, subdivision 9. The  
97.2 Technical Evaluation Panel shall review minimization and delineation decisions made by  
97.3 the public transportation authority and provide recommendations regarding on-site mitigation  
97.4 if requested to do so by the local government unit, a contiguous landowner, or a member  
97.5 of the Technical Evaluation Panel.

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

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

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

97.21 (o) A local government unit may request the board to reclassify a county or watershed  
97.22 on the basis of its percentage of presettlement wetlands remaining. After receipt of  
97.23 satisfactory documentation from the local government, the board shall change the  
97.24 classification of a county or watershed. If requested by the local government unit, the board  
97.25 must assist in developing the documentation. Within 30 days of its action to approve a  
97.26 change of wetland classifications, the board shall publish a notice of the change in the  
97.27 Environmental Quality Board Monitor.

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

97.34 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.

98.1 Sec. 111. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

98.2 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Impacted  
 98.3 wetlands outside of a greater than 80 percent area must not be replaced in a 50 to greater  
 98.4 than 80 percent area or in a less than 50 percent area. ~~Impacted wetlands in a less than 50~~  
 98.5 ~~percent area must be replaced in a less than 50 percent area.~~ All wetland replacement must  
 98.6 follow this priority order:

98.7 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

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

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

98.10 (4) in another wetland bank service area.

98.11 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
 98.12 complete wetland banking application submitted to a local government unit by April 1,  
 98.13 1996, may be used to replace wetland impacts resulting from public transportation projects  
 98.14 statewide.

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

98.18 (d) When reasonable, practicable, and environmentally beneficial replacement  
 98.19 opportunities are not available in siting priorities listed in paragraph (a), the applicant may  
 98.20 seek opportunities at the next level.

98.21 (e) For the purposes of this section, "reasonable, practicable, and environmentally  
 98.22 beneficial replacement opportunities" are defined as opportunities that:

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

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

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

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

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

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

99.7 (h) Wetland replacement sites identified in accordance with the priority order for  
 99.8 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
 99.9 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
 99.10 or 103G.2243 without further modification related to the priority order, notwithstanding  
 99.11 availability of new mitigation sites or availability of credits after completion of an adequate  
 99.12 environmental impact statement. Wetland replacement plan applications must be submitted  
 99.13 within one year of the adequacy determination of the environmental impact statement to be  
 99.14 eligible for approval under this paragraph.

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

99.16 Sec. 112. Minnesota Statutes 2016, section 103G.223, is amended to read:

99.17 **103G.223 CALCAREOUS FENS.**

99.18 (a) Calcareous fens, as identified by the commissioner by written order published in the  
 99.19 State Register, may not be filled, drained, or otherwise degraded, wholly or partially, by  
 99.20 any activity, unless the commissioner, under an approved management plan, decides some  
 99.21 alteration is necessary or as provided in paragraph (b). Identifications made by the  
 99.22 commissioner are not subject to the rulemaking provisions of chapter 14 and section 14.386  
 99.23 does not apply.

99.24 (b) The commissioner may allow water appropriations that result in temporary reductions  
 99.25 in groundwater resources on a seasonal basis under an approved calcareous fen management  
 99.26 plan.

99.27 Sec. 113. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

99.28 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt  
 99.29 rules governing the approval of wetland value replacement plans under this section and  
 99.30 public-waters-work permits affecting public waters wetlands under section 103G.245. These  
 99.31 rules must address the criteria, procedure, timing, and location of acceptable replacement  
 99.32 of wetland values and may address the state establishment and administration of a wetland

100.1 banking program for public and private projects, including provisions for an in-lieu fee  
100.2 program; the administrative, monitoring, and enforcement procedures to be used; and a  
100.3 procedure for the review and appeal of decisions under this section. In the case of peatlands,  
100.4 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program  
100.5 established by the board must conform with Code of Federal Regulations, title 33, section  
100.6 332.8, as amended.

100.7 (b) After the adoption of the rules, a replacement plan must be approved by a resolution  
100.8 of the governing body of the local government unit, consistent with the provisions of the  
100.9 rules or a comprehensive wetland protection and management plan approved under section  
100.10 103G.2243.

100.11 (c) If the local government unit fails to apply the rules, or fails to implement a local  
100.12 comprehensive wetland protection and management plan established under section  
100.13 103G.2243, the government unit is subject to penalty as determined by the board.

100.14 (d) When making a determination under rules adopted pursuant to this subdivision on  
100.15 whether a rare natural community will be permanently adversely affected, consideration of  
100.16 measures to mitigate any adverse effect on the community must be considered.

100.17 Sec. 114. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

100.18 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type  
100.19 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an  
100.20 on-site inspection. The Technical Evaluation Panel shall be composed of a technical  
100.21 professional employee of the board, a technical professional employee of the local soil and  
100.22 water conservation district or districts, a technical professional with expertise in water  
100.23 resources management appointed by the local government unit, and a technical professional  
100.24 employee of the Department of Natural Resources for projects affecting public waters or  
100.25 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of  
100.26 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary  
100.27 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and  
100.28 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater  
100.29 Habitats of the United States" (1979 edition). The panel shall provide the wetland  
100.30 determination and recommendations on other technical matters to the local government unit  
100.31 that must approve a replacement plan, sequencing, exemption determination, no-loss  
100.32 determination, or wetland boundary or type determination and may recommend approval  
100.33 or denial of the plan. The authority must consider and include the decision of the Technical  
100.34 Evaluation Panel in their approval or denial of a plan or determination.

101.1 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland  
 101.2 bank or management responsibility to sell or make recommendations in their official capacity  
 101.3 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,  
 101.4 to the Technical Evaluation Panel and the local government unit.

101.5 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type  
 101.6 determinations are exempt from the requirements of chapter 326. The board may develop  
 101.7 a professional wetland delineator certification program.

101.8 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating  
 101.9 potential wetland replacement sites. The team must consist of members of the Technical  
 101.10 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution  
 101.11 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other  
 101.12 organizations as determined by the board.

101.13 Sec. 115. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

101.14 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,  
 101.15 conservation officers, and peace officers shall enforce laws preserving and protecting  
 101.16 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,  
 101.17 a conservation officer, or a peace officer may issue a cease and desist order to stop any  
 101.18 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

101.19 (b) In the order, or by separate order, the commissioner, conservation officer, or peace  
 101.20 officer may require restoration or replacement of the wetland or public waters, as determined  
 101.21 by the local soil and water conservation district for wetlands and the commissioner of natural  
 101.22 resources for public waters. Restoration or replacement orders may be recorded or filed in  
 101.23 the office of the county recorder or registrar of titles, as appropriate, in the county where  
 101.24 the real property is located by the commissioner of natural resources, conservation officers,  
 101.25 or peace officers as a deed restriction on the property that runs with the land and is binding  
 101.26 on the owners, successors, and assigns until the conditions of the order are met or the order  
 101.27 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee  
 101.28 for any document filed under this section.

101.29 (c) If a court has ruled that there has not been a violation of the restoration or replacement  
 101.30 order, an order may not be recorded or filed under this section.

101.31 (d) The commissioner must remove a deed restriction filed or recorded under this section  
 101.32 on homesteaded property if the owner requests that it be removed and a court has found  
 101.33 that the owner of the property is not guilty or that there has not been a violation of the

102.1 restoration or replacement order. Within 30 days of receiving the request for removal from  
 102.2 the owner, the commissioner must contact, in writing, the office of the county recorder or  
 102.3 registrar of titles where the order is recorded or filed, along with all applicable fees, and  
 102.4 have the order removed. Within 30 days of receiving notification from the office of the  
 102.5 county recorder or registrar of titles that the order has been removed, the commissioner  
 102.6 must inform the owner that the order has been removed and provide the owner with a copy  
 102.7 of any documentation provided by the office of the county recorder or registrar of titles.

102.8 Sec. 116. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

102.9 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a  
 102.10 person, partnership, or association, private or public corporation, county, municipality, or  
 102.11 other political subdivision of the state may not appropriate or use waters of the state without  
 102.12 a water-use permit from the commissioner.

102.13 (b) This section does not apply to the following water uses:

102.14 (1) use for a water supply by less than 25 persons for domestic purposes, except as  
 102.15 required by the commissioner under section 103G.287, subdivision 4, paragraph (b)-<sub>2</sub>

102.16 (2) nonconsumptive diversion of a surface water of the state from its natural channel for  
 102.17 the production of hydroelectric or hydromechanical power at structures that were in existence  
 102.18 on and before July 1, 1937, including repowering, upgrades, or additions to those facilities;  
 102.19 or

102.20 (3) appropriation or use of storm water collected and used to reduce storm-water runoff  
 102.21 volume, treat storm water, or sustain groundwater supplies when water is extracted from  
 102.22 constructed management facilities for storm water.

102.23 (c) The commissioner may issue a state general permit for appropriation of water to a  
 102.24 governmental subdivision or to the general public. The general permit may authorize more  
 102.25 than one project and the appropriation or use of more than one source of water. Water-use  
 102.26 permit processing fees and reports required under subdivision 6 and section 103G.281,  
 102.27 subdivision 3, are required for each project or water source that is included under a general  
 102.28 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

102.29 Sec. 117. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

102.30 Subd. 6. **Water-use permit processing fee.** (a) Except as described in paragraphs (b)  
 102.31 to (g), a water-use permit processing fee must be prescribed by the commissioner in  
 102.32 accordance with the schedule of fees in this subdivision for each water-use permit in force

103.1 at any time during the year. Fees collected under this paragraph are credited to the water  
103.2 management account in the natural resources fund. The schedule is as follows, with the  
103.3 stated fee in each clause applied to the total amount appropriated:

103.4 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

103.5 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
103.6 than 100,000,000 gallons per year;

103.7 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than  
103.8 150,000,000 gallons per year;

103.9 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less  
103.10 than 200,000,000 gallons per year;

103.11 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than  
103.12 250,000,000 gallons per year;

103.13 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less  
103.14 than 300,000,000 gallons per year;

103.15 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than  
103.16 350,000,000 gallons per year;

103.17 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less  
103.18 than 400,000,000 gallons per year;

103.19 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than  
103.20 450,000,000 gallons per year;

103.21 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less  
103.22 than 500,000,000 gallons per year; and

103.23 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

103.24 (b) For once-through cooling systems, a water-use processing fee must be prescribed  
103.25 by the commissioner in accordance with the following schedule of fees for each water-use  
103.26 permit in force at any time during the year:

103.27 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

103.28 (2) for all other users, \$420 per 1,000,000 gallons.

103.29 (c) The fee is payable based on the amount of water appropriated during the year and,  
103.30 except as provided in paragraph (f), the minimum fee is \$100.

103.31 (d) For water-use processing fees other than once-through cooling systems:

- 104.1 (1) the fee for a city of the first class may not exceed \$250,000 per year;
- 104.2 (2) the fee for other entities for any permitted use may not exceed:
- 104.3 (i) \$60,000 per year for an entity holding three or fewer permits;
- 104.4 (ii) \$90,000 per year for an entity holding four or five permits; or
- 104.5 (iii) \$300,000 per year for an entity holding more than five permits;
- 104.6 (3) the fee for agricultural irrigation may not exceed \$750 per year;
- 104.7 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
- 104.8 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
- 104.9 of electricity and steam; ~~and~~
- 104.10 (5) the fee for a facility that temporarily diverts a water of the state from its natural
- 104.11 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
- 104.12 year. A permit for such a facility does not count toward the number of permits held by an
- 104.13 entity as described in paragraph (d); and
- 104.14 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to
- 104.15 prevent flood damage or to remove flood waters during a period of flooding, as determined
- 104.16 by the commissioner.
- 104.17 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
- 104.18 percent per month calculated from the original due date must be imposed on the unpaid
- 104.19 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
- 104.20 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
- 104.21 governmental agency holding a water appropriation permit.
- 104.22 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
- 104.23 land is \$20 for years in which:
- 104.24 (1) there is no appropriation of water under the permit; or
- 104.25 (2) the permit is suspended for more than seven consecutive days between May 1 and
- 104.26 October 1.
- 104.27 (g) The commissioner shall waive the water-use permit fee for installations and projects
- 104.28 that use storm water runoff or where public entities are diverting water to treat a water
- 104.29 quality issue and returning the water to its source without using the water for any other
- 104.30 purpose, unless the commissioner determines that the proposed use adversely affects surface
- 104.31 water or groundwater.



105.1 (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph  
105.2 (a) shall be applied to the volume of water used in each of the months of June, July, and  
105.3 August that exceeds the volume of water used in January for municipal water use, irrigation  
105.4 of golf courses, and landscape irrigation. The surcharge for municipalities with more than  
105.5 one permit shall be determined based on the total appropriations from all permits that supply  
105.6 a common distribution system.

105.7 Sec. 118. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

105.8 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water  
105.9 without a required permit under subdivision 1 must pay the applicable water-use permit  
105.10 processing fee specified in subdivision 6 for the period during which the unpermitted  
105.11 appropriation occurred. The fees for unpermitted appropriations are required for the previous  
105.12 seven calendar years after being notified of the need for a permit. This fee is in addition to  
105.13 any other fee or penalty assessed. The commissioner may waive payment of fees for past  
105.14 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph  
105.15 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of  
105.16 the state from its natural channel.

105.17 Sec. 119. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

105.18 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive  
105.19 owner of real property if the permittee conveys the real property where the source of water  
105.20 is located. The new owner must notify the commissioner immediately after the conveyance  
105.21 and request transfer of the permit. The commissioner must not deny the transfer of a permit  
105.22 if the permittee is in compliance with all permit conditions and the permit meets the  
105.23 requirements of sections 103G.255 to 103G.301.

105.24 Sec. 120. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

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

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

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

106.1 (3) information on groundwater quality in terms of the measures of quality commonly  
 106.2 specified for the proposed water use and details on water treatment necessary for the proposed  
 106.3 use;

106.4 (4) the results of an aquifer test completed according to specifications approved by the  
 106.5 commissioner. The test must be conducted at the maximum pumping rate requested in the  
 106.6 application and for a length of time adequate to assess or predict impacts to other wells and  
 106.7 surface water and groundwater resources. The permit applicant is responsible for all costs  
 106.8 related to the aquifer test, including the construction of groundwater and surface water  
 106.9 monitoring installations, and water level readings before, during, and after the aquifer test;  
 106.10 and

106.11 (5) the results of any assessments conducted by the commissioner under paragraph (c).

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

106.16 (c) The commissioner shall provide an assessment of a proposed well needing a  
 106.17 groundwater appropriation permit. The commissioner shall evaluate the information submitted  
 106.18 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the  
 106.19 anticipated appropriation request is likely to meet the applicable requirements of this chapter.  
 106.20 If the appropriation request is likely to meet applicable requirements, the commissioner  
 106.21 shall provide the person submitting the information with a letter providing preliminary  
 106.22 approval to construct the well and the requirements, including test-well information, that  
 106.23 will be needed to obtain the permit.

106.24 (d) The commissioner must provide an applicant denied a groundwater use permit or  
 106.25 issued a groundwater use permit that is reduced or restricted from the original request with  
 106.26 all information the commissioner used in making the determination, including hydrographs,  
 106.27 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment  
 106.28 calibration.

106.29 Sec. 121. Minnesota Statutes 2016, section 103G.411, is amended to read:

106.30 **103G.411 STIPULATION OF LOW-WATER MARK.**

106.31 If the state is a party in a civil action relating to the navigability or ownership of the bed  
 106.32 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~  
 106.33 ~~of the attorney general,~~ may agree by written stipulation with a riparian owner who is a

107.1 party to the action on the location of the ordinary low-water mark on the riparian land of  
107.2 the party. After the stipulation is executed by all parties, it must be presented to the judge  
107.3 of the district court where the action is pending for approval. If the stipulation is approved,  
107.4 the judge shall make and enter an order providing that the final judgment when entered shall  
107.5 conform to the location of the ordinary, low-water mark as provided for in the stipulation  
107.6 as it relates to the parties to the stipulation.

107.7 Sec. 122. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision  
107.8 to read:

107.9 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the  
107.10 Pollution Control Agency must allow at least 60 days for public comment after publishing  
107.11 the draft impaired waters list required under the federal Clean Water Act. In making  
107.12 impairment designations, the Pollution Control Agency must use available water-quality  
107.13 data that takes into consideration recent relevant pollutant reductions resulting from controls  
107.14 on municipal point sources and nonpoint sources.

107.15 Sec. 123. [115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED  
107.16 WASTEWATER TREATMENT FACILITIES.

107.17 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have  
107.18 the meanings given:

107.19 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit  
107.20 or state disposal system (SDS) permit; and

107.21 (2) "permit applicant" means a person or entity submitting an application for a new  
107.22 permit or renewal, modification, or revocation of an existing permit for a publicly owned  
107.23 wastewater treatment facility.

107.24 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly  
107.25 owned wastewater treatment facilities for which the commissioner of the Pollution Control  
107.26 Agency makes a preliminary determination whether to issue or deny.

107.27 Subd. 3. **Notice requirements.** The commissioner of the Pollution Control Agency must  
107.28 provide a permit applicant with a copy of the draft permit and any fact sheets required by  
107.29 agency rules at least 30 days before the distribution and public notice of the permit application  
107.30 and preliminary determination.

107.31 Subd. 4. **Permitting efficiency.** The commissioner must prepare and issue a public  
107.32 notice of a completed application and the commissioner's preliminary determination as to

108.1 whether the permit should be issued or denied. The public comment period must be at least  
108.2 60 days for permit applications under this section. Notwithstanding section 116.03, it is the  
108.3 goal of the state that Tier 2 permits for publicly owned wastewater treatment facilities be  
108.4 issued or denied within 210 days following submission of a permit application.

108.5 Sec. 124. Minnesota Statutes 2016, section 115B.39, subdivision 2, is amended to read:

108.6 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the definitions  
108.7 in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as  
108.8 specifically modified in this subdivision.

108.9 (b) "Cleanup order" means a consent order between responsible persons and the agency  
108.10 or an order issued by the United States Environmental Protection Agency under section 106  
108.11 of the federal Superfund Act.

108.12 (c) "Closure" means actions to prevent or minimize the threat to public health and the  
108.13 environment posed by a mixed municipal solid waste disposal facility that has stopped  
108.14 accepting waste by controlling the sources of releases or threatened releases at the facility.  
108.15 "Closure" includes removing contaminated equipment and liners; applying final cover;  
108.16 grading and seeding final cover; installing wells, borings, and other monitoring devices;  
108.17 constructing groundwater and surface water diversion structures; and installing gas control  
108.18 systems and site security systems, as necessary. The commissioner may authorize use of  
108.19 final cover that includes processed materials that meet the requirements in Code of Federal  
108.20 Regulations, title 40, section 503.32, paragraph (a).

108.21 (d) "Closure upgrade" means construction activity that will, at a minimum, modify an  
108.22 existing cover so that it satisfies current rule requirements for mixed municipal solid waste  
108.23 land disposal facilities.

108.24 (e) "Contingency action" means organized, planned, or coordinated courses of action to  
108.25 be followed in case of fire, explosion, or release of solid waste, waste by-products, or  
108.26 leachate that could threaten human health or the environment.

108.27 (f) "Corrective action" means steps taken to repair facility structures including liners,  
108.28 monitoring wells, separation equipment, covers, and aeration devices and to bring the facility  
108.29 into compliance with design, construction, groundwater, surface water, and air emission  
108.30 standards.

108.31 (g) "Custodial" or "custodial care" means actions taken for the care, maintenance, and  
108.32 monitoring of closure actions at a mixed municipal solid waste disposal facility after  
108.33 completion of the postclosure period.

109.1 (h) "Decomposition gases" means gases produced by chemical or microbial activity  
109.2 during the decomposition of solid waste.

109.3 ~~(h)~~ (i) "Dump materials" means nonhazardous mixed municipal solid wastes disposed  
109.4 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

109.5 ~~(i)~~ (j) "Environmental response action" means response action at a qualified facility or  
109.6 priority qualified facility, including corrective action, closure, postclosure care; contingency  
109.7 action; environmental studies, including remedial investigations and feasibility studies;  
109.8 engineering, including remedial design; removal; remedial action; site construction; and  
109.9 other similar cleanup-related activities.

109.10 ~~(j)~~ (k) "Environmental response costs" means:

109.11 (1) costs of environmental response action, not including legal or administrative expenses;  
109.12 and

109.13 (2) costs required to be paid to the federal government under section 107(a) of the federal  
109.14 Superfund Act, as amended.

109.15 (l) "Owner or operator of a priority qualified facility" means a person, personal  
109.16 representative, trustee, beneficiary, partnership, sole proprietorship, firm, limited liability  
109.17 company, cooperative, association, corporation, or other entity that:

109.18 (1) has possession of, holds title to, or owns a controlling interest in a priority qualified  
109.19 facility;

109.20 (2) participates in decision making related to compliance with federal and state  
109.21 environmental laws and regulations for a priority qualified facility; or

109.22 (3) has authority or control to make decisions regarding state and federal environmental  
109.23 laws and regulations for a priority qualified facility.

109.24 (m) "Priority qualified facility" means:

109.25 (1) a qualified facility:

109.26 (i) that is listed on the National Priorities List pursuant to the federal Comprehensive  
109.27 Environmental Response, Compensation, and Liability Act;

109.28 (ii) that is listed on the Permanent List of Priorities pursuant to the Minnesota  
109.29 Environmental Response and Liability Act;

110.1 (iii) for which a binding agreement pursuant to section 115B.40, subdivision 4, has not  
 110.2 been entered into between the owner or operator of the qualified facility and the  
 110.3 commissioner; and

110.4 (iv) that is not an excluded facility pursuant to section 115B.405; and

110.5 (2) property located within 750 feet from the boundary of a facility described in clause  
 110.6 (1), including any contiguous property:

110.7 (i) that is listed on the Permanent List of Priorities pursuant to the Minnesota  
 110.8 Environmental Response and Liability Act, as of the effective date of this section;

110.9 (ii) where mixed municipal solid waste was disposed of within the boundaries of the  
 110.10 property, which disposal did not occur under a permit from the agency; and

110.11 (iii) for which the commissioner determines an environmental response action is necessary  
 110.12 to protect public health or welfare or the environment at and in the vicinity of the facility  
 110.13 described in clause (1).

110.14 ~~(k)~~ (n) "Postclosure" or "postclosure care" means actions taken for the care, maintenance,  
 110.15 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

110.16 ~~(h)~~ (o) "Qualified facility" means a mixed municipal solid waste disposal facility as  
 110.17 described in the most recent agency permit, including adjacent property used for solid waste  
 110.18 disposal that did not occur under a permit from the agency, that:

110.19 (1)(i) is or was permitted by the agency;

110.20 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,  
 110.21 1994; and

110.22 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that  
 110.23 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal  
 110.24 of demolition debris is allowed, if the area where the demolition debris is deposited is at  
 110.25 least 50 feet from the fill boundary of the area where mixed municipal solid waste was  
 110.26 deposited; ~~or~~

110.27 (2) is or was permitted by the agency; and

110.28 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial  
 110.29 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at  
 110.30 a permitted area where disposal of such waste is allowed, if the area where the waste is  
 110.31 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid  
 110.32 waste was deposited; or

111.1 (ii) stopped accepting waste by January 1, 2019, and is located in a county that meets  
 111.2 all applicable recycling goals in section 115A.551 and that has arranged for all mixed  
 111.3 municipal solid waste generated in the county to be delivered to and processed by a resource  
 111.4 recovery facility located in the county for at least 20 years; or

111.5 (3) is or was permitted by the agency and stopped accepting waste for disposal by January  
 111.6 1, 2009, and for which the postclosure care period ended on July 26, 2013.

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

111.8 Sec. 125. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

111.9 Subd. 4. **Qualified facility not under cleanup order; duties.** (a) The owner or operator  
 111.10 of a qualified facility that is not subject to a cleanup order shall:

111.11 (1) complete closure activities at the facility, or enter into a binding agreement with the  
 111.12 commissioner to do so, as provided in paragraph (e), within one year from the date the  
 111.13 owner or operator is notified by the commissioner under subdivision 3 of the closure activities  
 111.14 that are necessary to properly close the facility in compliance with facility's permit, closure  
 111.15 orders, or enforcement agreement with the agency, and with the solid waste rules in effect  
 111.16 at the time the facility stopped accepting waste;

111.17 (2) undertake or continue postclosure and custodial care at the facility until the date of  
 111.18 notice of compliance under subdivision 7;

111.19 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 111.20 ~~(o)~~ (o), clause (1), transfer to the commissioner of revenue for deposit in the remediation  
 111.21 fund established in section 116.155 any funds required for proof of financial responsibility  
 111.22 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure  
 111.23 care and response action undertaken by the owner or operator at the facility including, if  
 111.24 proof of financial responsibility is provided through a letter of credit or other financial  
 111.25 instrument or mechanism that does not accumulate money in an account, the amount that  
 111.26 would have accumulated had the owner or operator utilized a trust fund, less any amount  
 111.27 used for closure, postclosure care, and response action at the facility; ~~and~~

111.28 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 111.29 ~~(o)~~ (o), clause (2), transfer to the commissioner of revenue for deposit in the remediation  
 111.30 fund established in section 116.155 an amount of cash that is equal to the sum of their  
 111.31 approved current contingency action cost estimate and the present value of their approved  
 111.32 estimated remaining postclosure care costs required for proof of financial responsibility  
 111.33 under section 116.07, subdivision 4h; and

112.1 (5) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 112.2 (o), clause (3), transfer to the commissioner of revenue for deposit in the remediation fund  
 112.3 established in section 116.155 an amount of cash that is equal to the sum of their approved  
 112.4 current contingency action cost estimate and any funds required for proof of financial  
 112.5 responsibility under section 116.07, subdivision 4h, that remain after facility closure and  
 112.6 any postclosure and custodial care and response action undertaken by the owner or operator  
 112.7 at the facility.

112.8 (b) The owner or operator of a qualified facility that is not subject to a cleanup order  
 112.9 shall:

112.10 (1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 112.11 ~~(o)~~ (o), clause (1), provide the commissioner with a copy of all applicable comprehensive  
 112.12 general liability insurance policies and other liability policies relating to property damage,  
 112.13 certificates, or other evidence of insurance coverage held during the life of the facility; and

112.14 (2) enter into a binding agreement with the commissioner to:

112.15 (i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 112.16 ~~(o)~~ (o), clause (1), take any actions necessary to preserve the owner or operator's rights to  
 112.17 payment or defense under insurance policies included in clause (1); cooperate with the  
 112.18 commissioner in asserting claims under the policies; and, within 60 days of a request by  
 112.19 the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies  
 112.20 related to environmental response costs;

112.21 (ii) cooperate with the commissioner or other persons acting at the direction of the  
 112.22 commissioner in taking additional environmental response actions necessary to address  
 112.23 releases or threatened releases and to avoid any action that interferes with environmental  
 112.24 response actions, including allowing entry to the property and to the facility's records and  
 112.25 allowing entry and installation of equipment; and

112.26 (iii) refrain from developing or altering the use of property described in any permit for  
 112.27 the facility except after consultation with the commissioner and in conformance with any  
 112.28 conditions established by the commissioner for that property, including use restrictions, to  
 112.29 protect public health and welfare and the environment.

112.30 (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision  
 112.31 2, paragraph ~~(o)~~ (o), clause (1), that is a political subdivision may use a portion of any funds  
 112.32 established for response at the facility, which are available directly or through a financial  
 112.33 instrument or other financial arrangement, for closure or postclosure care at the facility if



113.1 funds available for closure or postclosure care are inadequate and shall assign the rights to  
113.2 any remainder to the commissioner.

113.3 (d) The agreement required in paragraph (b), clause (2), must be in writing and must  
113.4 apply to and be binding upon the successors and assigns of the owner. The owner shall  
113.5 record the agreement, or a memorandum approved by the commissioner that summarizes  
113.6 the agreement, with the county recorder or registrar of titles of the county where the property  
113.7 is located.

113.8 (e) A binding agreement entered into under paragraph (a), clause (1), may include a  
113.9 provision that the owner or operator will reimburse the commissioner for the costs of closing  
113.10 the facility to the standard required in that clause.

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

113.12 Sec. 126. **[115B.406] PRIORITY QUALIFIED FACILITIES.**

113.13 **Subdivision 1. Legislative findings.** The legislature recognizes the need to protect the  
113.14 public health and welfare and the environment at priority qualified facilities. To implement  
113.15 a timely and effective cleanup and prevent multiparty litigation, the legislature finds it is in  
113.16 the public interest to direct the commissioner of the Pollution Control Agency to take  
113.17 environmental response actions that the commissioner deems reasonable and necessary to  
113.18 protect the public health or welfare or the environment at priority qualified facilities and to  
113.19 acquire real property interests at priority qualified facilities to ensure the completion and  
113.20 long-term effectiveness of environmental response actions.

113.21 **Subd. 2. Notifying owner or operator of priority qualified facility.** Within 30 days  
113.22 after the effective date of this section, or within 30 days after section 115B.39, subdivision  
113.23 2, paragraph (m), applies to a facility, whichever is later, the commissioner must notify the  
113.24 owner or operator of a qualified facility that the facility is a priority qualified facility under  
113.25 section 115B.39, subdivision 2, paragraph (m). Within 60 days after being notified under  
113.26 this subdivision, the owner or operator of a priority qualified facility must enter into a  
113.27 binding agreement with the commissioner according to section 115B.40, subdivision 4,  
113.28 paragraph (b).

113.29 **Subd. 3. State response.** If the owner or operator of a priority qualified facility fails to  
113.30 enter into a binding agreement according to subdivision 2:

113.31 (1) **the commissioner must assume all obligations for environmental response actions**  
113.32 **under the federal Superfund Act and any federal or state cleanup orders and undertake**

114.1 further action under section 115B.40, subdivision 1, at or related to the priority qualified  
114.2 facility that the commissioner deems reasonable and necessary;

114.3 (2) the commissioner must not seek recovery against responsible persons who are not  
114.4 the owner or operator of a priority qualified facility of any costs incurred by the commissioner  
114.5 for environmental response action at or related to the facility, except as provided under  
114.6 section 115B.40, subdivision 7, paragraph (b), clause (2), item (i) or (ii); and

114.7 (3) the commissioner and the attorney general must communicate with the United States  
114.8 Environmental Protection Agency regarding the manner and procedure for the state's  
114.9 assumption of federal obligations at the priority qualified facility.

114.10 Subd. 4. **Civil penalty.** An owner or operator of a priority qualified facility is subject  
114.11 to a civil penalty in an amount to be determined by the court of not more than \$20,000 per  
114.12 day for each day that the owner or operator fails to comply with subdivision 2. The penalty  
114.13 ceases to accrue when the owner or operator enters into a binding agreement with the  
114.14 commissioner according to section 115B.40, subdivision 4, paragraph (b), and a payment  
114.15 agreement for environmental response costs incurred by the commissioner at or related to  
114.16 the priority qualified facility. The civil penalty may be recovered by an action brought by  
114.17 the attorney general in the name of the state in connection with an action to recover expenses  
114.18 of the agency under subdivision 7 or by a separate action in the District Court of Ramsey  
114.19 County. All penalties recovered under this subdivision must be deposited in the remediation  
114.20 fund.

114.21 Subd. 5. **Disqualification; permits.** If an owner or operator of a priority qualified facility  
114.22 that is not a local government unit fails to comply with subdivision 2, the owner or operator  
114.23 is ineligible to obtain or renew a state or local permit or license to engage in a business that  
114.24 manages solid waste. Failure of an owner or operator of a priority qualified facility that is  
114.25 not a local government unit to comply with subdivision 2 is prima facie evidence of the  
114.26 lack of fitness of the owner or operator to conduct any solid waste business and is grounds  
114.27 for revocation of any solid waste permit or license held by the owner or operator.

114.28 Subd. 6. **Duty to provide information.** Any person that the commissioner determines  
114.29 has information regarding the priority qualified facility or the owner or operator of the  
114.30 priority qualified facility must furnish to the commissioner any information that person may  
114.31 have or may reasonably obtain that is relevant to the priority qualified facility or the owner  
114.32 or operator of the priority qualified facility. The commissioner upon presentation of  
114.33 credentials may examine and copy any books, papers, records, memoranda, or data of a  
114.34 person that has a duty to provide information to the commissioner and may enter upon any

115.1 property, public or private, to take any action authorized by this section, including obtaining  
115.2 information from a person that has a duty to provide the information.

115.3 Subd. 7. **Recovering expenses.** Any reasonable and necessary expenses incurred by the  
115.4 commissioner pursuant to this section, including all environmental response costs and  
115.5 administrative and legal expenses, may be recovered in a civil action brought by the attorney  
115.6 general against the owner or operator of a priority qualified facility. The commissioner's  
115.7 certification of expenses is prima facie evidence that the expenses are reasonable and  
115.8 necessary. Any expenses incurred pursuant to this section that are recovered by the attorney  
115.9 general, including any award of attorney fees, must be deposited in the remediation fund.

115.10 Subd. 8. **Claims prohibited.** The owner or operator of a priority qualified facility is  
115.11 barred from bringing any claim based on contract, tort, or statute or using any remedy  
115.12 available under any other provision of state law, including common law, for personal injury,  
115.13 disease, economic loss, environmental response costs incurred by the owner or operator,  
115.14 environmental response costs incurred by the state, or legal and administrative expenses  
115.15 arising out of a release or threat of release of any hazardous substance, pollutant, contaminant,  
115.16 or decomposition gases related to the priority qualified facility.

115.17 Subd. 9. **Environmental response costs; liens.** All environmental response costs,  
115.18 including administrative and legal expenses, incurred by the commissioner at a priority  
115.19 qualified facility constitute a lien in favor of the state upon any real property located in the  
115.20 state, other than homestead property, owned by the owner or operator of the priority qualified  
115.21 facility who is subject to the requirements of section 115B.40, subdivision 4 or 5. A lien  
115.22 under this subdivision attaches when the environmental response costs are first incurred.  
115.23 Notwithstanding section 514.672, a lien under this subdivision continues until the lien is  
115.24 satisfied or six years after completion of construction of the final environmental response  
115.25 action, not including operation and maintenance. Notice, filing, and release of the lien are  
115.26 governed by sections 514.671 to 514.676, except where those requirements specifically are  
115.27 related to only cleanup action expenses as defined in section 514.671. Relative priority of  
115.28 a lien under this subdivision is governed by section 514.672, except that a lien attached to  
115.29 property that was included in any permit for the priority qualified facility takes precedence  
115.30 over all other liens regardless of when the other liens were or are perfected. Amounts received  
115.31 to satisfy all or a part of a lien must be deposited in the remediation fund.

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

116.1 Sec. 127. [115B.407] ACQUISITION AND DISPOSITION OF REAL PROPERTY  
116.2 AT PRIORITY QUALIFIED FACILITIES.

116.3 (a) The commissioner may acquire interests in real property by donation or eminent  
116.4 domain at all or a portion of a priority qualified facility. Condemnation under this section  
116.5 includes acquisition of fee title or an easement. After acquiring an interest in real property  
116.6 under this section, the commissioner must take environmental response actions at the priority  
116.7 qualified facility according to sections 115B.39 to 115B.414 after the legislature makes an  
116.8 appropriation for that purpose.

116.9 (b) The commissioner may dispose of real property acquired under this section according  
116.10 to section 115B.17, subdivision 16.

116.11 (c) Chapter 117 governs condemnation proceedings by the commissioner under this  
116.12 section. The exceptions under section 117.189 apply to the use of eminent domain authority  
116.13 under this section.

116.14 (d) The state is not liable under this chapter solely as a result of acquiring an interest in  
116.15 real property under this section.

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

116.17 Sec. 128. [115B.408] DEPOSIT OF PROCEEDS.

116.18 All amounts paid to the state under sections 115B.406 and 115B.407 must be deposited  
116.19 in the state treasury and credited to the remediation fund.

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

116.21 Sec. 129. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

116.22 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~5, a person is  
116.23 responsible for a release from a tank if the person is an owner or operator of the tank at any  
116.24 time during or after the release.

116.25 Sec. 130. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision  
116.26 to read:

116.27 Subd. 5. **Heating fuel oil vendor.** A heating fuel oil vendor is not a responsible person  
116.28 for a heating fuel oil release at a residential location if the release was caused solely by the  
116.29 failure of a tank owned by the homeowner.

117.1 Sec. 131. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

117.2 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
117.3 resource management permits be issued or denied within 90 days for Tier 1 permits or 150  
117.4 days for Tier 2 permits following submission of a permit application. The commissioner of  
117.5 the Pollution Control Agency shall establish management systems designed to achieve the  
117.6 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require  
117.7 individualized actions or public comment periods, and "Tier 2 permits" are permits that  
117.8 require individualized actions or public comment periods.

117.9 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
117.10 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1 and~~ Tier 2 by permit  
117.11 categories. The report is due August 1 each year. For permit applications that have not met  
117.12 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
117.13 for not meeting the goal, the commissioner shall separately identify delays caused by the  
117.14 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
117.15 level of public engagement. The report must specify the number of days from initial  
117.16 submission of the application to the day of determination that the application is complete.  
117.17 The report must aggregate the data for the year and assess whether program or system  
117.18 changes are necessary to achieve the goal. The report must be posted on the agency's Web  
117.19 site and submitted to the governor and the chairs and ranking minority members of the house  
117.20 of representatives and senate committees having jurisdiction over environment policy and  
117.21 finance.

117.22 (c) The commissioner shall allow electronic submission of environmental review and  
117.23 permit documents to the agency.

117.24 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
117.25 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~  
117.26 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If  
117.27 the commissioner determines that an application is incomplete, the notice to the applicant  
117.28 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
117.29 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
117.30 determines that the application is complete, the notice must confirm the application's Tier  
117.31 1 or Tier 2 permit status. If the commissioner believes that a complete application for a Tier  
117.32 2 construction permit cannot be issued within the 150-day goal, the commissioner must  
117.33 provide notice to the applicant with the commissioner's notice that the application is complete  
117.34 and, upon request of the applicant, provide the permit applicant with a schedule estimating  
117.35 when the agency will begin drafting the permit and issue the public notice of the draft permit.

118.1 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
118.2 agreement under chapter 446A.

118.3 (e) For purposes of this subdivision, "permit professional" means an individual not  
118.4 employed by the Pollution Control Agency who:

118.5 (1) has a professional license issued by the state of Minnesota in the subject area of the  
118.6 permit;

118.7 (2) has at least ten years of experience in the subject area of the permit; and

118.8 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency  
118.9 under agency rules and complies with all applicable requirements under chapter 326.

118.10 (f) Upon the agency's request, an applicant relying on a permit professional must  
118.11 participate in a meeting with the agency before submitting an application:

118.12 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at  
118.13 least the following:

118.14 (i) project description, including, but not limited to, scope of work, primary emissions  
118.15 points, discharge outfalls, and water intake points;

118.16 (ii) location of the project, including county, municipality, and location on the site;

118.17 (iii) business schedule for project completion; and

118.18 (iv) other information requested by the agency at least four weeks prior to the scheduled  
118.19 meeting; and

118.20 (2) during the preapplication meeting, the agency shall provide for the applicant at least  
118.21 the following:

118.22 (i) an overview of the permit review program;

118.23 (ii) a determination of which specific application or applications will be necessary to  
118.24 complete the project;

118.25 (iii) a statement notifying the applicant if the specific permit being sought requires a  
118.26 mandatory public hearing or comment period;

118.27 (iv) a review of the timetable established in the permit review program for the specific  
118.28 permit being sought; and

118.29 (v) a determination of what information must be included in the application, including  
118.30 a description of any required modeling or testing.

119.1 (g) The applicant may select a permit professional to undertake the preparation of the  
119.2 permit application and draft permit.

119.3 (h) If a preapplication meeting was held, the agency shall, within seven business days  
119.4 of receipt of an application, notify the applicant and submitting permit professional that the  
119.5 application is complete or is denied, specifying the deficiencies of the application.

119.6 (i) Upon receipt of notice that the application is complete, the permit professional shall  
119.7 submit to the agency a timetable for submitting a draft permit. The permit professional shall  
119.8 submit a draft permit on or before the date provided in the timetable. Within 60 days after  
119.9 the close of the public comment period, the commissioner shall notify the applicant whether  
119.10 the permit can be issued.

119.11 (j) Nothing in this section shall be construed to modify:

119.12 (1) any requirement of law that is necessary to retain federal delegation to or assumption  
119.13 by the state; or

119.14 (2) the authority to implement a federal law or program.

119.15 (k) The permit application and draft permit shall identify or include as an appendix all  
119.16 studies and other sources of information used to substantiate the analysis contained in the  
119.17 permit application and draft permit. The commissioner shall request additional studies, if  
119.18 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and  
119.19 information necessary for the commissioner to perform the commissioner's responsibility  
119.20 to review, modify, and determine the completeness of the application and approve the draft  
119.21 permit.

119.22 Sec. 132. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
119.23 to read:

119.24 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2  
119.25 permit is required, the commissioner must provide to the applicant a draft permit for review  
119.26 by the applicant within 30 days after determining the proposal conforms to all federal and  
119.27 state laws and rules, unless the permit applicant and the commissioner mutually agree to a  
119.28 different date. The commissioner must consider all comments submitted by the applicant  
119.29 before issuing the permit.

119.30 Sec. 133. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

119.31 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
119.32 than those necessary to cover the reasonable costs of developing, reviewing, and acting

120.1 upon applications for agency permits and implementing and enforcing the conditions of the  
120.2 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
120.3 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
120.4 permitting, implementation, and enforcement. The agency may impose an additional  
120.5 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
120.6 of implementing and enforcing the conditions of a permit under the rules of the agency.  
120.7 Any money collected under this paragraph shall be deposited in the environmental fund.

120.8 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
120.9 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
120.10 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
120.11 facilities subject to a notification, permit, or license requirement under this chapter,  
120.12 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
120.13 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
120.14 indirect reasonable costs, including legal costs, required to develop and administer the  
120.15 notification, permit, or license program requirements of this chapter, subchapters I and V  
120.16 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
120.17 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
120.18 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
120.19 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
120.20 applicable regulations; responding to federal guidance; modeling, analyses, and  
120.21 demonstrations; preparing inventories and tracking emissions; and providing information  
120.22 to the public about these activities.

120.23 (c) The agency shall set fees that:

120.24 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
120.25 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
120.26 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of  
120.27 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national  
120.28 primary ambient air quality standard has been promulgated;

120.29 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
120.30 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
120.31 regulated under this chapter or air quality rules adopted under this chapter; and

120.32 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
120.33 needed to match grant funds received by the state under United States Code, title 42, section  
120.34 7405 (section 105 of the federal Clean Air Act).



121.1 The agency must not include in the calculation of the aggregate amount to be collected  
121.2 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
121.3 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge  
121.4 on existing fees. The commissioner may not collect the surcharge after the grant funds  
121.5 become unavailable. In addition, the commissioner shall use nonfee funds to the extent  
121.6 practical to match the grant funds so that the fee surcharge is minimized.

121.7 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
121.8 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
121.9 year by the percentage, if any, by which the Consumer Price Index for the most recent  
121.10 calendar year ending before the beginning of the year the fee is collected exceeds the  
121.11 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
121.12 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
121.13 all-urban consumers published by the United States Department of Labor, as of the close  
121.14 of the 12-month period ending on August 31 of each calendar year. The revision of the  
121.15 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
121.16 year 1989 shall be used.

121.17 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
121.18 environmental fund and must be used solely for the activities listed in paragraph (b).

121.19 (f) Permit applicants who wish to construct, reconstruct, or modify a facility project may  
121.20 offer to reimburse the agency for the costs of staff time or consultant services needed to  
121.21 expedite the preapplication process and permit development process through the final  
121.22 decision on the permit, including the analysis of environmental review documents. The  
121.23 reimbursement shall be in addition to permit application fees imposed by law. When the  
121.24 agency determines that it needs additional resources to develop the permit application in  
121.25 an expedited manner, and that expediting the development is consistent with permitting  
121.26 program priorities, the agency may accept the reimbursement. The commissioner must give  
121.27 the applicant an estimate of costs to be incurred by the commissioner. The estimate must  
121.28 include a brief description of the tasks to be performed, a schedule for completing the tasks,  
121.29 and the estimated cost for each task. The applicant and the commissioner must enter into a  
121.30 written agreement detailing the estimated costs for the expedited permit decision-making  
121.31 process to be incurred by the agency. The agreement must also identify staff anticipated to  
121.32 be assigned to the project. The commissioner must not issue a permit until the applicant has  
121.33 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.  
121.34 Reimbursements accepted by the agency are appropriated to the agency for the purpose of  
121.35 developing the permit or analyzing environmental review documents. Reimbursement by

122.1 a permit applicant shall precede and not be contingent upon issuance of a permit; shall not  
 122.2 affect the agency's decision on whether to issue or deny a permit, what conditions are  
 122.3 included in a permit, or the application of state and federal statutes and rules governing  
 122.4 permit determinations; and shall not affect final decisions regarding environmental review.

122.5 (g) The fees under this subdivision are exempt from section 16A.1285.

122.6 Sec. 134. Minnesota Statutes 2016, section 116.0714, is amended to read:

122.7 **116.0714 NEW OPEN AIR SWINE BASINS.**

122.8 The commissioner of the Pollution Control Agency or a county board shall not approve  
 122.9 any permits for the construction of new open air swine basins, except that existing facilities  
 122.10 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment  
 122.11 program for resolving pollution problems or to allow conversion of an existing basin of less  
 122.12 than 1,000,000 gallons to a different animal type, provided all standards are met. This section  
 122.13 expires June 30, ~~2017~~ 2022.

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

122.15 Sec. 135. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

122.16 Subd. 2. **Membership.** The members of the board are the commissioner of administration,  
 122.17 the commissioner of commerce, the commissioner of the Pollution Control Agency, the  
 122.18 commissioner of natural resources, the commissioner of agriculture, the commissioner of  
 122.19 health, the commissioner of employment and economic development, the commissioner of  
 122.20 transportation, and the chair of the Board of Water and Soil Resources, ~~and a representative~~  
 122.21 ~~of the governor's office designated by the governor.~~ The governor shall appoint ~~five~~ members  
 122.22 from the general public to the board, one from each congressional district, subject to the  
 122.23 advice and consent of the senate. At least ~~two of the five~~ four public members must have  
 122.24 knowledge of and be conversant in ~~water management issues in the state~~ environmental  
 122.25 review or permitting. The governor must appoint the chair of the board. Notwithstanding  
 122.26 the provisions of section 15.06, subdivision 6, members of the board may not delegate their  
 122.27 powers and responsibilities as board members to any other person. Members appointed  
 122.28 under this subdivision must not be registered lobbyists or legislators.

122.29 Sec. 136. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

122.30 Subd. 2. **Jurisdiction.** (a) The board shall determine which environmental problems of  
 122.31 interdepartmental concern to state government shall be considered by the board. The board  
 122.32 shall initiate interdepartmental investigations into those matters that it determines are in

123.1 need of study. Topics for investigation may include but need not be limited to ~~future~~  
 123.2 ~~population and settlement patterns~~, air and water resources and quality, solid waste  
 123.3 management, transportation and utility corridors, ~~economically productive open space~~,  
 123.4 energy policy and need, ~~growth and development~~, and land use and planning.

123.5 (b) The board shall review programs of state agencies that significantly affect the  
 123.6 environment and coordinate those it determines are interdepartmental in nature, and insure  
 123.7 agency compliance with state environmental policy.

123.8 (c) The board may review environmental rules and criteria for granting and denying  
 123.9 permits by state agencies and may resolve conflicts involving state agencies with regard to  
 123.10 programs, rules, permits and procedures significantly affecting the environment, provided  
 123.11 that such resolution of conflicts is consistent with state environmental policy.

123.12 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~  
 123.13 ~~relating to the environment and the board shall submit a report to the governor and the~~  
 123.14 ~~legislature with comments on such major environmental proposals of state agencies.~~

123.15 Sec. 137. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

123.16 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
 123.17 effects resulting from any major governmental action, the action shall be preceded by a  
 123.18 detailed environmental impact statement prepared by the responsible governmental unit.  
 123.19 The environmental impact statement shall be an analytical rather than an encyclopedic  
 123.20 document which describes the proposed action in detail, analyzes its significant environmental  
 123.21 impacts, discusses appropriate alternatives to the proposed action and their impacts, and  
 123.22 explores methods by which adverse environmental impacts of an action could be mitigated.  
 123.23 The environmental impact statement shall also analyze those economic, employment, and  
 123.24 sociological effects that cannot be avoided should the action be implemented. To ensure its  
 123.25 use in the decision-making process, the environmental impact statement shall be prepared  
 123.26 as early as practical in the formulation of an action.

123.27 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental  
 123.28 impact statements and for which environmental assessment worksheets shall be prepared  
 123.29 as well as categories of actions for which no environmental review is required under this  
 123.30 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the  
 123.31 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),  
 123.32 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
 123.33 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
 123.34 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or

124.1 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
 124.2 environmental assessment worksheets must be prepared. The responsible governmental unit  
 124.3 for an ethanol plant or biobutanol facility project for which an environmental assessment  
 124.4 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for  
 124.5 supervising or approving the project as a whole.

124.6 (c) A mandatory environmental impact statement ~~shall be~~ is not be required for a facility  
 124.7 or plant located outside the seven-county metropolitan area that produces less than  
 124.8 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
 124.9 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
 124.10 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
 124.11 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that  
 124.12 only uses a cellulosic feedstock to produce chemical products for use by another facility as  
 124.13 a feedstock ~~shall be~~ is not be considered a fuel conversion facility as used in rules adopted  
 124.14 under this chapter.

124.15 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion  
 124.16 of an environmental assessment worksheet by publishing the notice in at least one newspaper  
 124.17 of general circulation in the geographic area where the project is proposed, by posting the  
 124.18 notice on a Web site that has been designated as the official publication site for publication  
 124.19 of proceedings, public notices, and summaries of a political subdivision in which the project  
 124.20 is proposed, or in any other manner determined by the board and shall provide copies of  
 124.21 the environmental assessment worksheet to the board and its member agencies. Comments  
 124.22 on the need for an environmental impact statement may be submitted to the responsible  
 124.23 governmental unit during a 30-day period following publication of the notice that an  
 124.24 environmental assessment worksheet has been completed. The responsible governmental  
 124.25 unit's decision on the need for an environmental impact statement shall be based on the  
 124.26 environmental assessment worksheet and the comments received during the comment period,  
 124.27 and shall be made within 15 days after the close of the comment period. The board's chair  
 124.28 may extend the 15-day period by not more than 15 additional days upon the request of the  
 124.29 responsible governmental unit.

124.30 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed  
 124.31 action whenever material evidence accompanying a petition by not less than 100 individuals  
 124.32 who reside or own property in the state, submitted before the proposed project has received  
 124.33 final approval by the appropriate governmental units, demonstrates that, because of the  
 124.34 nature or location of a proposed action, there may be potential for significant environmental  
 124.35 effects. Petitions requesting the preparation of an environmental assessment worksheet shall

125.1 be submitted to the board. The chair of the board shall determine the appropriate responsible  
 125.2 governmental unit and forward the petition to it. A decision on the need for an environmental  
 125.3 assessment worksheet shall be made by the responsible governmental unit within 15 days  
 125.4 after the petition is received by the responsible governmental unit. The board's chair may  
 125.5 extend the 15-day period by not more than 15 additional days upon request of the responsible  
 125.6 governmental unit.

125.7 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part  
 125.8 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
 125.9 review under this chapter and rules of the board, if:

125.10 (1) the proposed action is:

125.11 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

125.12 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity  
 125.13 of less than 1,000 animal units;

125.14 (2) the application for the animal feedlot facility includes a written commitment by the  
 125.15 proposer to design, construct, and operate the facility in full compliance with Pollution  
 125.16 Control Agency feedlot rules; and

125.17 (3) the county board holds a public meeting for citizen input at least ten business days  
 125.18 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the  
 125.19 animal feedlot facility unless another public meeting for citizen input has been held with  
 125.20 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition  
 125.21 to other exemptions provided under other law and rules of the board.

125.22 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require  
 125.23 preparation of an environmental assessment worksheet by a responsible governmental unit  
 125.24 selected by the board for any action where environmental review under this section has not  
 125.25 been specifically provided for by rule or otherwise initiated.

125.26 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental  
 125.27 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or  
 125.28 location of the project, have the potential for significant environmental effects. The same  
 125.29 process shall be utilized to determine the form, content, and level of detail of the statement  
 125.30 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In  
 125.31 addition, the permits ~~which~~ that will be required for the proposed action shall be identified  
 125.32 during the scoping process. Further, the process shall identify those permits for which  
 125.33 information will be developed concurrently with the environmental impact statement. The

126.1 board shall provide in its rules for the expeditious completion of the scoping process. The  
 126.2 determinations reached in the process shall be incorporated into the order requiring the  
 126.3 preparation of an environmental impact statement.

126.4 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
 126.5 and ensure coordination between state and federal environmental review and between  
 126.6 environmental review and environmental permitting. Whenever practical, information  
 126.7 needed by a governmental unit for making final decisions on permits or other actions required  
 126.8 for a proposed project shall be developed in conjunction with the preparation of an  
 126.9 environmental impact statement. When an environmental impact statement is prepared for  
 126.10 a project requiring multiple permits for which two or more agencies' decision processes  
 126.11 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before  
 126.12 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to  
 126.13 the contrary, conduct the hearings in a single consolidated hearing process if requested by  
 126.14 the proposer. All agencies having jurisdiction over a permit that is included in the  
 126.15 consolidated hearing shall participate. The responsible governmental unit shall establish  
 126.16 appropriate procedures for the consolidated hearing process, including procedures to ensure  
 126.17 that the consolidated hearing process is consistent with the applicable requirements for each  
 126.18 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest  
 126.19 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
 126.20 a permit identified in the draft environmental assessment worksheet scoping document must  
 126.21 begin reviewing any permit application upon publication of the notice of preparation of the  
 126.22 environmental impact statement.

126.23 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined  
 126.24 within 280 days after notice of its preparation unless the time is extended by consent of the  
 126.25 parties or by the governor for good cause. The responsible governmental unit shall determine  
 126.26 the adequacy of an environmental impact statement, unless within 60 days after notice is  
 126.27 published that an environmental impact statement will be prepared, the board chooses to  
 126.28 determine the adequacy of an environmental impact statement. If an environmental impact  
 126.29 statement is found to be inadequate, the responsible governmental unit shall have 60 days  
 126.30 to prepare an adequate environmental impact statement.

126.31 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the  
 126.32 responsible governmental unit a preliminary draft environmental impact statement under  
 126.33 this section on that action for review, modification, and determination of completeness and  
 126.34 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 126.35 statement prepared by the project proposer and submitted to the responsible governmental

127.1 unit shall identify or include as an appendix all studies and other sources of information  
 127.2 used to substantiate the analysis contained in the preliminary draft environmental impact  
 127.3 statement. The responsible governmental unit shall require additional studies, if needed,  
 127.4 and obtain from the project proposer all additional studies and information necessary for  
 127.5 the responsible governmental unit to perform its responsibility to review, modify, and  
 127.6 determine the completeness and adequacy of the environmental impact statement.

127.7 Sec. 138. Minnesota Statutes 2016, section 116D.04, subdivision 5b, is amended to read:

127.8 Subd. 5b. **Review of environmental assessment worksheets and environmental**  
 127.9 **impact statements.** By December 1, ~~2012~~ 2018, and every ~~five~~ three years thereafter, the  
 127.10 Environmental Quality Board, Pollution Control Agency, Department of Natural Resources,  
 127.11 and Department of Transportation, after consultation with political subdivisions, shall submit  
 127.12 to the governor and the chairs of the house of representatives and senate committees having  
 127.13 jurisdiction over environment and natural resources a list of mandatory environmental  
 127.14 assessment worksheet and mandatory environmental impact statement categories for which  
 127.15 the agency or a political subdivision is designated as the responsible government unit, and  
 127.16 for each worksheet or statement category, a document including:

127.17 (1) intended historical purposes of the category;

127.18 (2) whether projects that fall within the category are also subject to local, state, or federal  
 127.19 permits; and

127.20 (3) an analysis of and recommendations for whether the mandatory category should be  
 127.21 modified, eliminated, or unchanged based on its intended outcomes and relationship to  
 127.22 existing permits or other federal, state, or local laws or ordinances.

127.23 Sec. 139. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

127.24 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an  
 127.25 environmental assessment worksheet, the need for an environmental impact statement, or  
 127.26 the adequacy of an environmental impact statement is entitled to judicial review of the  
 127.27 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
 127.28 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of  
 127.29 Appeals and served on the responsible governmental unit not more than 30 days after the  
 127.30 ~~party receives the final decision and order of the responsible governmental unit~~ provides  
 127.31 notice of the decision in the EQB Monitor. Proceedings for review under this section must  
 127.32 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon  
 127.33 the responsible governmental unit and by promptly filing the proof of service in the Office

128.1 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by  
 128.2 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the  
 128.3 attorney general at the time of service. Copies of the writ must be served, personally or by  
 128.4 certified mail, upon the responsible governmental unit and the project proposer. The filing  
 128.5 of the writ of certiorari does not stay the enforcement of any other governmental action,  
 128.6 provided that the responsible governmental unit may stay enforcement or the Court of  
 128.7 Appeals may order a stay upon terms it deems proper. A bond may be required under section  
 128.8 562.02 unless at the time of hearing on the application for the bond the petitioner-relator  
 128.9 has shown that the claim is likely to succeed on the merits. The board may initiate judicial  
 128.10 review of decisions referred to herein and the board or a project proposer may intervene as  
 128.11 of right in any proceeding brought under this subdivision.

128.12 Sec. 140. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

128.13 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

128.14 (1) assess the proposer of a specific action for the responsible governmental unit's  
 128.15 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.  
 128.16 The costs ~~shall~~ must be determined by the responsible governmental unit ~~pursuant~~ according  
 128.17 to the rules ~~promulgated~~ adopted by the board; and

128.18 (2) authorize a responsible governmental unit to allow a proposer of a specific action to  
 128.19 prepare a draft environmental impact statement according to section 116D.04, subdivision  
 128.20 2a, paragraph (i).

128.21 Sec. 141. Minnesota Statutes 2016, section 160.06, is amended to read:

128.22 **160.06 TRAIL OR PORTAGE DEDICATION.**

128.23 Any trail or portage between public or navigable bodies of water or from public or  
 128.24 navigable water to a public highway in this state ~~which~~ that has been in continued and  
 128.25 uninterrupted use by the general public for 15 years or more as a trail or portage for the  
 128.26 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or  
 128.27 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~  
 128.28 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~  
 128.29 to the same extent as public highways. The width of all trails and portages dedicated by  
 128.30 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.



129.1 Sec. 142. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

129.2 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall  
129.3 issue state parks and trails plates to an applicant who:

129.4 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup  
129.5 truck, or motorcycle;

129.6 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

129.7 (3) pays the registration tax required under section 168.013;

129.8 (4) pays the fees required under this chapter;

129.9 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation  
129.10 account established in section 85.056; and

129.11 (6) complies with this chapter and rules governing registration of motor vehicles and  
129.12 licensing of drivers.

129.13 (b) The state parks and trails plate application must indicate that the contribution specified  
129.14 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the  
129.15 applicant may make an additional contribution to the account.

129.16 (c) State parks and trails plates may be personalized according to section 168.12,  
129.17 subdivision 2a.

129.18 Sec. 143. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

129.19 Subdivision 1. **Land on or adjacent to public waters.** (a) All land which is the property  
129.20 of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether  
129.21 the land is held in trust for taxing districts, and which borders on or is adjacent to meandered  
129.22 lakes and other public waters and watercourses, and the live timber growing or being thereon,  
129.23 is hereby withdrawn from sale except as hereinafter provided. The authority having  
129.24 jurisdiction over the timber on any ~~such~~ of these lands may sell the timber as otherwise  
129.25 provided by law for cutting and removal under ~~such~~ the conditions as the authority may  
129.26 prescribe in accordance with approved, sustained yield forestry practices. The authority  
129.27 having jurisdiction over the timber shall reserve ~~such~~ the timber and impose ~~such~~ the  
129.28 conditions as the authority deems necessary for the protection of watersheds, wildlife habitat,  
129.29 shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties  
129.30 described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on  
129.31 tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on  
129.32 federal lands.

130.1 (b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public  
 130.2 waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary  
 130.3 high-water mark being the waterside boundary thereof, and the land side boundary thereof  
 130.4 being a line drawn parallel to the ordinary high-water mark and two rods distant landward  
 130.5 therefrom, hereby is reserved for public travel thereon, and whatever the conformation of  
 130.6 the shore line or conditions require, the authority having jurisdiction over ~~such~~ these lands  
 130.7 shall reserve a wider strip for ~~such~~ these purposes.

130.8 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by  
 130.9 the authority having jurisdiction over the land, in the manner otherwise provided by law  
 130.10 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to  
 130.11 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to  
 130.12 meandered lakes and other public waters and watercourses may be sold by the authority  
 130.13 having jurisdiction over the land, in the manner otherwise provided by law for the sale of  
 130.14 the lands, if the authority determines that it is in the public interest to do so. If the authority  
 130.15 having jurisdiction over the land is not the commissioner of natural resources, the land may  
 130.16 not be offered for sale without the prior approval of the commissioner of natural resources.

130.17 (d) Where the authority having jurisdiction over lands withdrawn from sale under this  
 130.18 section is not the commissioner of natural resources, the authority may submit proposals  
 130.19 for disposition of the lands to the commissioner. The commissioner of natural resources  
 130.20 shall evaluate the lands and their public benefits and make recommendations on the proposed  
 130.21 dispositions to the committees of the legislature with jurisdiction over natural resources.  
 130.22 The commissioner shall include any recommendations of the commissioner for disposition  
 130.23 of lands withdrawn from sale under this section over which the commissioner has jurisdiction.  
 130.24 The commissioner's recommendations may include a public sale, sale to a private party,  
 130.25 acquisition by the Department of Natural Resources for public purposes, or a cooperative  
 130.26 management agreement with, or transfer to, another unit of government.

130.27 Sec. 144. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

130.28 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms  
 130.29 and conditions set by the county board, may sell timber upon any tract that may be approved  
 130.30 by the natural resources commissioner. The sale of timber shall be made for cash at not less  
 130.31 than the appraised value determined by the county board to the highest bidder after not less  
 130.32 than one week's published notice in an official paper within the county. Any timber offered  
 130.33 at the public sale and not sold may thereafter be sold at private sale by the county auditor  
 130.34 at not less than the appraised value thereof, until the time as the county board may withdraw

131.1 the timber from sale. The appraised value of the timber and the forestry practices to be  
131.2 followed in the cutting of said timber shall be approved by the commissioner of natural  
131.3 resources.

131.4 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made  
131.5 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,  
131.6 the down payment shall be no less than 15 percent of the appraised value, and the balance  
131.7 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a  
131.8 single sale with predetermined cutting blocks, the down payment shall be no less than 15  
131.9 percent of the appraised price of the entire timber sale which may be held until the satisfactory  
131.10 completion of the sale or applied in whole or in part to the final cutting block. The value of  
131.11 each separate block must be paid in full before any cutting may begin in that block. With  
131.12 the permission of the county contract administrator the purchaser may enter unpaid blocks  
131.13 and cut necessary timber incidental to developing logging roads as may be needed to log  
131.14 other blocks provided that no timber may be removed from an unpaid block until separately  
131.15 scaled and paid for. If payment is provided as specified in this paragraph as security under  
131.16 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit  
131.17 the security provided, less any down payment required for an auction sale under this  
131.18 paragraph, to any other contract issued to the contract holder by the county under this chapter  
131.19 to which the contract holder requests in writing that it be credited, provided the request and  
131.20 transfer is made within the same calendar year as the security was received.

131.21 (c) The county board may sell any timber, including biomass, as appraised or scaled.  
131.22 Any parcels of land from which timber is to be sold by scale of cut products shall be so  
131.23 designated in the published notice of sale under paragraph (a), in which case the notice shall  
131.24 contain a description of the parcels, a statement of the estimated quantity of each species  
131.25 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per  
131.26 piece, as the case may be. In those cases any bids offered over and above the appraised  
131.27 prices shall be by percentage, the percent bid to be added to the appraised price of each of  
131.28 the different species of timber advertised on the land. The purchaser of timber from the  
131.29 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the  
131.30 notice of sale as estimated to be standing on the land, and in addition shall pay at the same  
131.31 rate for any additional amounts which the final scale shows to have been cut or was available  
131.32 for cutting on the land at the time of sale under the terms of the sale. Where the final scale  
131.33 of cut products shows that less timber was cut or was available for cutting under terms of  
131.34 the sale than was originally paid for, the excess payment shall be refunded from the forfeited  
131.35 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board

132.1 as in case of other claims against the county. No timber, except hardwood pulpwood, may  
132.2 be removed from the parcels of land or other designated landings until scaled by a person  
132.3 or persons designated by the county board and approved by the commissioner of natural  
132.4 resources. Landings other than the parcel of land from which timber is cut may be designated  
132.5 for scaling by the county board by written agreement with the purchaser of the timber. The  
132.6 county board may, by written agreement with the purchaser and with a consumer designated  
132.7 by the purchaser when the timber is sold by the county auditor, and with the approval of  
132.8 the commissioner of natural resources, accept the consumer's scale of cut products delivered  
132.9 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small  
132.10 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be  
132.11 sold for not less than the full appraised value at private sale to individual persons without  
132.12 first publishing notice of sale or calling for bids, provided that in case of a sale involving a  
132.13 total appraised value of more than \$200 the sale shall be made subject to final settlement  
132.14 on the basis of a scale of cut products in the manner above provided and not more than two  
132.15 of the sales, directly or indirectly to any individual shall be in effect at one time.

132.16 (d) As directed by the county board, the county auditor may lease tax-forfeited land to  
132.17 individuals, corporations or organized subdivisions of the state at public or private sale, and  
132.18 at the prices and under the terms as the county board may prescribe, for use as cottage and  
132.19 camp sites and for agricultural purposes and for the purpose of taking and removing of hay,  
132.20 stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites  
132.21 and other temporary uses provided that no leases shall be for a period to exceed ten years;  
132.22 provided, further that any leases involving a consideration of more than \$12,000 per year,  
132.23 except to an organized subdivision of the state shall first be offered at public sale in the  
132.24 manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain  
132.25 subject to the lease for not to exceed one year from the beginning of the term of the lease.  
132.26 Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be  
132.27 refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and  
132.28 allowed by the county board as in case of other claims against the county.

132.29 (e) As directed by the county board, the county auditor may lease tax-forfeited land to  
132.30 individuals, corporations, or organized subdivisions of the state at public or private sale, at  
132.31 the prices and under the terms as the county board may prescribe, for the purpose of taking  
132.32 and removing for use for road construction and other purposes tax-forfeited stockpiled  
132.33 iron-bearing material. The county auditor must determine that the material is needed and  
132.34 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,  
132.35 dike, dam, bank fill, or other works on public or private property, and that the use would

133.1 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile  
133.2 for these purposes must first be approved by the commissioner of natural resources. The  
133.3 request shall be deemed approved unless the requesting county is notified to the contrary  
133.4 by the commissioner of natural resources within six months after receipt of a request for  
133.5 approval for use of a stockpile. Once use of a stockpile has been approved, the county may  
133.6 continue to lease it for these purposes until approval is withdrawn by the commissioner of  
133.7 natural resources.

133.8 (f) The county auditor, with the approval of the county board is authorized to grant  
133.9 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,  
133.10 tailings, or waste products from mines or ore milling plants, or to use for facilities needed  
133.11 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed  
133.12 for a mining operation, upon the conditions and for the consideration and for the period of  
133.13 time, not exceeding 25 years, as the county board may determine. The permits, licenses, or  
133.14 leases are subject to approval by the commissioner of natural resources.

133.15 (g) Any person who removes any timber from tax-forfeited land before said timber has  
133.16 been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

133.17 (h) The county auditor may, with the approval of the county board, and without first  
133.18 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of  
133.19 peat and for the production or removal of farm-grown closed-loop biomass as defined in  
133.20 section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands  
133.21 upon the terms and conditions as the county board may prescribe. Any lease for the removal  
133.22 of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited  
133.23 lands must first be reviewed and approved by the commissioner of natural resources if the  
133.24 lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop  
133.25 biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this  
133.26 section without first holding a public hearing on the auditor's intention to lease. One printed  
133.27 notice in a legal newspaper in the county at least ten days before the hearing, and posted  
133.28 notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

133.29 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County  
133.30 auditor may, at the discretion of the county board, sell timber to the party who bids the  
133.31 highest price for all the several kinds of timber, as provided for sales by the commissioner  
133.32 of natural resources under section 90.14. Bids offered over and above the appraised price  
133.33 need not be applied proportionately to the appraised price of each of the different species  
133.34 of timber.

134.1 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county  
 134.2 board and under terms set by the county board, the county auditor may accept an irrevocable  
 134.3 bank letter of credit in the amount equal to the amount otherwise determined in paragraph  
 134.4 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written  
 134.5 request of the purchaser, the county may periodically allow the bank letter of credit to be  
 134.6 reduced by an amount proportionate to the value of timber that has been harvested and for  
 134.7 which the county has received payment. The remaining amount of the bank letter of credit  
 134.8 after a reduction under this paragraph must not be less than 20 percent of the value of the  
 134.9 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the  
 134.10 down payment required in paragraph (b), and no cutting of timber has taken place on the  
 134.11 contract for which a letter of credit has been provided, the county may allow the transfer  
 134.12 of the letter of credit to any other contract issued to the contract holder by the county under  
 134.13 this chapter to which the contract holder requests in writing that it be credited.

134.14 Sec. 145. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

134.15 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts  
 134.16 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution  
 134.17 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.  
 134.18 These amounts, together with interest and penalties for delinquency in payment, paid or  
 134.19 collected pursuant to the provisions of this chapter, must be computed for each six-month  
 134.20 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~  
 134.21 April 1 following each six-month period.

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

134.23 Sec. 146. **[477A.21] RIPARIAN PROTECTION AID.**

134.24 **Subdivision 1. Definitions.** For purposes of this section, the following terms have the  
 134.25 meanings given:

134.26 (1) "buffer protection map" has the meaning given under section 103F.48, subdivision  
 134.27 1; and

134.28 (2) "public watercourses" means public waters and public drainage systems subject to  
 134.29 riparian protection requirements under section 103F.48.

134.30 **Subd. 2. Certifications to commissioner.** (a) The Board of Water and Soil Resources  
 134.31 must certify to the commissioner of revenue, on or before July 1 each year, which counties  
 134.32 and watershed districts have affirmed their jurisdiction under section 103F.48 and the

135.1 proportion of centerline miles of public watercourses, and miles of public drainage system  
135.2 ditches on the buffer protection map, within each county and each watershed district within  
135.3 the county with affirmed jurisdiction.

135.4 (b) On or before July 1 each year, the commissioner of natural resources shall certify to  
135.5 the commissioner of revenue the statewide and countywide number of centerline miles of  
135.6 public watercourses and miles of public drainage system ditches on the buffer protection  
135.7 map.

135.8 Subd. 3. **Distribution.** (a) A county that is certified under subdivision 2, or that portion  
135.9 of a county containing a watershed district certified under subdivision 2, is eligible to receive  
135.10 aid under this section to enforce and implement the riparian protection and water quality  
135.11 practices under section 103F.48. Each county's preliminary aid amount is equal to the  
135.12 proportion calculated under paragraph (b) multiplied by the appropriation received each  
135.13 year by the commissioner for purposes of payments under this section.

135.14 (b) The commissioner must compute each county's proportion. A county's proportion is  
135.15 equal to the ratio of the sum in clause (1) to the sum in clause (2):

135.16 (1) the sum of the total number of acres in the county classified as class 2a under section  
135.17 273.13, subdivision 23, the countywide number of centerline miles of public watercourses  
135.18 on the buffer protection map, and the countywide number of miles of public drainage system  
135.19 ditches on the buffer protection map; and

135.20 (2) the sum of the statewide total number of acres classified as class 2a under section  
135.21 273.13, subdivision 23, the statewide total number of centerline miles of public watercourses  
135.22 on the buffer protection map, and the statewide total number of public drainage system  
135.23 miles on the buffer protection map.

135.24 (c) Aid to a county must not be greater than \$200,000 or less than \$50,000. If the sum  
135.25 of the preliminary aids payable to counties under paragraph (a) is greater or less than the  
135.26 appropriation received by the commissioner, the commissioner of revenue must calculate  
135.27 the percentage of adjustment necessary so that the total of the aid under paragraph (a) equals  
135.28 the total amount received by the commissioner, subject to the minimum and maximum  
135.29 amounts specified in this paragraph. The minimum and maximum amounts under this  
135.30 paragraph must be adjusted by the ratio of the actual amount appropriated to \$10,000,000.

135.31 (d) If only a portion of a county is certified as eligible to receive aid under subdivision  
135.32 2, the aid otherwise payable to that county under this section must be multiplied by a fraction,  
135.33 the numerator of which is the buffer protection map miles of the certified watershed districts

136.1 contained within the county and the denominator of which is the total buffer protection map  
 136.2 miles of the county.

136.3 (e) Any aid that would otherwise be paid to a county or portion of a county that is not  
 136.4 certified under subdivision 2 shall be paid to the Board of Water and Soil Resources for  
 136.5 enforcing and implementing the riparian protection and water quality practices under section  
 136.6 103F.48.

136.7 Subd. 4. **Payments.** The commissioner of revenue must compute the amount of riparian  
 136.8 protection aid payable to each eligible county and to the Board of Water and Soil Resources  
 136.9 under this section. On or before August 1 each year, the commissioner must certify the  
 136.10 amount to be paid to each county and the Board of Water and Soil Resources in the following  
 136.11 year, except that the payments for 2017 must be certified by July 15, 2017. The commissioner  
 136.12 must pay riparian protection aid to counties and to the Board of Water and Soil Resources  
 136.13 in the same manner and at the same time as aid payments under section 477A.015.

136.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 136.15 applies to aids payable in 2017 and thereafter.

136.16 Sec. 147. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,  
 136.17 section 2, is amended to read:

136.18 Sec. 4. [**BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**  
 136.19 **PARK.]**

136.20 (a) In 1965, United States Steel Corporation conveyed land to the state of Minnesota  
 136.21 that was included in the Soudan underground mine state park, with certain lands at Stuntz  
 136.22 Bay subject to leases outstanding for employee boathouse sites.

136.23 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and  
 136.24 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph  
 136.25 (a), the commissioner of natural resources shall offer a new lease to the party in possession  
 136.26 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the  
 136.27 Department of Natural Resources due to expiration of a lease described under paragraph  
 136.28 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and  
 136.29 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as  
 136.30 follows:

136.31 (1) the term of the lease shall be for the lifetime of the party being issued a renewed  
 136.32 lease and, if transferred, for the lifetime of the party to whom the lease is transferred;



137.1 (2) the new lease shall provide that the lease may be transferred only once and the transfer  
 137.2 must be to a person within the third degree of kindred or first cousin according to civil law;  
 137.3 ~~and~~

137.4 (3) the commissioner shall limit the number of lessees per lease to no more than two  
 137.5 persons who have attained legal age; and

137.6 (4) the lease amount must not exceed 50 percent of the average market rate, based on  
 137.7 comparable private lease rates, as determined once every five years per lease.

137.8 At the time of the new lease, the commissioner may offer, and after agreement with the  
 137.9 leaseholder, lease equivalent alternative sites to the leaseholder.

137.10 (c) The commissioner shall not cancel a boathouse lease described under paragraphs (a)  
 137.11 and (b) except for noncompliance with the lease agreement.

137.12 ~~(d) By January 15, 2001, the commissioner of natural resources shall report to the senate~~  
 137.13 ~~and house environment and natural resources policy and finance committees on boathouse~~  
 137.14 ~~leases in state parks. The report shall include information on:~~

137.15 ~~(1) the number of boathouse leases;~~

137.16 ~~(2) the number of leases that have forfeited;~~

137.17 ~~(3) the expiration dates of the leases;~~

137.18 ~~(4) the historical significance of the boathouses;~~

137.19 ~~(5) recommendations on the inclusion of the land described in paragraph (d) within the~~  
 137.20 ~~park boundary; and~~

137.21 ~~(6) any other relevant information on the leases.~~

137.22 (d) The commissioner must issue a written receipt to the lessee for each lease payment.

137.23 (e) The commissioner of natural resources shall contact U.S.X. Corporation and local  
 137.24 units of government regarding the inclusion of the following lands within Soudan  
 137.25 underground mine state park:

137.26 (1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62  
 137.27 North, Range 15 West;

137.28 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section  
 137.29 14, Township 62 North, Range 15 West;

137.30 (3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;

138.1 (4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62  
138.2 North, Range 15 West;

138.3 (5) all of Section 24, Township 62 North, Range 15 West;

138.4 (6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North,  
138.5 Range 15 West;

138.6 (7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North,  
138.7 Range 15 West;

138.8 (8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West;  
138.9 and

138.10 (9) NW1/4 of Section 19, Township 62 North, Range 14 West.

138.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
138.12 applies to monthly lease payments made on or after that date.

138.13 Sec. 148. Laws 2013, chapter 114, article 4, section 105, is amended to read:

138.14 Sec. 105. **RULES; SILICA SAND.**

138.15 (a) The commissioner of the Pollution Control Agency ~~shall~~ may adopt rules pertaining  
138.16 to the control of particulate emissions from silica sand projects. The rulemaking is exempt  
138.17 from Minnesota Statutes, section 14.125.

138.18 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation  
138.19 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

138.20 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based  
138.21 value for silica sand.

138.22 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental  
138.23 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and  
138.24 processing to take into account the increased activity in the state and concerns over the size  
138.25 of specific operations. The Environmental Quality Board shall consider whether the  
138.26 requirements of Minnesota Statutes, section 116C.991, should remain part of the  
138.27 environmental review requirements for silica sand and whether the requirements should be  
138.28 different for different geographic areas of the state. The rulemaking is exempt from Minnesota  
138.29 Statutes, section 14.125.

139.1 Sec. 149. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended  
139.2 to read:

139.3 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

139.4 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
139.5 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
139.6 all independent research and publicly funded research and to include criteria for identifying  
139.7 waters and a list of waters subject to the standard, implementation of the wild rice water  
139.8 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
139.9 following, unless the permittee requests additional conditions:

139.10 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
139.11 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
139.12 rice, and in doing so shall be limited by the following conditions:

139.13 (i) the agency shall not require permittees to expend money for design or implementation  
139.14 of sulfate treatment technologies or other forms of sulfate mitigation; and

139.15 (ii) the agency may require sulfate minimization plans in permits; and

139.16 (2) the agency shall not list waters containing natural beds of wild rice as impaired for  
139.17 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,  
139.18 section 1313, until the rulemaking described in this paragraph takes effect.

139.19 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits  
139.20 issued or reissued after the effective date of this section as needed to include numeric permit  
139.21 limits based on the wild rice water quality standard.

139.22 (c) The commissioner shall complete the rulemaking described in paragraph (a) by  
139.23 January 15, ~~2018~~ 2019.

139.24 Sec. 150. Laws 2015, First Special Session chapter 4, article 4, section 146, is amended  
139.25 to read:

139.26 Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

139.27 A soil and water conservation district must grant a conditional compliance waiver under  
139.28 Minnesota Statutes, section 103F.48, to landowners or authorized agents who have applied  
139.29 for and maintained eligibility for financial or technical assistance within one year of the  
139.30 dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according  
139.31 to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be  
139.32 granted to landowners who are subject to a drainage proceeding commenced under Minnesota

140.1 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The  
 140.2 conditional compliance waiver is valid until financial or technical assistance is available  
 140.3 for buffer or alternative practices installation, but not later than November 1, 2018. A  
 140.4 landowner or authorized agent that has filed a parcel-specific riparian protection compliance  
 140.5 plan with the soil and water conservation district by November 1, 2017, shall be granted a  
 140.6 conditional compliance waiver until July 1, 2018.

140.7 Sec. 151. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to  
 140.8 read:

140.9 **EFFECTIVE DATE.** This section is effective May 1, ~~2017~~ 2018.

140.10 **EFFECTIVE DATE.** This section is effective retroactively from April 30, 2017.

140.11 Sec. 152. Laws 2016, chapter 189, article 3, section 46, is amended to read:

140.12 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

140.13 The commissioner of natural resources, in cooperation with prescribed burning  
 140.14 professionals, nongovernmental organizations, and local and federal governments, must  
 140.15 develop criteria for certifying an entity to conduct a prescribed burn under a ~~general~~ an open  
 140.16 burning permit. The certification requirements must include training, equipment, and  
 140.17 experience requirements and include an apprentice program to allow entities without  
 140.18 experience to become certified. The commissioner must establish provisions for decertifying  
 140.19 entities. The commissioner must not require additional certification or requirements for  
 140.20 burns conducted as part of normal agricultural practices not currently subject to prescribed  
 140.21 burn specifications. The commissioner must submit a report with recommendations and  
 140.22 any legislative changes needed to the chairs and ranking minority members of the house of  
 140.23 representatives and senate committees and divisions with jurisdiction over environment and  
 140.24 natural resources by January 15, 2017.

140.25 Sec. 153. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

140.26 A solid waste permit issued by the Pollution Control Agency to an existing class I  
 140.27 demolition debris landfill facility that is operating under the Pollution Control Agency  
 140.28 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota  
 140.29 Rules, part 7001.0160, for a period of five years, unless a new permit is issued for the facility  
 140.30 by the Pollution Control Agency after the effective date of this section.

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

141.1 Sec. 154. ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.

141.2 (a) Until the governor has appointed members of the Environmental Quality Board from  
141.3 each congressional district as required under this act, this section governs membership of  
141.4 the board.

141.5 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the  
141.6 expiration of their terms.

141.7 (c) No later than October 1, 2017, the governor shall appoint board members from the  
141.8 First, Second, Seventh, and Eighth Congressional Districts for terms to begin January 2,  
141.9 2018.

141.10 (d) No later than October 1, 2018, the governor shall appoint a board member from the  
141.11 Third Congressional District for a term to begin January 8, 2019.

141.12 (e) No later than October 1, 2019, the governor shall appoint a board member from the  
141.13 Fourth Congressional District for a term to begin January 7, 2020.

141.14 (f) No later than October 1, 2020, the governor shall appoint a board member from the  
141.15 Fifth Congressional District for a term to begin January 5, 2021.

141.16 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the  
141.17 Sixth Congressional District for a term to begin January 4, 2022.

141.18 Sec. 155. SAND DUNES STATE FOREST MANAGEMENT.

141.19 Subdivision 1. Forest management. When managing the Sand Dunes State Forest, the  
141.20 commissioner of natural resources must:

141.21 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land  
141.22 unless it is done as a result of a contract entered into before the effective date of this section;

141.23 (2) require all prairie seeds planted to be from native species of a local ecotype to  
141.24 Sherburne or Benton County; and

141.25 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in  
141.26 residential areas.

141.27 Subd. 2. Prescribed burns; notification. At least 40 days before conducting a prescribed  
141.28 burn, the commissioner must:

141.29 (1) publish a notice in a newspaper of general circulation in the area;

141.30 (2) notify the county and township in writing; and

142.1 (3) notify residents within a quarter mile of the prescribed burn in writing.

142.2 Subd. 3. **School trust lands.** Nothing in this section restricts the ability of the  
 142.3 commissioner or the school trust lands director from managing school trust lands within  
 142.4 the Sand Dunes State Forest for long-term economic return.

142.5 Subd. 4. **Township road.** If the commissioner of natural resources finds that any portion  
 142.6 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the  
 142.7 commissioner must convey an easement over and across state-owned lands administered  
 142.8 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width  
 142.9 of 233rd Avenue.

142.10 Subd. 5. **Sunset.** This section expires two years from the day following final enactment.

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

142.12 Sec. 156. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**  
 142.13 **PLAN.**

142.14 (a) The commissioner of natural resources must work with the commissioner of the Iron  
 142.15 Range Resources and Rehabilitation Board and representatives from the city of Calumet,  
 142.16 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating  
 142.17 model for local management and operation of Hill-Annex Mine State Park until mining  
 142.18 resumes on the property. The commissioner of natural resources must submit a management  
 142.19 and operation plan to the chairs and ranking minority members of the house of representatives  
 142.20 and senate committees and divisions with jurisdiction over environment and natural resources  
 142.21 by January 15, 2018.

142.22 (b) In fiscal year 2018 and fiscal year 2019, the level of service and hours of operation  
 142.23 at Hill-Annex Mine State Park must be maintained at fiscal year 2016 levels.

142.24 Sec. 157. **BASE BUDGET REPORT.**

142.25 (a) The commissioners of natural resources and the Pollution Control Agency must each  
 142.26 submit a report that contains the details of their base budgets, by fiscal year, including:

142.27 (1) appropriation riders for the previous biennium and the year the rider was first used;

142.28 (2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

142.29 (3) statutory appropriations; and

142.30 (4) an explanation on the use of funds for each appropriation not covered by a rider.

143.1 (b) The reports must be submitted to the chairs and ranking minority members of the  
143.2 house of representatives and senate committees and divisions with jurisdiction over  
143.3 environment and natural resources by October 15, 2018.

143.4 Sec. 158. **RULEMAKING; MINNOW LICENSES.**

143.5 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,  
143.6 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The  
143.7 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,  
143.8 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section  
143.9 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

143.10 Sec. 159. **CANCELLATION OF PERMITS.**

143.11 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota  
143.12 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective  
143.13 July 1, 2017.

143.14 Sec. 160. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

143.15 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,  
143.16 part 7001.0150, subpart 2, item A, by inserting the following:

143.17 "For a municipality that constructs a publicly owned treatment works facility to comply  
143.18 with a new or modified effluent limitation, compliance with any new or modified effluent  
143.19 limitation adopted after construction begins that would require additional capital investment  
143.20 is required no sooner than 16 years after the date of initiation of operation of the facility."

143.21 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
143.22 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
143.23 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
143.24 section 14.388.

143.25 Sec. 161. **DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**  
143.26 **ENVIRONMENTAL TRUST FUND.**

143.27 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the  
143.28 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must  
143.29 deposit any money received from the sale of tax-forfeited land purchased by the Fond du  
143.30 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter  
143.31 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund

144.1 established by the county. The principal from the sale of the land may not be expended.

144.2 The county may spend interest earned on the principal only for purposes related to improving  
144.3 natural resources.

144.4 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
144.5 the St. Louis County Board and its chief clerical officer timely complete their compliance  
144.6 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

144.7 Sec. 162. **MINNOW IMPORTATION RISK REPORT.**

144.8 By January 15, 2018, the commissioner of natural resources must report to the chairs of  
144.9 the legislative committees with jurisdiction over natural resources regarding potential risks  
144.10 of importing golden shiner minnows into Minnesota. The commissioner of natural resources  
144.11 must coordinate with the University of Minnesota and may use a third party to produce the  
144.12 report. The report must:

144.13 (1) review the Arkansas bait certification program to determine specific risks and potential  
144.14 mitigation measures of allowing the importation of golden shiner minnows by a person that  
144.15 holds a Minnesota wholesale minnow dealers license issued under Minnesota Statutes,  
144.16 section 97C.501, subdivision 2; and

144.17 (2) include recommendations on testing protocols or procedures needed to protect  
144.18 Minnesota's waters from invasive species and fish disease introduction.

144.19 Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**  
144.20 **COUNTY.**

144.21 Before July 1, 2018, the commissioner of natural resources must not initiate a civil action  
144.22 to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater County.

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

144.24 Sec. 164. **RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

144.25 Until July 1, 2019, the commissioner of natural resources shall not adopt rules further  
144.26 restricting the use of lead shot.

144.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
144.28 applies to rules adopted on or after that date.



145.1 Sec. 165. **REVISOR'S INSTRUCTION.**

145.2 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all  
145.3 references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with  
145.4 Minnesota Statutes, section 115B.39, subdivision 2, paragraph (o), and shall make all other  
145.5 necessary changes to preserve the meaning of the text and to conform with the paragraph  
145.6 relettering in this act.

145.7 Sec. 166. **REPEALER.**

145.8 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;  
145.9 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; 116C.03, subdivision 3a; and 116C.04,  
145.10 subdivision 3, are repealed.

145.11 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;  
145.12 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

APPENDIX  
Article locations in S0844-2

ARTICLE 1	ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS .....	Page.Ln 2.17
ARTICLE 2	ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES .....	Page.Ln 37.28

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

**97B.031 USE AND POSSESSION OF FIREARMS.**

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

**97C.701 TAKING MUSSELS.**

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

**97C.705 MUSSEL SEASONS.**

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

**97C.711 UNDERSIZED MUSSELS.**

A person must return undersized mussels to the water without injury.

**116C.03 CREATION OF ENVIRONMENTAL QUALITY BOARD; MEMBERSHIP; CHAIR; STAFF.**

Subd. 3a. **Chair.** The representative of the governor's office shall serve as chair of the board.

**116C.04 POWERS AND DUTIES.**

APPENDIX

Repealed Minnesota Statutes: S0844-2

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

**6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.**

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

**6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.**

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

**6258.0300 COMMERCIAL PERMITS FOR MUSSELS.**

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

**6258.0400 SPECIES FOR COMMERCIAL HARVEST.**

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

**6258.0500 HARVEST SITES FOR PERMITTEES.**

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

**6258.0600 HARVEST GEAR FOR PERMITTEES.**

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

**6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.**

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

**6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.**

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.