

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 835

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DATE	D-PG	OFFICIAL STATUS
02/04/2019	250	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance
02/11/2019	341	Author added Dziedzic
03/26/2019		Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance

1.1 A bill for an act

1.2 relating to natural resources; ensuring that Mississippi Headwaters Board has

1.3 certification jurisdiction over headwaters area; modifying requirements for remote

1.4 sugar beet storage; clarifying that a certain ban on open-air swine basins does not

1.5 apply to truck washes; modifying application requirements for solid waste

1.6 management capital assistance program; authorizing private sale of certain

1.7 tax-forfeited land; appropriating money for local recreation grants; modifying

1.8 certain conditions on water appropriations and wells; restricting application of

1.9 certain storm water rules; modifying Clean Water Legacy Act; providing for

1.10 coordinated watershed management; modifying restrictions on commercial fishing

1.11 areas to provide for invasive species control; modifying authority of Lake

1.12 Minnetonka Conservation District; specifying duties and services of soil and water

1.13 conservation districts; accelerating public drainage system acquisition and

1.14 compensation of ditch buffer strips; providing runoff and sediment option when

1.15 charging for public drainage ditch repairs; prohibiting Pollution Control Agency

1.16 and Department of Natural Resources from enforcing unadopted rules; modifying

1.17 application of protections for threatened and endangered species; providing for

1.18 certain training, certification, and fees; modifying operating restrictions for

1.19 recreational vehicles; modifying provisions on invasive species; modifying game

1.20 and fish laws; clarifying authority to compensate permanent school fund; modifying

1.21 small business loan program for environmental improvement; modifying duties

1.22 related to regulating silica sand; modifying requirements for conveying certain

1.23 state land; adding to and deleting from state parks; authorizing sale of certain

1.24 surplus state land; modifying provisions for managing tax-forfeited lands;

1.25 authorizing private sale of certain tax-forfeited land; providing for electronic

1.26 transmission of certain information; banning the use of trichloroethylene by a

1.27 facility required to have an air emissions permit; modifying provisions for certain

1.28 grants for outdoor recreation; extending oversight committees; modifying closed

1.29 landfill investment fund procedures; amending Minnesota Statutes 2018, sections

1.30 17.117, subdivision 11; 84.026, by adding a subdivision; 84.027, subdivision 18,

1.31 by adding a subdivision; 84.0273; 84.0895, subdivision 2; 84.775, subdivision 1;

1.32 84.794, subdivision 2; 84.83, subdivision 3; 84.86, subdivision 1; 84.925,

1.33 subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 2; 84D.03, subdivisions

1.34 3, 4; 84D.108, subdivisions 2b, 2c; 85.44; 92.115, subdivision 1; 92.50, subdivision

1.35 1; 94.09, subdivision 3; 94.10; 97A.015, subdivisions 25, 43; 97A.051, subdivision

1.36 2; 97A.055, subdivision 4b; 97A.126; 97A.433, subdivisions 4, 5; 97A.475,

1.37 subdivision 4; 97C.345, by adding a subdivision; 97C.391, subdivision 1; 97C.395,

1.38 subdivision 2; 97C.815, subdivision 2; 103B.3369, subdivisions 5, 9; 103B.611,

2.1 subdivision 3; 103B.801, subdivisions 2, 5; 103E.021, subdivision 6; 103E.071;
 2.2 103E.351, subdivisions 1, 2, 3; 103F.361, subdivision 2; 103F.363, subdivision
 2.3 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4;
 2.4 103G.241, subdivisions 1, 3; 103G.271, subdivision 7, by adding a subdivision;
 2.5 103G.287, subdivisions 1, 4, 5; 103G.289; 103G.311, subdivisions 2, 5; 103G.315,
 2.6 subdivision 8; 103G.408; 103G.615, subdivision 3a; 114D.15, subdivisions 7, 11,
 2.7 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding
 2.8 subdivisions; 114D.26; 114D.35, subdivisions 1, 3; 115.03, by adding a subdivision;
 2.9 115A.51; 115B.421; 116.07, by adding a subdivision; 116.0714; 116.993,
 2.10 subdivisions 2, 6; 282.01, subdivision 4; Laws 2012, chapter 236, section 28,
 2.11 subdivisions 2, as amended, 9, as amended; Laws 2013, chapter 114, article 4,
 2.12 section 105, as amended; proposing coding for new law in Minnesota Statutes,
 2.13 chapters 92; 103C; 103E; 114D; 116; repealing Minnesota Statutes 2018, section
 2.14 92.121.

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

2.16 Section 1. Minnesota Statutes 2018, section 17.117, subdivision 11, is amended to read:

2.17 Subd. 11. **Loans issued to borrower.** (a) Local lenders may issue loans only for projects
 2.18 that are approved and certified by the local government unit as meeting priority needs
 2.19 identified in a comprehensive water management plan or other local planning documents,
 2.20 are in compliance with accepted practices, standards, specifications, or criteria, and are
 2.21 eligible for financing under Environmental Protection Agency or other applicable guidelines.

2.22 (b) The local lender may use any additional criteria considered necessary to determine
 2.23 the eligibility of borrowers for loans.

2.24 (c) Local lenders shall set the terms and conditions of loans to borrowers, except that:

2.25 (1) no loan to a borrower may exceed \$200,000; and

2.26 ~~(2) no loan for a project may exceed \$200,000; and~~

2.27 ~~(3)~~ (2) no borrower shall, at any time, have multiple loans from this program with a total
 2.28 outstanding loan balance of more than \$200,000.

2.29 (d) The maximum term length for projects in this paragraph is ten years.

2.30 (e) Fees charged at the time of closing must:

2.31 (1) be in compliance with normal and customary practices of the local lender;

2.32 (2) be in accordance with published fee schedules issued by the local lender;

2.33 (3) not be based on participation program; and

2.34 (4) be consistent with fees charged other similar types of loans offered by the local
 2.35 lender.

3.1 (f) The interest rate assessed to an outstanding loan balance by the local lender must not
 3.2 exceed three percent per year.

3.3 Sec. 2. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to
 3.4 read:

3.5 Subd. 4. **Paying grant-eligible expenditures.** Notwithstanding section 16A.41, the
 3.6 commissioner may make payments for otherwise eligible grant-program expenditures that
 3.7 are made on or after the effective date of the appropriation that funds the payments for:

3.8 (1) grants-in-aid under sections 84.794, 84.803, 84.83, 84.927, and 85.44;

3.9 (2) local recreation grants under section 85.019; and

3.10 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,
 3.11 84.927, 86B.701, 86B.705, and 87A.10.

3.12 Sec. 3. Minnesota Statutes 2018, section 84.027, is amended by adding a subdivision to
 3.13 read:

3.14 Subd. 14c. **Unadopted rules.** (a) The commissioner of natural resources must not enforce
 3.15 or attempt to enforce an unadopted rule. For purposes of this subdivision, "unadopted rule"
 3.16 means a guideline, bulletin, criterion, manual standard, interpretive statement, or similar
 3.17 pronouncement if the guideline, bulletin, criterion, manual standard, interpretive statement,
 3.18 or similar pronouncement meets the definition of a rule as defined under section 14.02,
 3.19 subdivision 4, but has not been adopted according to the rulemaking process provided under
 3.20 chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner must
 3.21 overcome a presumption against the unadopted rule.

3.22 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
 3.23 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
 3.24 standard, the commissioner must follow the rulemaking process provided under chapter 14
 3.25 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
 3.26 statement, or similar pronouncement.

3.27 Sec. 4. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

3.28 Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of
 3.29 natural resources has the authority and responsibility ~~for the administration of~~ to administer
 3.30 school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall
 3.31 biannually report to the Legislative Permanent School Fund Commission and the legislature

4.1 on the management of the school trust lands that shows how the commissioner has and will
4.2 continue to achieve the following goals:

4.3 (1) manage the school trust lands efficiently and in a manner that reflects the undivided
4.4 loyalty to the beneficiaries consistent with the commissioner's fiduciary duties;

4.5 (2) reduce the management expenditures of school trust lands and maximize the revenues
4.6 deposited in the permanent school trust fund;

4.7 (3) manage the sale, exchange, and commercial leasing of school trust lands, requiring
4.8 returns of not less than fair market value, to maximize the revenues deposited in the
4.9 permanent school trust fund and retain the value from the long-term appreciation of the
4.10 school trust lands;

4.11 (4) manage the school trust lands to maximize the long-term economic return for the
4.12 permanent school trust fund while maintaining sound natural resource conservation and
4.13 management principles;

4.14 (5) optimize school trust land revenues and maximize the value of the trust consistent
4.15 with ~~the~~ balancing of short-term and long-term interests, so that long-term benefits are not
4.16 lost in an effort to maximize short-term gains; and

4.17 (6) maintain the integrity of the trust and prevent the misapplication of its lands and its
4.18 revenues.

4.19 (b) When the commissioner finds an irresolvable conflict between maximizing the
4.20 long-term economic return and protecting natural resources and recreational values on
4.21 school trust lands, the commissioner shall give precedence to the long-term economic return
4.22 in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be
4.23 compensated for all school trust lands included under a designation or policy provision that
4.24 prohibits long-term economic return. The commissioner shall submit recommendations to
4.25 the appropriate legislative committees and divisions on methods of funding for the
4.26 compensation required under this paragraph, including recommendations for appropriations
4.27 from the general fund, nongeneral funds, and the state bond fund. Any uncompensated
4.28 designation or policy provision restrictions on the long-term economic return on school
4.29 trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the
4.30 Legislative Permanent School Fund Commission for review.

4.31 (c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide
4.32 an inventory and identification of all school trust lands that are included under a designation
4.33 or policy provision that prohibits long-term economic return. The report ~~shall~~ must include

5.1 a plan to compensate the permanent school fund through the purchase or exchange of the
 5.2 lands or a plan to manage the school trust land to generate long-term economic return to
 5.3 the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a
 5.4 status report of the commissioner's progress in maximizing the long-term economic return
 5.5 on lands identified in the 2013 report.

5.6 (d) When ~~future~~ management practices, policies, or designations ~~or policies~~ by the
 5.7 commissioner diminish or prohibit the long-term economic return on school trust land, the
 5.8 conflict ~~shall~~ must be resolved by ~~compensating the permanent school fund through an~~
 5.9 ~~exchange or purchase of the lands before designation or application of the policy~~ as provided
 5.10 in section 92.122.

5.11 Sec. 5. Minnesota Statutes 2018, section 84.0273, is amended to read:

5.12 **84.0273 ESTABLISHING BOUNDARY LINES RELATING TO CERTAIN STATE**
 5.13 **LANDHOLDINGS.**

5.14 (a) ~~In order~~ To resolve boundary line issues affecting the ownership interests of the state
 5.15 and adjacent landowners, the commissioner of natural resources may, in the name of the
 5.16 state upon terms the commissioner deems appropriate, convey, by a boundary line agreement,
 5.17 quitclaim deed, or management agreement in such form as the attorney general approves,
 5.18 such rights, titles, and interests of the state in state lands for such rights, titles, and interests
 5.19 in adjacent lands as are necessary ~~for the purpose of establishing~~ to establish boundaries.
 5.20 The commissioner must publish a notice of the proposed conveyance and a brief statement
 5.21 of the reason ~~therefor shall be published~~ for the conveyance once in the State Register ~~by~~
 5.22 ~~the commissioner between 15 and~~ at least 30 days prior to ~~before the~~ conveyance. ~~The~~
 5.23 ~~provisions of This paragraph are~~ is not intended to replace or supersede laws relating to
 5.24 land exchange or disposal of surplus state property.

5.25 (b) ~~In order~~ To resolve trespass issues affecting the ownership interests of the state and
 5.26 adjacent landowners, the commissioner of natural resources, in the name of the state, may
 5.27 sell surplus lands not needed for natural resource purposes at private sale to adjoining
 5.28 property owners and leaseholders. The conveyance must be by quitclaim in a form approved
 5.29 by the attorney general for a consideration not less than the value determined according to
 5.30 section 94.10, subdivision 1.

5.31 (c) Paragraph (b) applies to all state-owned lands managed by the commissioner of
 5.32 natural resources, except school trust land as defined in section 92.025. For acquired lands,
 5.33 the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding
 5.34 the offering to public entities, public sale, and related notice and publication requirements

6.1 of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may
6.2 sell the surplus lands as provided in paragraph (b) notwithstanding the classification and
6.3 public sale provisions of chapters 84A and 282.

6.4 Sec. 6. Minnesota Statutes 2018, section 84.0895, subdivision 2, is amended to read:

6.5 Subd. 2. **Application.** (a) Subdivision 1 does not apply to:

6.6 (1) plants on land classified for property tax purposes as class 2a or 2c agricultural land
6.7 under section 273.13, ~~or on ditches and roadways~~ a ditch, or on an existing public road
6.8 right-of-way as defined in section 84.92, subdivision 6a, except for ground not previously
6.9 disturbed by construction or maintenance; and

6.10 (2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise
6.11 designated as troublesome by the Department of Agriculture.

6.12 (b) If control of noxious weeds is necessary, it takes priority over the protection of
6.13 endangered plant species, as long as a reasonable effort is taken to preserve the endangered
6.14 plant species first.

6.15 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
6.16 3b agricultural land as a result of the application of pesticides or other agricultural chemical
6.17 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
6.18 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
6.19 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste
6.20 land, or other land for which the owner receives a state paid wetlands or native prairie tax
6.21 credit.

6.22 (d) The accidental taking of an endangered plant, where the existence of the plant is not
6.23 known at the time of the taking, is not a violation of subdivision 1.

6.24 Sec. 7. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

6.25 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other
6.26 licensed peace officer may issue a civil citation to a person who operates:

6.27 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
6.28 (1); 84.777; 84.788 to 84.795; or 84.90;

6.29 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
6.30 84.777; 84.798 to 84.804; or 84.90; or

7.1 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
 7.2 84.777; 84.90; or 84.922 to 84.928.

7.3 (b) A civil citation under paragraph (a) shall require restitution for public and private
 7.4 property damage and impose a penalty of:

7.5 (1) \$100 for the first offense;

7.6 (2) \$200 for the second offense; and

7.7 (3) \$500 for third and subsequent offenses.

7.8 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
 7.9 person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in
 7.10 violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this
 7.11 paragraph shall require restitution for damage to wetlands and impose a penalty of:

7.12 (1) \$100 for the first offense;

7.13 (2) \$500 for the second offense; and

7.14 (3) \$1,000 for third and subsequent offenses.

7.15 (d) If the peace officer determines that there is damage to property requiring restitution,
 7.16 the commissioner must send a written explanation of the extent of the damage and the cost
 7.17 of the repair by first class mail to the address provided by the person receiving the citation
 7.18 within 15 days of the date of the citation.

7.19 (e) An off-road vehicle ~~or all-terrain vehicle~~ that is equipped with a snorkel device and
 7.20 receives a civil citation under this section is subject to twice the penalty amounts in
 7.21 paragraphs (b) and (c).

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

7.23 Sec. 8. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

7.24 Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the
 7.25 off-highway motorcycle account may only be spent for:

7.26 (1) administration, enforcement, and implementation of sections 84.787 to 84.795;

7.27 (2) acquisition, maintenance, and development of off-highway motorcycle trails and use
 7.28 areas; ~~and~~

7.29 (3) grants-in-aid to counties and municipalities to construct and maintain off-highway
 7.30 motorcycle trails and use areas; and

8.1 (4) grants for enforcement and public education to local law enforcement agencies.

8.2 (b) The distribution of funds made available for grants-in-aid must be guided by the
8.3 statewide comprehensive outdoor recreation plan.

8.4 Sec. 9. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

8.5 Subd. 3. **Purposes for the account; allocation.** (a) The money deposited in the account
8.6 and interest earned on that money may be expended only as appropriated by law for the
8.7 following purposes:

8.8 (1) for a grant-in-aid program to counties and municipalities for construction and
8.9 maintenance of snowmobile trails that are determined by the commissioner to be part of
8.10 the state's grant-in-aid system, including maintenance of trails on lands and waters of
8.11 Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in
8.12 St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;
8.13 and on the following lakes in Cook County: Devil Track and Hungry Jack; The commissioner
8.14 may establish a performance-based funding formula for annual grants-in-aid. The procedures
8.15 and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and
8.16 section 14.386 does not apply. In administering the performance-based grants-in-aid, the
8.17 commissioner must:

8.18 (i) determine annual grant amounts based on a funding formula that includes consideration
8.19 of historical costs, snowfall, use, and tourism;

8.20 (ii) make grant payments based on:

8.21 (A) successful completion of performance benchmarks;

8.22 (B) reimbursement of eligible expenditures; or

8.23 (C) a combination of subitems (A) and (B); and

8.24 (iii) assess penalties to nonperforming grant-in-aid recipients, which may include
8.25 withholding grant payments or making the grantee or trail system ineligible for future
8.26 grant-in-aid funding.

8.27 (2) for acquisition, development, and maintenance of to acquire, develop, and maintain
8.28 state recreational snowmobile trails;

8.29 (3) for snowmobile safety programs; and

8.30 (4) ~~for the administration and enforcement of~~ to administer and enforce sections 84.81
8.31 to 84.91 and appropriated grants to local law enforcement agencies.

9.1 (b) No less than 60 percent of revenue collected from snowmobile registration and
9.2 snowmobile state trail sticker fees must be expended for grants-in-aid to develop, maintain,
9.3 and groom trails and acquire easements.

9.4 Sec. 10. Minnesota Statutes 2018, section 84.86, subdivision 1, is amended to read:

9.5 Subdivision 1. **Required rules.** With a view of achieving maximum use of snowmobiles
9.6 consistent with protection of the environment the commissioner of natural resources shall
9.7 adopt rules in the manner provided by chapter 14, for the following purposes:

9.8 (1) Registration of snowmobiles and display of registration numbers.

9.9 (2) Use of snowmobiles insofar as game and fish resources are affected.

9.10 (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

9.11 (4) Uniform signs to be used by the state, counties, and cities, which are necessary or
9.12 desirable to control, direct, or regulate the operation and use of snowmobiles.

9.13 (5) Specifications relating to snowmobile mufflers.

9.14 (6) A comprehensive snowmobile information and safety education and training program,
9.15 including but not limited to the preparation and dissemination of snowmobile information
9.16 and safety advice to the public, the training of snowmobile operators, and the issuance of
9.17 snowmobile safety certificates to snowmobile operators who successfully complete the
9.18 snowmobile safety education and training course. For the purpose of administering such
9.19 program and to defray expenses of training and certifying snowmobile operators, the
9.20 commissioner shall collect a fee from each person who receives the youth or adult training.
9.21 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
9.22 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
9.23 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
9.24 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
9.25 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
9.26 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
9.27 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
9.28 and enforcement account in the natural resources fund and the amount thereof, except for
9.29 the electronic licensing system commission established by the commissioner under section
9.30 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
9.31 annually to the Enforcement Division of the Department of Natural Resources for the
9.32 administration of such programs. In addition to the fee established by the commissioner,
9.33 instructors may charge each person any fee paid by the instructor for the person's online

10.1 training course and up to the established fee amount for class materials and expenses. The
 10.2 commissioner shall cooperate with private organizations and associations, private and public
 10.3 corporations, and local governmental units in furtherance of the program established under
 10.4 this clause. School districts may cooperate with the commissioner and volunteer instructors
 10.5 to provide space for the classroom portion of the training. The commissioner shall consult
 10.6 with the commissioner of public safety in regard to training program subject matter and
 10.7 performance testing that leads to the certification of snowmobile operators.

10.8 (7) The operator of any snowmobile involved in an accident resulting in injury requiring
 10.9 medical attention or hospitalization to or death of any person or total damage to an extent
 10.10 of \$500 or more, shall forward a written report of the accident to the commissioner on such
 10.11 form as the commissioner shall prescribe. If the operator is killed or is unable to file a report
 10.12 due to incapacitation, any peace officer investigating the accident shall file the accident
 10.13 report within ten business days.

10.14 Sec. 11. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

10.15 Subdivision 1. ~~Program~~ **Training and certification programs established.** (a) The
 10.16 commissioner shall establish:

10.17 (1) a comprehensive all-terrain vehicle environmental and safety education and training
 10.18 certification program, including the preparation and dissemination of vehicle information
 10.19 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
 10.20 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
 10.21 successfully complete the all-terrain vehicle environmental and safety education and training
 10.22 course; and

10.23 (2) a voluntary all-terrain vehicle online training program for youth and a parent or
 10.24 guardian, offered at no charge for operators at least six years of age but younger than ten
 10.25 years of age.

10.26 (b) A parent or guardian must be present at the hands-on ~~a training portion of the program~~
 10.27 ~~for when the youth who are six through~~ is under ten years of age.

10.28 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
 10.29 training and certifying vehicle operators, the commissioner shall collect a fee from each
 10.30 person who receives the training for certification under paragraph (a), clause (1). The
 10.31 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
 10.32 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
 10.33 in a manner that neither significantly overrecovers nor underrecovers costs, including

11.1 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
 11.2 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
 11.3 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
 11.4 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
 11.5 account in the natural resources fund and the amount thereof, except for the electronic
 11.6 licensing system commission established by the commissioner under section 84.027,
 11.7 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
 11.8 the Enforcement Division of the Department of Natural Resources for the administration
 11.9 of the programs. In addition to the fee established by the commissioner, instructors may
 11.10 charge each person up to the established fee amount for class materials and expenses.

11.11 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
 11.12 private and public corporations, and local governmental units in furtherance of the ~~program~~
 11.13 programs established under this section. School districts may cooperate with the
 11.14 commissioner and volunteer instructors to provide space for the classroom portion of the
 11.15 training. The commissioner shall consult with the commissioner of public safety in regard
 11.16 to ~~training program~~ the subject matter of the training programs and performance testing that
 11.17 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
 11.18 component in the ~~safety education and training program~~ certification programs established
 11.19 under this section and may incorporate a riding component in the training program established
 11.20 in paragraph (a), clause (2).

11.21 Sec. 12. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.9 Sec. 13. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

13.10 Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:

13.11 (1) at a rate of speed greater than reasonable or proper under the surrounding
13.12 circumstances;

13.13 (2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or
13.14 damage to the person or property of another;

13.15 (3) without headlight and taillight lighted at all times if the vehicle is equipped with
13.16 headlight and taillight;

13.17 (4) without a functioning stoplight if so equipped;

13.18 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;

13.19 (6) without a brake operational by either hand or foot;

13.20 (7) with more than one person on the vehicle, except as allowed under section 84.9257;

13.21 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
13.22 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

13.23 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
13.24 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~
13.25 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
13.26 ~~vehicle recreation areas; or~~

13.27 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

14.1 Sec. 14. Minnesota Statutes 2018, section 84D.03, subdivision 3, is amended to read:

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

14.5 (b) In waters that are listed as infested waters, except those listed as infested with
14.6 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
14.7 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

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

15.3 (f) In the Minnesota River downstream of Granite Falls, the Mississippi River downstream
15.4 of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls,
15.5 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,
15.6 part 6266.0500, subpart 1, items A and B, harvesting gizzard shad by cast net for
15.7 noncommercial personal use as bait for angling, as provided in a permit issued under section
15.8 84D.11, is allowed as follows:

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

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

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

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

15.17 Sec. 15. Minnesota Statutes 2018, section 84D.03, subdivision 4, is amended to read:

15.18 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
15.19 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
15.20 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
15.21 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
15.22 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
15.23 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
15.24 license or permit. Tagged gear must not be used in water bodies other than those specified
15.25 in the license or permit. The license or permit may authorize department staff to remove
15.26 tags after the from gear is that has been decontaminated according to a protocol specified
15.27 by the commissioner if use of the decontaminated gear in other water bodies does not pose
15.28 an unreasonable risk of harm to natural resources or the use of natural resources in the state.
15.29 This tagging requirement does not apply to commercial fishing equipment used in Lake
15.30 Superior.

15.31 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
15.32 frog, or crayfish harvesting in an infested water that is listed solely because it contains
15.33 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum

16.1 of two days before they are used in any other waters, except as provided in this paragraph.
16.2 Commercial licensees must notify the department's regional or area fisheries office or a
16.3 conservation officer before removing nets or equipment from an infested water listed solely
16.4 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
16.5 any other waters. Upon notification, the commissioner may authorize a commercial licensee
16.6 to move nets or equipment to another water without freezing or drying, if that water is listed
16.7 as infested solely because it contains Eurasian watermilfoil.

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

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

16.12 Sec. 16. Minnesota Statutes 2018, section 84D.108, subdivision 2b, is amended to read:

16.13 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
16.14 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
16.15 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~
16.16 ~~Gull East State Water Access Site~~ water access sites on Gull Lake (DNR Division of Waters
16.17 number 11-0305) in Cass and Crow Wing Counties using the same authorities, general
16.18 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision
16.19 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business
16.20 must be located in Cass or Crow Wing County.

16.21 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
16.22 the report to the chairs and ranking minority members of the senate and house of
16.23 representatives committees having jurisdiction over natural resources required under Laws
16.24 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
16.25 recommendations and assessments.

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

16.27 Sec. 17. Minnesota Statutes 2018, section 84D.108, subdivision 2c, is amended to read:

16.28 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
16.29 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
16.30 ~~Cross Lake #1 State Water Access Site~~ water access sites on Cross Lake (DNR Division of
16.31 Waters number 18-0312) in Crow Wing County using the same authorities, general
16.32 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision

17.1 2a. The place of business of lake service providers participating in the Cross Lake targeted
17.2 pilot study must be located in Cass or Crow Wing County.

17.3 (b) If an additional targeted pilot project for Cross Lake is implemented under this
17.4 section, the report to the chairs and ranking minority members of the senate and house of
17.5 representatives committees having jurisdiction over natural resources required under Laws
17.6 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
17.7 study recommendations and assessments.

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

17.9 Sec. 18. Minnesota Statutes 2018, section 85.44, is amended to read:

17.10 **85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

17.11 The commissioner shall establish a grant-in-aid program for local units of government
17.12 and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire,
17.13 develop, and maintain cross-country-ski trails that are determined by the commissioner to
17.14 be part of the state's grant-in-aid system. Grants ~~shall be~~ are available ~~for acquisition of~~ to
17.15 acquire trail easements but may not be used to acquire any lands in fee title. Local units of
17.16 government and special park districts applying for and receiving grants under this section
17.17 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration
17.18 of their last grant. The department shall reimburse all public sponsors of grants-in-aid
17.19 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~
17.20 ~~of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must
17.21 be allocated on the basis of user fee sales location. The commissioner may establish a
17.22 performance-based funding formula for annual grants-in-aid. The procedures and criteria
17.23 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section
17.24 14.386 does not apply. In administering the performance-based grants-in-aid, the
17.25 commissioner must:

17.26 (1) determine annual grant amounts based on a funding formula that includes
17.27 consideration of historical costs, snowfall, use, and tourism;

17.28 (2) make grant payments based on:

17.29 (i) successful completion of performance benchmarks;

17.30 (ii) reimbursement of eligible expenditures; or

17.31 (iii) a combination of items (i) and (ii); and

18.1 (3) assess penalties to nonperforming grant-in-aid recipients, which may include
18.2 withholding grant payments or making the grantee or trail system ineligible for future
18.3 grant-in-aid funding.

18.4 Sec. 19. Minnesota Statutes 2018, section 92.115, subdivision 1, is amended to read:

18.5 Subdivision 1. **Land valuation required.** Before offering any state land for sale under
18.6 this chapter, the commissioner must establish the value of the land. The commissioner shall
18.7 have the land appraised if the estimated market value is in excess of ~~\$50,000~~ \$100,000.

18.8 Sec. 20. **[92.122] COMPENSATING PERMANENT SCHOOL FUND.**

18.9 Subdivision 1. **Compensation requirements.** (a) When the revenue generated from
18.10 school trust land and associated resources is diminished by management practices applied
18.11 to the land and resources as determined by the commissioner of natural resources, the
18.12 commissioner must compensate the permanent school fund.

18.13 (b) When generating revenue from school trust land and associated resources will be
18.14 prohibited by a policy or designation applied to the land and resources as determined by
18.15 the commissioner, the commissioner must compensate the permanent school fund before
18.16 the policy or designation is applied.

18.17 Subd. 2. **Compensation methods.** To compensate the permanent school fund under
18.18 subdivision 1, the commissioner may use compensation methods that include:

18.19 (1) exchanging other land that is compatible with the goal of the permanent school fund
18.20 under section 127A.31, as allowed under sections 94.343, subdivision 1, and 94.3495; and
18.21 the Minnesota Constitution, article XI, section 10;

18.22 (2) leasing under section 92.50 and according to subdivision 3, with rental payments as
18.23 compensation; and

18.24 (3) condemning the land under section 92.83, with payment of the amount of the award
18.25 and judgment as compensation.

18.26 Subd. 3. **Lease terms for compensating fund.** With advice from the school trust lands
18.27 director according to section 127A.353, subdivision 4, the commissioner may lease school
18.28 trust land to compensate the permanent school fund. Rental payments received under this
18.29 subdivision:

18.30 (1) must be credited to the forest suspense account as nonqualifying revenue and not
18.31 subject to cost certification under section 16A.125;

19.1 (2) must be paid in full upon executing the lease; and

19.2 (3) are determined by the commissioner and subject to review by a licensed appraiser.

19.3 Sec. 21. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

19.4 Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease land
19.5 under the commissioner's jurisdiction and control:

19.6 (1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

19.7 (2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

19.8 (3) for roads or railroads;

19.9 (4) to compensate the permanent school fund according to section 92.122; or

19.10 ~~(4)~~ (5) for other uses consistent with the interests of the state.

19.11 (b) The commissioner shall offer the lease at public or private sale for an amount and
19.12 under terms and conditions prescribed by the commissioner. Commercial leases for more
19.13 than ten years and leases for removal of peat that cover 320 or more acres must be approved
19.14 by the Executive Council.

19.15 (c) The lease term may not exceed 21 years except:

19.16 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and
19.17 tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may
19.18 not exceed a term of 25 years; and

19.19 (2) leases for commercial purposes, including major resort, convention center, or
19.20 recreational area purposes, may not exceed a term of 40 years.

19.21 (d) Leases must be subject to sale and leasing of the land for mineral purposes and
19.22 contain a provision for cancellation for just cause at any time by the commissioner upon
19.23 six months' written notice. A longer notice period, not exceeding three years, may be provided
19.24 in leases for storing ore, waste materials from mines, or rock or tailings from ore milling
19.25 plants. The commissioner may determine the terms and conditions, including the notice
19.26 period, for cancellation of a lease for the removal of peat and commercial leases.

19.27 (e) Money received from leases under this section must be credited to the fund to which
19.28 the land belongs.

20.1 Sec. 22. Minnesota Statutes 2018, section 94.09, subdivision 3, is amended to read:

20.2 Subd. 3. **Notice to agencies; determination of surplus.** The commissioner of natural
 20.3 resources shall send written notice to ~~all state departments, agencies and the University of~~
 20.4 ~~Minnesota~~ the Departments of Administration and Transportation, the Board of Water and
 20.5 Soil Resources, the Office of School Trust Lands, the legal or land departments of the
 20.6 University of Minnesota and Minnesota State Colleges and Universities, the Minnesota
 20.7 Indian Affairs Council, and any other state department or agency that requests to receive
 20.8 notices describing any lands or tracts ~~which~~ that may be declared surplus. If a ~~department~~
 20.9 ~~or agency or the University of Minnesota~~ recipient of the notice desires custody of the lands
 20.10 or tracts, ~~it shall~~ the recipient must submit a written request to the commissioner; no later
 20.11 than four calendar weeks after mailing of the notice; setting forth in detail ~~its~~ the reasons
 20.12 for desiring to acquire; and ~~its~~ the intended use of; the land or tract. The commissioner shall
 20.13 then determine whether any of the lands ~~described in the certifications of the heads of the~~
 20.14 ~~departments or agencies~~ so requested should be declared surplus and offered for sale or
 20.15 otherwise disposed of by transferring custodial control to other requesting state departments
 20.16 or agencies or to the Board of Regents of the University of Minnesota for educational
 20.17 purposes, provided however that transfer to the Board of Regents ~~shall~~ is not be determinative
 20.18 of tax exemption or immunity. If the commissioner determines that any of the lands are no
 20.19 longer needed for state purposes, the commissioner shall make findings of fact, describe
 20.20 the lands, declare the lands to be surplus state land, and state the reasons for the sale or
 20.21 disposition of the lands.

20.22 Sec. 23. Minnesota Statutes 2018, section 94.10, is amended to read:

20.23 **94.10 SURVEYS, APPRAISALS, AND SALE.**

20.24 Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any
 20.25 surplus state-owned lands for sale, the commissioner of natural resources must establish
 20.26 the value of the lands. The commissioner shall have the lands appraised if the estimated
 20.27 value is in excess of ~~\$50,000~~ \$100,000. No parcel of state-owned land shall be sold for less
 20.28 than \$1,000.

20.29 (b) The appraisals must be made by regularly appointed and qualified state appraisers.
 20.30 To be qualified, an appraiser must hold a state appraiser license issued by the Department
 20.31 of Commerce. The appraisal must be in conformity with the Uniform Standards of
 20.32 Professional Appraisal Practice of the Appraisal Foundation.

20.33 (c) Before offering surplus state-owned lands for public sale, the lands ~~shall~~ must first
 20.34 be offered to the city, county, town, school district, or other public body corporate or politic

21.1 in which the lands are situated for public purposes and the lands may be sold for public
 21.2 purposes for not less than the appraised value of the lands. To determine whether a public
 21.3 body desires to purchase the surplus land, the commissioner of natural resources shall give
 21.4 a written notice to the governing body of each political subdivision whose jurisdictional
 21.5 boundaries include or are adjacent to the surplus land. If a public body desires to purchase
 21.6 the surplus land, ~~it shall~~ the public body must submit a written offer to the commissioner
 21.7 no later than two weeks after receipt of notice setting forth in detail ~~its~~ the reasons for
 21.8 desiring to acquire and ~~its~~ the intended use of the land. ~~In the event that~~ If more than one
 21.9 public body tenders an offer, the commissioner shall determine which party shall receive
 21.10 the property and shall submit written findings regarding the decision. If lands are offered
 21.11 for sale for public purposes and if a public body notifies the commissioner of its desire to
 21.12 acquire the lands, the public body may have up to two years from the date of the accepted
 21.13 offer to ~~commence payment~~ begin paying for the lands in the manner provided by law.

21.14 (d) Before offering surplus state-owned lands that are located within the reservation
 21.15 boundary of a federally recognized Indian tribe for public sale or before offering the lands
 21.16 to an entity specified in paragraph (c), the lands must first be offered to the federally
 21.17 recognized Indian tribe with governing authority over the reservation where the lands are
 21.18 located. If the lands are located within the reservation boundary of a federally recognized
 21.19 tribe that is one of the six constituent tribes of the Minnesota Chippewa tribe, then the lands
 21.20 must be offered to both the Minnesota Chippewa tribe and the constituent tribe where the
 21.21 lands are located. The lands may be sold for not less than the appraised value of the lands.
 21.22 To determine whether an Indian tribe desires to purchase the lands, the commissioner of
 21.23 natural resources must give a written notice to the governing body of the Indian tribe, and,
 21.24 when applicable, if the tribe is a member of the Minnesota Chippewa tribe, the Minnesota
 21.25 Chippewa tribe. If the Indian tribe desires to purchase the lands, the Indian tribe must notify
 21.26 the commissioner, in writing, of the intent to purchase the lands no later than two weeks
 21.27 after receiving the notice. If the Indian tribe notifies the commissioner of its intent to acquire
 21.28 the lands, the Indian tribe has up to two years from the date that the notice of intent to
 21.29 purchase the lands was submitted to begin paying for the lands in the manner provided by
 21.30 law.

21.31 Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and before
 21.32 any public sale of surplus state-owned land is made and at least 30 days before the sale, the
 21.33 commissioner of natural resources shall publish a notice of the sale in a newspaper of general
 21.34 distribution in the county in which the real property to be sold is situated. The notice shall
 21.35 specify the time and place at which the sale will commence, a general description of the

22.1 lots or tracts to be offered, and a general statement of the terms of sale. The commissioner
22.2 shall ~~also~~ provide electronic notice of the sale.

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

22.8 (c) The purchaser of state land must pay recording fees and the state deed tax.

22.9 (d) Except as provided under paragraph (e), parcels remaining unsold after the offering
22.10 may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale
22.11 ~~shall~~ must continue until all parcels are sold or until the commissioner orders a reappraisal
22.12 or withdraws the remaining parcels from sale.

22.13 (e) The commissioner may retain the services of a licensed real estate broker to find a
22.14 buyer for parcels remaining unsold after the offering. The sale price may be negotiated by
22.15 the broker, but must not be less than 90 percent of the appraised value as determined by the
22.16 commissioner. The broker's fee must be established by prior agreement between the
22.17 commissioner and the broker and must not exceed ten percent of the sale price for sales of
22.18 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

22.19 (f) Public sales of surplus state-owned land may be conducted through online auctions.

22.20 Sec. 24. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

22.21 Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish,~~
22.22 ~~flathead catfish; members of the pike family, Esocidae, including muskellunge and northern~~
22.23 ~~pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth~~
22.24 ~~bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,~~
22.25 ~~Percichthyidae, including white bass and yellow bass; members of the salmon and trout~~
22.26 ~~subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink~~
22.27 ~~salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout,~~
22.28 ~~and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon~~
22.29 ~~family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon.~~ fish from the
22.30 following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon),
22.31 Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass;
22.32 smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear
22.33 sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and

23.1 northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead
 23.2 catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow
 23.3 perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown
 23.4 trout, chinook salmon, cisco (tullibee), coho salmon, kokanee salmon, lake trout, lake
 23.5 whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.

23.6 Sec. 25. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

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

23.10 Sec. 26. Minnesota Statutes 2018, section 97A.051, subdivision 2, is amended to read:

23.11 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a
 23.12 summary of the hunting and fishing laws and rules and deliver a sufficient supply to license
 23.13 vendors ~~to furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

23.14 (b) At the beginning of the summary, under the heading "Trespass," the commissioner
 23.15 shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that
 23.16 conservation officers and peace officers must enforce the trespass laws, and state the penalties
 23.17 for trespassing.

23.18 (c) In the summary, the commissioner shall, under the heading "Duty to Render Aid,"
 23.19 summarize the requirements under section 609.662 and state the penalties for failure to
 23.20 render aid to a person injured by gunshot.

23.21 Sec. 27. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

23.22 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees
 23.23 of affected persons to review the reports prepared under subdivision 4; review the proposed
 23.24 work plans and budgets for the coming year; propose changes in policies, activities, and
 23.25 revenue enhancements or reductions; review other relevant information; and make
 23.26 recommendations to the legislature and the commissioner for improvements in the
 23.27 management and use of money in the game and fish fund.

23.28 (b) The commissioner shall appoint the following committees, each comprised of at
 23.29 least ten affected persons:

23.30 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,
 23.31 including activities related to trout-and-salmon stamps and walleye stamps; and

24.1 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,
 24.2 including activities related to migratory waterfowl, pheasant, and wild turkey management
 24.3 and deer and big game management.

24.4 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
 24.5 Committee, and four additional members from each committee, shall form a Budgetary
 24.6 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight
 24.7 committee reports into an annual report to the legislature; recommend changes on a broad
 24.8 level in policies, activities, and revenue enhancements or reductions; and provide a forum
 24.9 to address issues that transcend the fisheries and wildlife oversight committees.

24.10 (d) The Budgetary Oversight Committee shall develop recommendations for a biennial
 24.11 budget plan and report for expenditures on game and fish activities. By August 15 of each
 24.12 even-numbered year, the committee shall submit the budget plan recommendations to the
 24.13 commissioner and to the senate and house of representatives committees with jurisdiction
 24.14 over natural resources finance.

24.15 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
 24.16 Committee shall be chosen by their respective committees. The chair of the Budgetary
 24.17 Oversight Committee shall be appointed by the commissioner and may not be the chair of
 24.18 either of the other oversight committees.

24.19 (f) The Budgetary Oversight Committee may make recommendations to the commissioner
 24.20 and to the senate and house of representatives committees with jurisdiction over natural
 24.21 resources finance for outcome goals from expenditures.

24.22 (g) The committees authorized under this subdivision are not advisory councils or
 24.23 committees governed by section 15.059 and are not subject to section 15.059. Committee
 24.24 members appointed by the commissioner may request reimbursement for mileage expenses
 24.25 in the same manner and amount as authorized by the commissioner's plan adopted under
 24.26 section 43A.18, subdivision 2. Committee members must not receive daily compensation
 24.27 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight
 24.28 Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

24.29 Sec. 28. Minnesota Statutes 2018, section 97A.126, is amended to read:

24.30 **97A.126 WALK-IN ACCESS PROGRAM.**

24.31 Subdivision 1. **Establishment.** A walk-in access program is established to provide public
 24.32 access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting,
 24.33 excluding trapping, as provided under this section. The commissioner may enter into

25.1 agreements with other units of government and landowners to provide ~~private land~~ hunting
25.2 access.

25.3 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have
25.4 a walk-in access hunter validation in possession to hunt on ~~private~~ lands, including
25.5 agricultural lands, that are posted as being enrolled in the walk-in access program.

25.6 (b) Hunting on ~~private~~ lands that are posted as enrolled in the walk-in access program
25.7 is allowed from one-half hour before sunrise to one-half hour after sunset.

25.8 (c) Hunter access on ~~private~~ lands that are posted as enrolled in the walk-in access
25.9 program is restricted to nonmotorized use, except by hunters with disabilities operating
25.10 motor vehicles on established trails or field roads who possess a valid permit to shoot from
25.11 a stationary vehicle under section 97B.055, subdivision 3.

25.12 (d) The general provisions for use of wildlife management areas adopted under sections
25.13 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,
25.14 firearms and target shooting, hunting stands, abandonment of trash and property, destruction
25.15 or removal of property, introduction of plants or animals, and animal trespass, apply to
25.16 hunters on lands enrolled in the walk-in access program.

25.17 (e) Any use of enrolled lands other than hunting according to this section is prohibited,
25.18 including:

25.19 (1) harvesting bait, including minnows, leeches, and other live bait;

25.20 (2) training dogs or using dogs for activities other than hunting; and

25.21 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,
25.22 or other structure, unless constructed or maintained by the landowner.

25.23 Sec. 29. Minnesota Statutes 2018, section 97A.433, subdivision 4, is amended to read:

25.24 Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may
25.25 conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area.
25.26 Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in
25.27 the area, and their family members, are eligible for the separate selection. Persons that are
25.28 unsuccessful in a separate selection must be included in the selection for the remaining
25.29 licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk~~
25.30 ~~hunting on their land during the elk season for which the license is valid.~~ may sell their
25.31 license to any Minnesota resident eligible to hunt big game for no more than the original
25.32 cost of the license.

26.1 (b) The commissioner may by rule establish criteria for determining eligible family
26.2 members under this subdivision.

26.3 Sec. 30. Minnesota Statutes 2018, section 97A.433, subdivision 5, is amended to read:

26.4 Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate
26.5 selection for 20 percent of the elk licenses to be issued each year. Only individuals who
26.6 have applied at least ten times for an elk license and who have never received a license are
26.7 eligible for this separate selection. A person who is unsuccessful in a separate selection
26.8 under this subdivision must be included in the selection for the remaining licenses.

26.9 Sec. 31. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

26.10 Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take
26.11 small game must be increased by a surcharge of \$6.50, except licenses under subdivisions
26.12 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional
26.13 commission may not be assessed on the surcharge and the following statement must be
26.14 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid
26.15 by hunters for the acquisition and development of wildlife lands."

26.16 (b) A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident
26.17 and nonresident licenses to take small game. An additional commission may not be assessed
26.18 on the donation. The following statement must be included in the annual small-game-hunting
26.19 regulations: "The small-game license donations are being paid by hunters for administration
26.20 of the walk-in access program."

26.21 Sec. 32. Minnesota Statutes 2018, section 97C.345, is amended by adding a subdivision
26.22 to read:

26.23 Subd. 3b. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard
26.24 shad for use as bait for angling from July 1 to November 30 as allowed under section 84D.03,
26.25 subdivision 3.

26.26 (b) Cast nets used under this subdivision must be monofilament and may not exceed
26.27 five feet in radius. Mesh size must be from three-eighths-inch to five-eighths-inch bar
26.28 measure. A person may use up to two cast nets at one time.

26.29 Sec. 33. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

26.30 Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the
26.31 waters of this state, except:

- 27.1 (1) minnows;
- 27.2 (2) rough fish ~~excluding ciscoes~~;
- 27.3 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;
- 27.4 (4) fish taken under licensed commercial fishing operations;
- 27.5 (5) fish that are private aquatic life; and
- 27.6 (6) fish lawfully taken and subject to sale from other states and countries.

27.7 Sec. 34. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

27.8 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
 27.9 crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee),
 27.10 lake whitefish, and rough fish, the open season is continuous.

27.11 Sec. 35. Minnesota Statutes 2018, section 97C.815, subdivision 2, is amended to read:

27.12 Subd. 2. **Assignment.** (a) The commissioner shall assign licensed inland commercial
 27.13 fishing operators to commercial fishing areas and each operator ~~shall be~~ is obligated to fish
 27.14 in the area that the commissioner has assigned to them. The commissioner's assignment
 27.15 ~~shall be~~ is valid as long as the assigned operator continues to purchase a license, continues
 27.16 to provide an adequate removal effort in a good and professional manner, and is not convicted
 27.17 of two or more violations of laws or rules governing inland commercial fishing operations
 27.18 during any one license period. In the operator assignment, the commissioner shall consider
 27.19 the proximity of the operator to the area, the type and quantity of fish gear and equipment
 27.20 possessed, knowledge of the affected waters, and general ability to perform the work well.

27.21 (b) Area assignments must not restrict permits and contracts that the commissioner issues
 27.22 to governmental subdivisions and their subcontractors for invasive species control.

27.23 Sec. 36. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

27.24 Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides~~
 27.25 ~~a match utilizing a water implementation tax or other local source. A water implementation~~
 27.26 ~~tax that a county intends to use as a match to the base grant must be levied at a rate sufficient~~
 27.27 ~~to generate a minimum amount determined by the board.~~ The board may award
 27.28 performance-based, watershed-based, or program-based grants or other financial assistance
 27.29 to local units of government that are responsible for implementing elements of applicable
 27.30 portions of watershed management plans, comprehensive plans, local water management
 27.31 plans, or comprehensive watershed management plans, developed or amended, adopted and

28.1 approved, according to chapter 103B, 103C, or 103D. Upon request by a local government
 28.2 unit, the board may also award performance-based grants to local units of government to
 28.3 carry out TMDL implementation plans as provided in chapter 114D, if the TMDL
 28.4 implementation plan has been incorporated into the local water management plan according
 28.5 to the procedures for approving comprehensive plans, watershed management plans, local
 28.6 water management plans, or comprehensive watershed management plans under chapter
 28.7 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review
 28.8 process. Notwithstanding section 16A.41, the board may award performance-based,
 28.9 watershed-based, or program-based grants or other financial assistance on an advanced
 28.10 basis and may prescribe the amount of local match required. ~~The fee authorized in section~~
 28.11 ~~40A.152 may be used as a local match or as a supplement to state funding to accomplish~~
 28.12 ~~implementation of comprehensive plans, watershed management plans, local water~~
 28.13 ~~management plans, or comprehensive watershed management plans under this chapter and~~
 28.14 ~~chapter 103C or 103D.~~ The board may enter into intergovernmental agreements to provide
 28.15 funding for water management to local governments.

28.16 Sec. 37. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

28.17 Subd. 9. ~~Performance-based Criteria.~~ (a) The board shall must develop and utilize use
 28.18 performance-based criteria for local water resources restoration, protection, and management
 28.19 programs and projects. The criteria may include but are not limited to science-based
 28.20 assessments, organizational capacity, priority resource issues, community outreach and
 28.21 support, partnership potential, potential for multiple benefits, and program and project
 28.22 delivery efficiency and effectiveness.

28.23 (b) Notwithstanding paragraph (a), the board may develop and use eligibility criteria
 28.24 for state grants or other financial assistance provided to local governments.

28.25 Sec. 38. Minnesota Statutes 2018, section 103B.611, subdivision 3, is amended to read:

28.26 Subd. 3. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and
 28.27 115, and the rules and regulations of the respective agencies and governing bodies vested
 28.28 with jurisdiction and authority under those chapters, the district has the following powers
 28.29 on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected
 28.30 to the lake:

28.31 (1) to regulate the types of boats permitted to use the lake and set service fees;

28.32 (2) to regulate, maintain, and police public beaches, public docks, and other public
 28.33 facilities for access to the lake within the territory of the municipalities, provided that a

29.1 municipality may supersede the district's action under this clause by adopting an ordinance
29.2 specifically referring to the district's action by one year after the district's action;

29.3 (3) to limit by rule the use of the lake at various times and the use of various parts of
29.4 the lake;

29.5 (4) to regulate the speed of boats on the lake and the conduct of other activities on the
29.6 lake to secure the safety of the public and the most general public use;

29.7 (5) to contract with other law enforcement agencies to police the lake and its shore;

29.8 (6) to regulate the construction, installation, and maintenance of permanent and temporary
29.9 docks and moorings consistent with federal and state law;

29.10 (7) to regulate the construction and use of mechanical and chemical means of deicing
29.11 the lake and to regulate mechanical and chemical means of removal of weeds and algae
29.12 from the lake;

29.13 (8) to regulate the construction, configuration, size, location, and maintenance of
29.14 commercial marinas and their related facilities ~~including parking areas and sanitary facilities~~
29.15 that affect activity below the ordinary high-water mark. ~~The regulation shall~~ authority under
29.16 this clause does not apply to land-based marina activities, including storage facilities, and
29.17 must be consistent with the applicable state statutes, municipal building codes, and zoning
29.18 ordinances where the marinas are located;

29.19 (9) to contract with other governmental bodies to perform any of the functions of the
29.20 district;

29.21 (10) to undertake research to determine the condition and development of the lake and
29.22 the water entering it and to transmit their studies to the Pollution Control Agency and other
29.23 interested authorities, and to develop a comprehensive program to eliminate pollution;

29.24 (11) to receive financial assistance from and join in projects or enter into contracts with
29.25 federal and state agencies for the study and treatment of pollution problems and
29.26 demonstration programs related to them; and

29.27 (12) to petition the board of managers of a watershed district in which the lake
29.28 conservation district is located for improvements under section 103D.705; a bond is not
29.29 required of the lake conservation district.

29.30 For purposes of this subdivision "watercourses connected to the lake" does not include
29.31 channels connecting portions of the lake to one another.

30.1 Sec. 39. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

30.2 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management
30.3 plan program under section 103B.101, subdivision 14, paragraph (a), are to:

30.4 (1) align local water planning purposes and procedures under this chapter and chapters
30.5 103C and 103D on watershed boundaries to create a systematic, watershed-wide,
30.6 science-based approach to watershed management;

30.7 (2) acknowledge and build off existing local government structure, water plan services,
30.8 and local capacity;

30.9 (3) incorporate and make use of data and information, including watershed restoration
30.10 and protection strategies under section 114D.26, which may serve to fulfill all or some of
30.11 the requirements under chapter 114D;

30.12 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

30.13 (5) focus on implementation of prioritized and targeted actions capable of achieving
30.14 measurable progress; and

30.15 (6) serve as a substitute for a comprehensive plan, local water management plan, or
30.16 watershed management plan developed or amended, approved, and adopted, according to
30.17 this chapter or chapter 103C or 103D.

30.18 Sec. 40. Minnesota Statutes 2018, section 103B.801, subdivision 5, is amended to read:

30.19 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June
30.20 30, 2016, a transition plan for development, approval, adoption, and coordination of plans
30.21 consistent with section 103A.212. The transition plan must include a goal of completing
30.22 statewide transition to comprehensive watershed management plans by 2025. The
30.23 metropolitan area may be considered for inclusion in the transition plan. The board may
30.24 amend the transition plan no more than once every two years.

30.25 (b) The board may use the authority under section 103B.3369, subdivision 9, to support
30.26 development or implementation of a comprehensive watershed management plan under this
30.27 section.

30.28 Sec. 41. [103C.332] SOIL AND WATER CONSERVATION DISTRICTS; DUTIES
30.29 AND SERVICES.

30.30 Subdivision 1. Duties. In addition to any other duty prescribed by law, soil and water
30.31 conservation districts must:

- 31.1 (1) respond to and provide technical and financial assistance to landowners to maintain
31.2 and improve the quality, quantity, distribution, and sustainability of natural resources,
31.3 including surface water, groundwater, soil, and ecological resources;
- 31.4 (2) provide technical assistance in implementing the soil erosion law under sections
31.5 103F.401 to 103F.48;
- 31.6 (3) arrange for employees to serve on technical evaluation panels to implement the
31.7 wetland laws as required under section 103G.2242;
- 31.8 (4) locally administer the reinvest in Minnesota reserve program under section 103F.515
31.9 and rules adopted thereunder, using knowledge of local resources to manage each easement
31.10 to maximize environmental benefits;
- 31.11 (5) participate in administering the Wetland Conservation Act as provided under sections
31.12 103G.221 to 103G.2375, either in an advisory capacity or as the designated local government
31.13 unit administering the program;
- 31.14 (6) participate in the local water management program under chapter 103B, either in an
31.15 advisory capacity or as the designated local government unit administering the program;
- 31.16 (7) participate, as appropriate, in the comprehensive watershed management planning
31.17 program under section 103B.801;
- 31.18 (8) participate in disaster response efforts as provided in chapter 12A;
- 31.19 (9) provide technical recommendations to the Department of Natural Resources on
31.20 general permit applications under section 103G.301;
- 31.21 (10) provide technical assistance and local administration of the agricultural water quality
31.22 certification program under sections 17.9891 to 17.993;
- 31.23 (11) provide technical assistance for the agricultural land preservation program under
31.24 chapter 40A, where applicable;
- 31.25 (12) maintain compliance with section 15.99 for deadlines for agency action;
- 31.26 (13) coordinate with appropriate county officials on matters related to electing soil and
31.27 water conservation district supervisors;
- 31.28 (14) cooperate to the extent possible with federal, state, and local agencies and with
31.29 private organizations to avoid duplicating and to enhance implementing public and private
31.30 conservation initiatives within the jurisdiction of the district; and

32.1 (15) enter into cooperative agreements with the United States Department of Agriculture,
 32.2 Natural Resources Conservation Service, and other United States Department of Agriculture
 32.3 agencies to leverage federal technical and financial assistance.

32.4 Subd. 2. **Services provided.** To carry out the duties under subdivision 1 and implement
 32.5 the soil and water conservation policy of the state as stated in section 103A.206, soil and
 32.6 water conservation districts provide a range of services, including but not limited to:

32.7 (1) performing administrative services, including comprehensive and annual work
 32.8 planning, administering grants, leveraging outside funding, establishing fiscal accountability
 32.9 measures, reporting accomplishments, human resources management, and staff and supervisor
 32.10 development;

32.11 (2) providing technical expertise, including knowledge of local resources, performing
 32.12 technical evaluations and certifications, assessing concerns, and providing oversight in
 32.13 surveying, designing, and constructing conservation practices;

32.14 (3) providing information and education outreach, including increasing landowner
 32.15 awareness and knowledge of soil and water conservation program opportunities to protect
 32.16 soil and water resources and publicizing the benefits of soil and water conservation to the
 32.17 general public;

32.18 (4) facilitating regulatory processes for impacted landowners and providing technical
 32.19 review and comment on regulatory permits and development plans for regulations relating
 32.20 to soil and water conservation;

32.21 (5) administering projects and programs, including but not limited to the nonpoint source
 32.22 pollution abatement program; reinvest in Minnesota reserve conservation easements program;
 32.23 disaster response; local water management and comprehensive watershed management
 32.24 planning programs; and projects related to floodplains, lakes, streams and ditches, wetlands,
 32.25 upland resources, and groundwater resources, to maintain and improve the quality, quantity,
 32.26 distribution, and sustainability of natural resources, including surface water, groundwater,
 32.27 soil, and ecological resources;

32.28 (6) monitoring and inventorying to collect data that provide a baseline understanding of
 32.29 resource conditions and changes to the resources over time and analyzing and interpreting
 32.30 the data to support program implementation; and

32.31 (7) maintaining a modern technology infrastructure that facilitates planning and projects,
 32.32 including geographic information systems, modeling software, mobile workstations, survey

33.1 and design equipment and software, and other technology for linking landowners with
 33.2 conservation plans.

33.3 Sec. 42. Minnesota Statutes 2018, section 103E.021, subdivision 6, is amended to read:

33.4 Subd. 6. **Incremental ~~implementation~~ establishment; vegetated buffer strips and**
 33.5 **side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring
 33.6 appointment of viewers and redetermination of benefits and damages, a drainage authority
 33.7 may ~~implement~~ make findings and order the establishment of permanent buffer strips of
 33.8 perennial vegetation ~~approved by the drainage authority~~ or side inlet controls, or both,
 33.9 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,
 33.10 improve water quality, or maintain the efficiency of the drainage system. The drainage
 33.11 authority's finding that establishing permanent buffer strips of perennial vegetation or side
 33.12 inlet controls is necessary to control erosion and sedimentation, improve water quality, or
 33.13 maintain the efficiency of the drainage system is sufficient to confer jurisdiction under this
 33.14 subdivision. Preference should be given to planting native species of a local ecotype. The
 33.15 approved perennial vegetation ~~shall~~ must not impede future maintenance of the ditch. The
 33.16 permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward
 33.17 from the top edge of the existing constructed channel. Drainage system rights-of-way for
 33.18 the acreage and additional property required for the permanent strips must be acquired by
 33.19 the authority having jurisdiction.

33.20 (b) A project under this subdivision ~~shall~~ must be implemented as a repair according to
 33.21 section 103E.705, except that the drainage authority may appoint an engineer to examine
 33.22 the drainage system and prepare an engineer's repair report for the project.

33.23 (c) Damages ~~shall~~ must be determined by the drainage authority, or viewers, appointed
 33.24 by the drainage authority, according to section 103E.315, subdivision 8. A damages statement
 33.25 ~~shall~~ must be prepared, including an explanation of how the damages were determined for
 33.26 each property affected by the project, and filed with the auditor or watershed district. Within
 33.27 30 days after the damages statement is filed, the auditor or watershed district ~~shall~~ must
 33.28 prepare property owners' reports according to section 103E.323, subdivision 1, clauses (1),
 33.29 (2), (6), (7), and (8), and mail a copy of the property owner's report and damages statement
 33.30 to each owner of property affected by the proposed project.

33.31 (d) After a damages statement is filed, the drainage authority ~~shall~~ must set a time, by
 33.32 order, not more than 30 days after the date of the order, for a hearing on the project. At least
 33.33 ten days before the hearing, the auditor or watershed district ~~shall~~ must give notice by mail

34.1 of the time and location of the hearing to the owners of property and political subdivisions
34.2 likely to be affected by the project.

34.3 (e) The drainage authority ~~shall~~ must make findings and order the repairs to be made if
34.4 the drainage authority determines from the evidence presented at the hearing and by the
34.5 viewers and engineer, if appointed, that the repairs are necessary for the drainage system
34.6 and the costs of the repairs are within the limitations of section 103E.705.

34.7 Sec. 43. Minnesota Statutes 2018, section 103E.071, is amended to read:

34.8 **103E.071 COUNTY ATTORNEY.**

34.9 The county attorney shall represent the county in all drainage proceedings and related
34.10 matters without special compensation, except as provided in section 388.09, subdivision 1.
34.11 A county attorney, the county attorney's assistant, or any attorney associated with the county
34.12 attorney in business; may not otherwise appear in any drainage proceeding for any interested
34.13 person.

34.14 Sec. 44. Minnesota Statutes 2018, section 103E.351, subdivision 1, is amended to read:

34.15 Subdivision 1. **Conditions to redetermine benefits and damages; appointing**
34.16 **viewers.** (a) If the drainage authority determines that the ~~original~~ benefits or damages of
34.17 record determined in a drainage proceeding do not reflect reasonable ~~present-day~~ present-day
34.18 land values or that the benefited or damaged areas have changed, ~~or if more than 50 percent~~
34.19 ~~of the owners of property benefited or damaged by a drainage system petition for correction~~
34.20 ~~of an error that was made at the time of the proceedings that established the drainage system,~~
34.21 the drainage authority may appoint three viewers to redetermine and report the benefits and
34.22 damages and the benefited and damaged areas.

34.23 (b) If more than 26 percent of the owners of property or owners of 26 percent of the
34.24 property that is benefited or damaged by a drainage system petition to redetermine benefits
34.25 and damages, the drainage authority must make a determination on the petition according
34.26 to paragraph (a).

34.27 Sec. 45. Minnesota Statutes 2018, section 103E.351, subdivision 2, is amended to read:

34.28 Subd. 2. **Hearing and procedure.** (a) The redetermination of benefits and damages
34.29 ~~shall~~ must proceed as provided for viewers and the viewers' report in sections 103E.311 to
34.30 103E.321.

35.1 (b) The auditor or secretary must prepare a property owners' report from the viewers'
 35.2 report. A copy of the property owners' report must be mailed to each owner of property
 35.3 affected by the drainage system.

35.4 (c) The drainage authority ~~shall~~ must hold a final hearing on the report and confirm the
 35.5 benefits and damages and benefited and damaged areas. The final hearing ~~shall~~ must proceed
 35.6 as provided under sections 103E.325, 103E.335, and 103E.341, ~~except that the hearing shall~~
 35.7 ~~be held within 30 days after the property owners' report is mailed.~~

35.8 Sec. 46. Minnesota Statutes 2018, section 103E.351, subdivision 3, is amended to read:

35.9 Subd. 3. **Using redetermined benefits and damages.** The redetermined benefits and
 35.10 damages and the redetermined benefited and damaged areas must be used in place of the
 35.11 ~~original~~ benefits and damages of record and the benefited and damaged areas of record in
 35.12 all subsequent proceedings relating to the drainage system.

35.13 Sec. 47. **[103E.729] APPORTIONING REPAIR COSTS; ALTERNATIVE OPTION.**

35.14 Subdivision 1. **Option.** Notwithstanding any conflicting provision of this chapter, a
 35.15 drainage authority may use the option under this section to apportion repair costs on all
 35.16 property contributing runoff to the drainage system according to the relative runoff and
 35.17 relative sediment delivery determined in an approved report to apportion repair costs prepared
 35.18 according to subdivision 2. Repair costs apportioned using the method in this section are
 35.19 charges for property contributing runoff to the drainage system that must be considered
 35.20 repair cost assessments under this chapter.

35.21 Subd. 2. **Report to apportion repair costs.** (a) When the drainage authority determines
 35.22 that a drainage system repair is necessary, the drainage authority may apportion costs for
 35.23 repairing a drainage system based on relative runoff and relative sediment delivery from
 35.24 any property, public road, street, railway, or other utility contributing runoff to the drainage
 35.25 system as provided in this section. If the method under this section is used, costs must be
 35.26 determined before ordering the repair of all or any part of a drainage system as provided in
 35.27 section 103E.705, subdivision 3, or 103E.715, subdivision 4, or before levying an assessment
 35.28 for a repair fund as provided in section 103E.735, subdivision 1.

35.29 (b) The drainage authority must appoint one or more persons qualified to use geographic
 35.30 information system technology and applicable digital information, including but not limited
 35.31 to conditioned topographic data, soils and land use data, and property, road, and utility
 35.32 corridor identification data, together with appropriate on-site verification, to equitably
 35.33 apportion repair costs.

36.1 (c) The person or persons conducting the cost apportionment must file a report to
36.2 apportion repair costs with the drainage authority explaining in nontechnical language the
36.3 method, data, and interpretations used and the results of the cost apportionment. The report
36.4 must present data and results in a format so that individual property owners, political
36.5 subdivisions, and utilities can clearly examine the information applicable to their property,
36.6 public road, street, railway, or other utility, including for each parcel having a separate
36.7 property identification number.

36.8 Subd. 3. **Hearing on report.** (a) When a report to apportion repair costs is filed, the
36.9 drainage authority, in consultation with the auditor or secretary, must set a time, by order,
36.10 for a hearing on the report not more than 30 days after the date of the order. At least 20 days
36.11 before the hearing, the auditor or secretary must give notice by mail of the time and location
36.12 of the hearing to the owners of property, political subdivisions, and utilities proposed to be
36.13 assessed in the report. The notice of hearing must include a copy of the portion of the report
36.14 explaining in nontechnical language the method, data, and interpretations used; the results
36.15 of the cost apportionment applicable to the property owner, political subdivision, or utility
36.16 receiving notice; and a statement of the location where the entire report to apportion repair
36.17 costs has been filed for public inspection.

36.18 (b) At the hearing, the drainage authority must hear and consider the testimony presented
36.19 by all interested parties. At least one person responsible for preparing the report to apportion
36.20 repair costs must be present at the initial hearing.

36.21 (c) If the drainage authority determines that the apportionment of costs is inequitable,
36.22 the drainage authority may amend the report to apportion repair costs and must make
36.23 necessary and proper findings and an order in relation to the report, or resubmit matters to
36.24 the report preparer for further consideration. If matters are resubmitted, the hearing may be
36.25 continued as necessary to make and hear an amended report. The report preparer must
36.26 proceed promptly to reconsider resubmitted matters and must make and file an amended
36.27 report. The drainage authority may replace the original report with the amended report to
36.28 apportion repair costs and make necessary and proper findings and an order to approve the
36.29 amended report. The jurisdiction of the drainage authority continues in the property given
36.30 proper notice, and new or additional notice is not required for that property.

36.31 Subd. 4. **Findings; approval.** After considering the report to apportion repair costs, any
36.32 amended report, and all evidence presented, the drainage authority must make findings,
36.33 approve the report, and apportion repair costs consistent with the values in the report to
36.34 apportion repair costs if the drainage authority finds that the cost apportionment is equitable
36.35 because:

37.1 (1) the weighting of relative runoff and relative sediment delivery is appropriate for the
37.2 type of repair;

37.3 (2) the data inputs are reliable; and

37.4 (3) the computation method is reliable.

37.5 Subd. 5. **Report updates.** The drainage authority may continue to apportion repair costs
37.6 consistent with the values in the report to apportion repair costs of record. After a report to
37.7 apportion repair costs has been approved under this subdivision, an owner of property, a
37.8 political subdivision, or a utility assessed in the report of record may request in writing that
37.9 the drainage authority update the report based on changed land use. The request must be
37.10 filed with the auditor of the county where the property is located or the secretary. Before
37.11 the drainage authority approves a repair cost assessment for the drainage system, the drainage
37.12 authority must determine if the report to apportion repair costs of record reasonably reflects
37.13 current land use, relative runoff, and relative sediment delivery. If it does not so reflect, the
37.14 drainage authority must make findings and must appoint one or more persons to prepare
37.15 and file an updated report to apportion repair costs for the drainage system in accordance
37.16 with subdivision 2.

37.17 Subd. 6. **Conservation lands.** Proper consideration must be given to property that is
37.18 used for conservation that prohibits development or land use change by ownership, deed
37.19 restriction, or conservation easement, or is enrolled in a program that prohibits agricultural
37.20 crop production.

37.21 Subd. 7. **Appeals.** The owner of any property subject to cost apportionment listed in the
37.22 adopted report to apportion repair costs may appeal the findings of the drainage authority
37.23 under subdivision 4 as provided in section 103E.095.

37.24 Subd. 8. **Definitions.** For purposes of this section:

37.25 (1) "relative runoff" means the surface and subsurface runoff potential from a specific
37.26 property compared on an equitable basis to all other properties contributing runoff to the
37.27 drainage system; and

37.28 (2) "relative sediment delivery" means the sediment delivery potential from a specific
37.29 property compared on an equitable basis to all other properties contributing runoff to the
37.30 drainage system.

37.31 Subd. 9. **Sunset.** This section expires on July 31, 2024.

38.1 Sec. 48. Minnesota Statutes 2018, section 103F.361, subdivision 2, is amended to read:

38.2 Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize
 38.3 and direct the board and ~~the counties~~ zoning authorities to implement the plan for the
 38.4 Mississippi headwaters area.

38.5 Sec. 49. Minnesota Statutes 2018, section 103F.363, subdivision 1, is amended to read:

38.6 Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of
 38.7 Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other
 38.8 zoning authorities.

38.9 Sec. 50. Minnesota Statutes 2018, section 103F.365, is amended by adding a subdivision
 38.10 to read:

38.11 Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships,
 38.12 local and special governmental units, joint powers boards, councils, commissions, boards,
 38.13 districts, and all state agencies and departments wholly or partially within the corridor
 38.14 defined by the plan, excluding statutory or home rule charter cities.

38.15 Sec. 51. Minnesota Statutes 2018, section 103F.371, is amended to read:

38.16 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

38.17 (a) All local and special governmental units, councils, commissions, boards and districts
 38.18 and all state agencies and departments must exercise their powers so as to further the purposes
 38.19 of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and
 38.20 political subdivisions shall be administered in accordance with the plan. The certification
 38.21 procedure under section 103F.373 applies to all zoning authorities in the corridor defined
 38.22 by the plan.

38.23 (b) Actions that comply with the land use ordinance are consistent with the plan. Actions
 38.24 that do not comply with the ordinance may not be started until the board has been notified
 38.25 and given an opportunity to review and comment on the consistency of the action with this
 38.26 section.

38.27 Sec. 52. Minnesota Statutes 2018, section 103F.373, subdivision 1, is amended to read:

38.28 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified
 38.29 exceptions in particular cases and to promote uniformity in the treatment of applications
 38.30 for exceptions, a review and certification procedure is established for the following categories

39.1 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting
 39.2 land use within the area covered by the plan:

39.3 (1) the adoption or amendment of an ordinance regulating the use of land, including
 39.4 rezoning of particular tracts of land;

39.5 (2) the granting of a variance from provisions of the land use ordinance; and

39.6 (3) the approval of a plat which is inconsistent with the land use ordinance.

39.7 Sec. 53. Minnesota Statutes 2018, section 103F.373, subdivision 3, is amended to read:

39.8 Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when
 39.9 a hearing is not required, a copy of the application to consider an action of a type specified
 39.10 in subdivision 1, clauses (1) to (3), must be forwarded to the board by the ~~county~~ zoning
 39.11 authority at least 15 days before the hearing or meetings to consider the actions. The ~~county~~
 39.12 zoning authority shall notify the board of its final decision on the proposed action within
 39.13 ten days of the decision. By 30 days after the board receives the notice, the board shall
 39.14 notify the ~~county~~ zoning authority and the applicant of ~~its~~ the board's approval or disapproval
 39.15 of the proposed action.

39.16 Sec. 54. Minnesota Statutes 2018, section 103F.373, subdivision 4, is amended to read:

39.17 Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board,
 39.18 the ~~county~~ zoning authority or the applicant may, within 30 days of the notice, file with the
 39.19 board a demand for a hearing. If a demand is not filed within the 30-day period, the
 39.20 disapproval becomes final.

39.21 (b) If a demand is filed within the 30-day period, a hearing must be held within 60 days
 39.22 of demand. The hearing must be preceded by two weeks' published notice. Within 30 days
 39.23 after the hearing, the board must:

39.24 (1) affirm its disapproval of the proposed action; or

39.25 (2) certify approval of the proposed action.

39.26 Sec. 55. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

39.27 Subdivision 1. **Conditions to affect public waters.** An agent or employee of another
 39.28 may not construct, reconstruct, remove, or make a change in a reservoir, dam, or waterway
 39.29 obstruction on a public water or in any manner change or diminish the course, current, or
 39.30 cross section of public waters unless the agent or employee has:

40.1 (1) obtained a signed statement from the property owner stating that the permits required
40.2 for the work have been obtained or a permit is not required; and

40.3 (2) mailed or electronically transmitted a copy of the statement to the regional office of
40.4 the Department of Natural Resources where the proposed work is located.

40.5 Sec. 56. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

40.6 Subd. 3. **Form for compliance.** The commissioner shall develop a form to be distributed
40.7 to contractors' associations and county auditors to comply with this section. The form must
40.8 include:

40.9 (1) a listing of the activities for which a permit is required;

40.10 (2) a description of the penalties for violating this chapter;

40.11 (3) the mailing addresses, electronic mail addresses, and telephone numbers of the
40.12 regional offices of the Department of Natural Resources;

40.13 (4) a statement that water inventory maps completed according to section 103G.201 are
40.14 on file with the auditors of the counties; and

40.15 (5) spaces for a description of the work and the names, mailing addresses, electronic
40.16 mail addresses, and telephone numbers of the person authorizing the work and the agent or
40.17 employee proposing to undertake it.

40.18 Sec. 57. Minnesota Statutes 2018, section 103G.271, subdivision 7, is amended to read:

40.19 Subd. 7. **Transferring permit.** (a) A water-use permit may be transferred to a successive
40.20 owner of real property if the permittee conveys the real property where the source of water
40.21 is located. The new owner must notify the commissioner immediately after the conveyance
40.22 and request transfer of the permit. The commissioner must not deny the transfer of a permit
40.23 if:

40.24 (1) the permittee is in compliance with all permit conditions, as demonstrated by:

40.25 (i) the permit being valid at the time of the real property transfer; and

40.26 (ii) the permittee has complied with the total volume allowed under the water-use permit
40.27 prior to transferring the real property; and

40.28 (2) the permit meets the requirements of sections 103G.255 to 103G.301.

40.29 (b) The commissioner must not require additional conditions on the permit, reduce the
40.30 appropriation, or require any testing when transferring a permit.

41.1 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2010.

41.2 Sec. 58. Minnesota Statutes 2018, section 103G.271, is amended by adding a subdivision
41.3 to read:

41.4 Subd. 8. **Management plans; economic impacts.** Before a management plan for
41.5 appropriating water is prepared, the commissioner must provide estimates of the economic
41.6 impact of any new restriction or policy on existing and future groundwater users and local
41.7 governments in the affected area. Strategies to address economic impacts must be included
41.8 in the plan.

41.9 Sec. 59. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

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

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

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

41.18 (3) information on groundwater quality in terms of the measures of quality commonly
41.19 specified for the proposed water use and details on water treatment necessary for the proposed
41.20 use;

41.21 (4) the results of an aquifer test completed according to specifications approved by the
41.22 commissioner. The test must be conducted at the maximum pumping rate requested in the
41.23 application and for a length of time adequate to assess or predict impacts to other wells and
41.24 surface water and groundwater resources. The permit applicant is responsible for all costs
41.25 related to the aquifer test, including the construction of groundwater and surface water
41.26 monitoring installations, and water level readings before, during, and after the aquifer test;
41.27 and

41.28 (5) the results of any assessments conducted by the commissioner under paragraph (c).

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

42.1 (c) The commissioner shall provide an assessment of a proposed well needing a
42.2 groundwater appropriation permit. The commissioner shall evaluate the information submitted
42.3 as required under section 103I.205, subdivision 1, paragraph (e), and determine whether
42.4 the anticipated appropriation request is likely to meet the applicable requirements of this
42.5 chapter. If the appropriation request is likely to meet applicable requirements, the
42.6 commissioner shall provide the person submitting the information with a letter or
42.7 electronically transmitted notice providing preliminary approval to construct the well and
42.8 the requirements, including test-well information, that will be needed to obtain the permit.

42.9 (d) The commissioner must provide an applicant denied a groundwater use permit or
42.10 issued a groundwater use permit that is reduced or restricted from the original request with
42.11 all information the commissioner used in making the determination, including hydrographs,
42.12 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment
42.13 calibration.

42.14 Sec. 60. Minnesota Statutes 2018, section 103G.287, subdivision 4, is amended to read:

42.15 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
42.16 groundwater management areas and limit total annual water appropriations and uses within
42.17 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
42.18 quality, and the ability of future generations to meet their own needs. Water appropriations
42.19 and uses within a designated management area must be consistent with a groundwater
42.20 management area plan approved by the commissioner that addresses water conservation
42.21 requirements and water allocation priorities established in section 103G.261. During the
42.22 development of a groundwater management plan, the commissioner and employees and
42.23 agents of the department may disseminate information related to the timing, location, and
42.24 agendas of meetings related to the plan, but shall otherwise limit public information
42.25 disseminated related to the groundwater management area to direct factual responses to
42.26 public and media inquires. At least 30 days prior to implementing or modifying a groundwater
42.27 management area plan under this subdivision, the commissioner shall consult with the
42.28 advisory team established in paragraph (c).

42.29 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota
42.30 Rules, within designated groundwater management areas, the commissioner may require
42.31 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water
42.32 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers
42.33 serving less than 25 persons for domestic purposes. The commissioner may waive the
42.34 requirements under section 103G.281 for general permits issued under this paragraph, and

43.1 the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general
43.2 permits issued under this paragraph.

43.3 (c) When designating a groundwater management area, the commissioner shall assemble
43.4 an advisory team to assist in developing a groundwater management area plan for the area.
43.5 The advisory team members shall be selected from public and private entities that have an
43.6 interest in the water resources affected by the groundwater management area. A majority
43.7 of the advisory team members shall be public and private entities that currently hold water-use
43.8 permits for water appropriations from the affected water resources. The commissioner shall
43.9 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the
43.10 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships
43.11 in appointing the local government representatives to the advisory team. The advisory team
43.12 may also include representatives from the University of Minnesota, the Minnesota State
43.13 Colleges and Universities, other institutions of higher learning in Minnesota, political
43.14 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and
43.15 federal agencies.

43.16 (d) Before designating a groundwater management area, the commissioner must provide
43.17 estimates of the economic effect of any new restriction or policy on existing and future
43.18 groundwater users and local governments in the affected area. Strategies to address economic
43.19 impacts must be included in any plan.

43.20 Sec. 61. Minnesota Statutes 2018, section 103G.287, subdivision 5, is amended to read:

43.21 Subd. 5. **Sustainability standard.** (a) The commissioner may issue water-use permits
43.22 for appropriation from groundwater only if the commissioner determines that the groundwater
43.23 use is sustainable to supply the needs of future generations and the proposed use will not
43.24 harm ecosystems, degrade water, or reduce water levels beyond the reach of public water
43.25 supply and private domestic wells constructed according to Minnesota Rules, chapter 4725.

43.26 (b) For the purposes of this subdivision and subdivision 4, "sustainable" means a change
43.27 in hydrologic regime of 20 percent or less relative to the August median stream flow.

43.28 Sec. 62. Minnesota Statutes 2018, section 103G.289, is amended to read:

43.29 **103G.289 WELL INTERFERENCE; ~~WELL SEALING VALIDATION;~~**
43.30 **CONTESTED CASE.**

43.31 (a) The commissioner shall not validate a claim for well interference ~~claim~~ if the affected
43.32 well has been sealed prior to the completion of the commissioner's investigation of the

44.1 complaint. If the well is sealed prior to completion of the investigation, the commissioner
44.2 must dismiss the complaint.

44.3 (b) When validating a claim for well interference, the commissioner must take into
44.4 account the condition of the affected well.

44.5 (c) Within 30 days after the commissioner's decision on a claim for well interference, a
44.6 party ordered by the commissioner to contribute to an affected well owner may petition for
44.7 a contested case hearing under sections 14.57 to 14.62. The commissioner must grant the
44.8 petitioner a contested case hearing on the commissioner's decision.

44.9 Sec. 63. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

44.10 Subd. 2. **Hearing notice.** (a) The hearing notice on an application must include:

44.11 (1) the date, place, and time fixed by the commissioner for the hearing;

44.12 (2) the waters affected, the water levels sought to be established, or control structures
44.13 proposed; and

44.14 (3) the matters prescribed by sections 14.57 to 14.59 and rules adopted thereunder.

44.15 (b) A summary of the hearing notice must be published by the commissioner at the
44.16 expense of the applicant or, if the proceeding is initiated by the commissioner in the absence
44.17 of an applicant, at the expense of the commissioner.

44.18 (c) The summary of the hearing notice must be:

44.19 (1) published once a week for two successive weeks before the day of hearing in a legal
44.20 newspaper published in the county where any part of the affected waters is located; and

44.21 (2) mailed or electronically transmitted by the commissioner to the county auditor, the
44.22 mayor of a municipality, the watershed district, and the soil and water conservation district
44.23 affected by the application.

44.24 Sec. 64. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

44.25 Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing
44.26 or denying the permit, the applicant, the managers of the watershed district, the board of
44.27 supervisors of the soil and water conservation district, or the governing body of the
44.28 municipality may file a demand for hearing on the application. The demand for a hearing
44.29 must be filed within 30 days after mailed or electronically transmitted notice of the order
44.30 with the bond required by subdivision 6.

45.1 (b) The commissioner must give notice as provided in subdivision 2, hold a hearing on
45.2 the application, and make a determination on issuing or denying the permit as though the
45.3 previous order had not been made.

45.4 (c) The order issuing or denying the permit becomes final at the end of 30 days after
45.5 mailed or electronically transmitted notice of the order to the applicant, the managers of the
45.6 watershed district, the board of supervisors of the soil and water conservation district, or
45.7 the governing body of the municipality, and an appeal of the order may not be taken if:

45.8 (1) the commissioner waives a hearing and a demand for a hearing is not made; or

45.9 (2) a hearing is demanded but a bond is not filed as required by subdivision 6.

45.10 Sec. 65. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:

45.11 Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by
45.12 publication of the order once a week for two successive weeks in a legal newspaper in the
45.13 county where the hearing was held and by mailing or electronically transmitting copies of
45.14 the order to parties who entered an appearance at the hearing.

45.15 Sec. 66. Minnesota Statutes 2018, section 103G.408, is amended to read:

45.16 **103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

45.17 (a) The commissioner, upon consideration of recommendations and objections as provided
45.18 in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the
45.19 temporary drawdown of a public water when:

45.20 (1) the public water is a shallow lake to be managed for fish, wildlife, or ecological
45.21 purposes by the commissioner and the commissioner has conducted a public hearing
45.22 presenting a comprehensive management plan outlining how and when temporary drawdowns
45.23 under this section will be conducted; or

45.24 (2) the permit applicant is a public entity and:

45.25 (i) the commissioner deems the project to be beneficial and makes findings of fact that
45.26 the drawdown is in the public interest;

45.27 (ii) the permit applicant has obtained permission from at least 75 percent of the riparian
45.28 landowners; and

45.29 (iii) the permit applicant has conducted a public hearing according to paragraph (d).

46.1 (b) In addition to the requirements in section 103G.301, subdivision 6, the permit
46.2 applicant shall serve a copy of the application on each county, municipality, and watershed
46.3 management organization, if one exists, within which any portion of the public water is
46.4 located and on the lake improvement district, if one exists.

46.5 (c) A county, municipality, watershed district, watershed management organization, or
46.6 lake improvement district required to be served under paragraph (b) or section 103G.301,
46.7 subdivision 6, may file a written recommendation for the issuance of a permit or an objection
46.8 to the issuance of a permit with the commissioner within 30 days after receiving a copy of
46.9 the application.

46.10 (d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii),
46.11 must:

46.12 (1) include the date, place, and time for the hearing;

46.13 (2) include the waters affected and a description of the proposed project;

46.14 (3) be mailed or electronically transmitted to the director, the county auditor, the clerk
46.15 or mayor of a municipality, the lake improvement district if one exists, the watershed district
46.16 or water management organization, the soil and water conservation district, and all riparian
46.17 owners of record affected by the application; and

46.18 (4) be published in a newspaper of general circulation in the affected area.

46.19 (e) Periodic temporary drawdowns conducted under paragraph (a) ~~shall~~ are not be
46.20 considered takings from riparian landowners.

46.21 (f) This section does not apply to public waters that have been designated for wildlife
46.22 management under section 97A.101.

46.23 Sec. 67. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

46.24 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant
46.25 management permit" means an aquatic plant management permit as defined in rules of the
46.26 Department of Natural Resources that authorizes the selective control of invasive aquatic
46.27 plants to cause a significant reduction in the abundance of the invasive aquatic plant.

46.28 (b) The commissioner may waive the dated signature of approval requirement in rules
46.29 of the Department of Natural Resources for invasive aquatic plant management permits if
46.30 obtaining signatures would create an undue burden on the permittee or if the commissioner
46.31 determines that aquatic plant control is necessary to protect natural resources.

47.1 (c) If the signature requirement is waived under paragraph (b) because obtaining
 47.2 signatures would create an undue burden on the permittee, the commissioner shall require
 47.3 an alternate form of landowner notification, including news releases or public notices in a
 47.4 local newspaper, a public meeting, or a mailing or electronic transmission to the most recent
 47.5 permanent physical or electronic mailing address of affected landowners. The notification
 47.6 must be given annually and must include: the proposed date of treatment, the target species,
 47.7 the method of control or product being used, and instructions on how the landowner may
 47.8 request that control not occur adjacent to the landowner's property.

47.9 (d) The commissioner may allow dated signatures of approval obtained for an invasive
 47.10 aquatic plant management permit to satisfy rules of the Department of Natural Resources
 47.11 to remain valid for three years if property ownership remains unchanged.

47.12 Sec. 68. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision
 47.13 to read:

47.14 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water
 47.15 management plan" has the meaning given under section 103B.3363, subdivision 3.

47.16 Sec. 69. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision
 47.17 to read:

47.18 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed
 47.19 management plan" has the meaning given under section 103B.3363, subdivision 3a.

47.20 Sec. 70. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:

47.21 ~~Subd. 7. **Restoration.** "Restoration" means actions, including effectiveness monitoring,~~
 47.22 ~~that are taken to pursue, achieve, and maintain water quality standards for impaired waters~~
 47.23 ~~in accordance with a TMDL that has been approved by the United States Environmental~~
 47.24 ~~Protection Agency under federal TMDL requirements.~~

47.25 Sec. 71. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:

47.26 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a
 47.27 document detailing restoration strategies or activities needed to meet the approved TMDL's
 47.28 TMDL pollutant load allocations for point and nonpoint sources. This could include a
 47.29 WRAPS, a comprehensive watershed management plan, a comprehensive local water
 47.30 management plan, or another document or strategy that the commissioner of the Pollution

48.1 Control Agency determines to be, in whole or in part, sufficient to provide reasonable
 48.2 assurance of achieving applicable water quality standards.

48.3 Sec. 72. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:

48.4 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed
 48.5 restoration and protection strategy" or "WRAPS" means a document summarizing scientific
 48.6 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8
 48.7 ~~including the physical, chemical, and biological assessment of the water quality of the~~
 48.8 ~~watershed; identification of impairments and water bodies in need of protection; identification~~
 48.9 ~~of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the~~
 48.10 ~~impairments; and an implementation table containing~~ scale with strategies and actions
 48.11 designed to achieve and maintain water quality standards and goals.

48.12 Sec. 73. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:

48.13 Subd. 2. **Goals for implementation.** The following goals must guide the implementation
 48.14 of this chapter:

48.15 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~
 48.16 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface
 48.17 waters for impairments;

48.18 (2) to submit TMDLs to the United States Environmental Protection Agency ~~for all~~
 48.19 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

48.20 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration
 48.21 ~~of each identified impaired water~~ and protection activities in a reasonable time period;

48.22 (4) systematically evaluate waters, to provide assistance and incentives to prevent
 48.23 waters from becoming impaired, and to improve the quality of waters that are listed as
 48.24 impaired ~~but do not have an approved TMDL addressing the impairment;~~

48.25 (5) to promptly seek the delisting of waters from the impaired waters list when those
 48.26 waters are shown to achieve the designated uses applicable to the waters;

48.27 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

48.28 (7) to support effective measures to prevent the degradation of groundwater according
 48.29 to the groundwater degradation prevention goal under section 103H.001; and

48.30 (8) to support effective measures to restore degraded groundwater.

49.1 Sec. 74. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

49.2 Subd. 3. **Implementation policies.** The following policies must guide the implementation
49.3 of this chapter:

49.4 (1) develop regional ~~and~~ multiple pollutant, or watershed TMDLs and TMDL
49.5 ~~implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants~~
49.6 or WRAPSS, where reasonable and feasible;

49.7 (2) maximize use of available organizational, technical, and financial resources to perform
49.8 sampling, monitoring, and other activities to identify degraded groundwater and impaired
49.9 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution
49.10 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~
49.11 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner
49.12 of the Pollution Control Agency (2003);

49.13 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,
49.14 by prioritizing and targeting of available programmatic, financial, and technical resources
49.15 and by providing additional state resources to complement and leverage available resources;

49.16 (4) use existing regulatory authorities to achieve restoration for point and nonpoint
49.17 sources of pollution where applicable, and promote the development and use of effective
49.18 nonregulatory measures to address pollution sources for which regulations are not applicable;

49.19 (5) use restoration methods that have a demonstrated effectiveness in reducing
49.20 impairments and provide the greatest long-term positive impact on water quality protection
49.21 and improvement and related conservation benefits while incorporating innovative approaches
49.22 on a case-by-case basis;

49.23 (6) identify for the legislature any innovative approaches that may strengthen or
49.24 complement existing programs;

49.25 (7) identify and encourage implementation of measures to prevent surface waters from
49.26 becoming impaired and to improve the quality of waters that are listed as impaired but have
49.27 no approved TMDL addressing the impairment using the best available data and technology,
49.28 and establish and report outcome-based performance measures that monitor the progress
49.29 and effectiveness of protection and restoration measures;

49.30 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an
49.31 amount up to 150 percent of the financial assistance received for failure to comply; and

49.32 (9) identify and encourage implementation of measures to prevent groundwater from
49.33 becoming degraded and measures that restore groundwater resources.

50.1 Sec. 75. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

50.2 Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs.** The
 50.3 commissioner of the Pollution Control Agency must seek recommendations from the Clean
 50.4 Water Council ~~shall recommend~~, the commissioners of natural resources, health and
 50.5 agriculture, and the Board of Water and Soil Resources regarding priorities for scheduling
 50.6 and preparing WRAPs and TMDLs and TMDL implementation plans, taking into account
 50.7 the severity. Recommendations must consider the causes of the impairment impairments,
 50.8 the designated uses of ~~those~~ the waters, and other applicable federal TMDL requirements-
 50.9 In recommending priorities, the council shall also give consideration to, surface water and
 50.10 groundwater interactions, protection of high-quality waters, waters and watersheds with
 50.11 declining water quality trends, and waters used as drinking water sources. Furthermore,
 50.12 consideration must be given to waters and watersheds:

50.13 (1) ~~with impairments that pose~~ have the greatest potential risk to human health;

50.14 (2) ~~with impairments that pose~~ have the greatest potential risk to threatened or endangered
 50.15 species;

50.16 (3) ~~with impairments that pose~~ have the greatest potential risk to aquatic health;

50.17 (4) where other public agencies and participating organizations and individuals, especially
 50.18 local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have
 50.19 demonstrated readiness to assist in carrying out the responsibilities, including availability
 50.20 and organization of human, technical, and financial resources necessary to undertake the
 50.21 work; and

50.22 (5) where there is demonstrated coordination and cooperation among cities, counties,
 50.23 watershed districts, and soil and water conservation districts in planning and implementation
 50.24 of activities that will assist in carrying out the responsibilities.

50.25 Sec. 76. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

50.26 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall
 50.27 apply the priorities applicable under subdivision 6, as far as practicable, when recommending
 50.28 priorities for funding actions to prevent groundwater and surface waters from becoming
 50.29 degraded or impaired and to improve the quality of surface waters that are listed as impaired
 50.30 ~~but do not have an approved TMDL.~~

51.1 Sec. 77. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision
51.2 to read:

51.3 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the
51.4 commissioner of the Pollution Control Agency determines that a comprehensive watershed
51.5 management plan or comprehensive local water management plan contains information that
51.6 is sufficient and consistent with guidance from the United States Environmental Protection
51.7 Agency under section 303(d) of the federal Clean Water Act, the commissioner may submit
51.8 the plan to the Environmental Protection Agency according to federal TMDL requirements
51.9 as an alternative to developing a TMDL.

51.10 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for
51.11 waters or watersheds when the commissioner of the Pollution Control Agency determines
51.12 that a comprehensive watershed management plan, a comprehensive local water management
51.13 plan, or a statewide or regional strategy published by the Pollution Control Agency meets
51.14 the definition in section 114D.15, subdivision 11 or 13.

51.15 (c) The commissioner of the Pollution Control Agency may request that the Board of
51.16 Water and Soil Resources conduct an evaluation of the implementation efforts under a
51.17 comprehensive watershed management plan or comprehensive local water management
51.18 plan when the commissioner makes a determination under paragraph (b). The board must
51.19 conduct the evaluation in accordance with section 103B.102.

51.20 (d) The commissioner of the Pollution Control Agency may amend or revoke a
51.21 determination made under paragraph (a) or (b) after considering the evaluation conducted
51.22 under paragraph (c).

51.23 Sec. 78. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision
51.24 to read:

51.25 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,
51.26 or program for water quality improvement or protection that is conducted by a watershed
51.27 management organization or a local government unit with a comprehensive watershed
51.28 management plan or other water management plan approved according to chapter 103B,
51.29 103C, or 103D may be considered by the commissioner of the Pollution Control Agency
51.30 as contributing to the requirements of a storm water pollution prevention plan (SWPPP) for
51.31 a municipal separate storm sewer systems (MS4) permit unless the project, practice, or
51.32 program was previously documented as contributing to a different SWPPP for an MS4
51.33 permit.

52.1 Sec. 79. Minnesota Statutes 2018, section 114D.26, is amended to read:

52.2 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

52.3 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall
 52.4 develop watershed restoration and protection strategies. ~~To ensure effectiveness and~~
 52.5 accountability in meeting the goals of this chapter, for the purposes of:

52.6 (1) summarizing the physical, chemical, and biological assessment of the water quality
 52.7 of the watershed;

52.8 (2) quantifying impairments and risks to water quality;

52.9 (3) describing the causes of impairments and pollution sources;

52.10 (4) consolidating TMDLs in a major watershed; and

52.11 (5) informing comprehensive local water management plans and comprehensive
 52.12 watershed management plans.

52.13 (b) Each WRAPS shall ~~shall~~ must:

52.14 (1) identify impaired waters and waters in need of protection;

52.15 (2) identify biotic stressors causing impairments or threats to water quality;

52.16 (3) summarize TMDLs, watershed modeling outputs, and resulting pollution load
 52.17 allocations, ~~wasteload allocations~~, and ~~priority areas for targeting actions to improve water~~
 52.18 quality identify areas with high pollutant-loading rates;

52.19 ~~(4) identify point sources of pollution for which a national pollutant discharge elimination~~
 52.20 ~~system permit is required under section 115.03;~~

52.21 ~~(5) identify nonpoint sources of pollution for which a national pollutant discharge~~
 52.22 ~~elimination system permit is not required under section 115.03, with sufficient specificity~~
 52.23 ~~to prioritize and geographically locate watershed restoration and protection actions;~~

52.24 ~~(6) describe the current pollution loading and load reduction needed for each source or~~
 52.25 ~~source category to meet water quality standards and goals, including wasteload and load~~
 52.26 ~~allocations from TMDLs;~~

52.27 ~~(7) contain a plan for ongoing~~ (4) in consultation with local governments and other state
 52.28 agencies, identify water quality monitoring needed to fill data gaps, determine changing
 52.29 conditions, ~~and~~ or gauge implementation effectiveness; and

53.1 ~~(8)~~ (5) contain an ~~implementation table~~ of strategies and actions that are capable of
 53.2 cumulatively achieving needed pollution load reductions for point and nonpoint sources,
 53.3 including identifying:

53.4 (i) water quality parameters of concern;

53.5 (ii) current water quality conditions;

53.6 (iii) water quality goals, strategies, and targets by parameter of concern; and

53.7 (iv) strategies ~~and actions by parameter of concern~~ and an example of the scale of
 53.8 adoptions needed for each; with a timeline to meet the water quality restoration or protection
 53.9 goals of this chapter.

53.10 ~~(v) a timeline for achievement of water quality targets;~~

53.11 ~~(vi) the governmental units with primary responsibility for implementing each watershed~~
 53.12 ~~restoration or protection strategy; and~~

53.13 ~~(vii) a timeline and interim milestones for achievement of watershed restoration or~~
 53.14 ~~protection implementation actions within ten years of strategy adoption.~~

53.15 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in
 53.16 meeting the goals of this chapter, the commissioner of the Pollution Control Agency, in
 53.17 consultation with the Board of Water and Soil Resources and local government units, must
 53.18 coordinate the schedule, budget, scope, and use of a WRAPS and related documents and
 53.19 processes.

53.20 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the
 53.21 commissioner of the Pollution Control Agency must report on its the agency's website the
 53.22 progress toward implementation milestones and water quality goals for all adopted TMDLs
 53.23 and, where available, WRAPS.

53.24 Subd. 3. **Timelines; administration.** Each year, (a) The commissioner of the Pollution
 53.25 Control Agency must complete WRAPSs for at least ten percent of watershed restoration
 53.26 and protection strategies for the state's major watersheds. WRAPS shall be by June 30,
 53.27 2023, unless the commissioner determines that a comprehensive watershed management
 53.28 plan or comprehensive local water management plan, in whole or in part, meets the definition
 53.29 in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the
 53.30 strategies, in whole or in part, after consulting with the Board of Water and Soil Resources
 53.31 and local government units.

54.1 (b) Watershed restoration and protection strategies are governed by the procedures for
 54.2 approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the
 54.3 strategies need not be submitted to the United States Environmental Protection Agency.

54.4 Sec. 80. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

54.5 Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private
 54.6 entities involved in the implementation of implementing this chapter shall must encourage
 54.7 participation by the public and stakeholders, including local citizens, landowners and, land
 54.8 managers, and public and private organizations, in identifying impaired waters, in developing
 54.9 TMDLs, in planning, priority setting, and implementing restoration of impaired waters, in
 54.10 identifying degraded groundwater, and in protecting and restoring groundwater resources.

54.11 (b) In particular, the commissioner of the Pollution Control Agency shall must make
 54.12 reasonable efforts to provide timely information to the public and to stakeholders about
 54.13 impaired waters that have been identified by the agency. The agency shall seek broad and
 54.14 early public and stakeholder participation in scoping the activities necessary to develop a
 54.15 TMDL, including the scientific models, methods, and approaches to be used in TMDL
 54.16 development, and to implement restoration pursuant to section 114D.15, subdivision 7 and
 54.17 to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

54.18 (c) Public agencies and private entities using public funds that are involved in
 54.19 implementing restoration and protection identified in a comprehensive watershed
 54.20 management plan or comprehensive local water management plan must make efforts to
 54.21 inform, consult, and involve the public and stakeholders.

54.22 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil
 54.23 Resources must coordinate public and stakeholder participation in consultation with local
 54.24 government units. To the extent practicable, implementation of this chapter must be
 54.25 accomplished in cooperation with local, state, federal, and tribal governments and
 54.26 private-sector organizations.

54.27 Sec. 81. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

54.28 Subd. 3. **Education.** The Clean Water Council shall must develop strategies for
 54.29 informing, educating, and encouraging the participation of citizens, stakeholders, and others
 54.30 regarding the identification of impaired waters, development of TMDLs, development of
 54.31 TMDL implementation plans, implementation of restoration for impaired waters,
 54.32 identification of degraded groundwater, and protection and restoration of groundwater

55.1 ~~resources~~ this chapter. Public agencies ~~shall be~~ are responsible for implementing the
55.2 strategies.

55.3 Sec. 82. **[114D.47] NONPOINT FUNDING ALTERNATIVE.**

55.4 Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources
55.5 may, by board order, establish alternative timelines or content for the priority funding plan
55.6 for nonpoint sources under section 114D.50, subdivision 3a, and may use information from
55.7 comprehensive watershed management plans or comprehensive local water management
55.8 plans to estimate or summarize costs.

55.9 Sec. 83. Minnesota Statutes 2018, section 115.03, is amended by adding a subdivision to
55.10 read:

55.11 Subd. 5e. **Sugar beet storage.** The commissioner must not require a sugar beet company
55.12 that has a current national pollutant discharge elimination system permit or state disposal
55.13 system permit to install an engineered liner for a storm water runoff pond at a remote storage
55.14 site for sugar beets unless a risk assessment confirms that there is significant impact on
55.15 groundwater and that an engineered liner is necessary to prevent, control, or abate water
55.16 pollution. For purposes of this subdivision, "remote storage site for sugar beets" means an
55.17 area where sugar beets are temporarily stored before delivery to a sugar beet processing
55.18 facility and that is not located on land adjacent to the processing facility.

55.19 Sec. 84. Minnesota Statutes 2018, section 115A.51, is amended to read:

55.20 **115A.51 APPLICATION REQUIREMENTS.**

55.21 (a) Applications for assistance under the program ~~shall~~ must demonstrate:

55.22 ~~(a)~~ (1) that the project is conceptually and technically feasible;

55.23 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to
55.24 provide necessary local financing, and to accept and exercise the government powers
55.25 necessary to the project;

55.26 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security
55.27 of sources of solid waste and of markets for recovered resources, together with any proposed
55.28 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected
55.29 life of the project;

55.30 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
55.31 including using existing solid waste management facilities with reasonably available capacity

56.1 sufficient to accomplish the goals of the proposed project, and has compared and evaluated
 56.2 the costs of the alternatives, including capital and operating costs, and the effects of the
 56.3 alternatives on the cost to generators;

56.4 (5) that the applicant has identified:

56.5 (i) waste management objectives in applicable county and regional solid waste
 56.6 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),
 56.7 or 473.149, subdivision 1; and

56.8 (ii) other solid waste facilities identified in the county and regional plans; and

56.9 (6) that the applicant has conducted a comparative analysis of the project against existing
 56.10 public and private solid waste facilities, including an analysis of potential displacement of
 56.11 those facilities, to determine whether the project is the most appropriate alternative to achieve
 56.12 the identified waste management objectives that considers:

56.13 (i) conformity with approved county or regional solid waste management plans;

56.14 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision
 56.15 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

56.16 (iii) environmental standards related to public health, air, surface water, and groundwater.

56.17 (b) The commissioner may require completion of a comprehensive solid waste
 56.18 management plan conforming to the requirements of section 115A.46, before accepting an
 56.19 application. Within five days of filing an application with the agency, the applicant must
 56.20 submit a copy of the application to each solid waste management facility mentioned in the
 56.21 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

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

56.23 Sec. 85. Minnesota Statutes 2018, section 115B.421, is amended to read:

56.24 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

56.25 The closed landfill investment fund is established in the state treasury. The fund consists
 56.26 of money credited to the fund, and interest and other earnings on money in the fund.
 56.27 Beginning July 1, 2003, funds must be deposited as described in section 115B.445. The
 56.28 fund shall be managed to maximize long-term gain through the State Board of Investment.
 56.29 Money in the fund may only be spent ~~by the commissioner~~ after fiscal year 2020 in
 56.30 accordance with sections 115B.39 to 115B.444 as appropriated by law.

57.1 Sec. 86. Minnesota Statutes 2018, section 116.07, is amended by adding a subdivision to
57.2 read:

57.3 Subd. 13. **Unadopted rules.** (a) The commissioner of the Pollution Control Agency
57.4 must not enforce or attempt to enforce an unadopted rule. For purposes of this subdivision,
57.5 "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive
57.6 statement, or similar pronouncement if the guideline, bulletin, criterion, manual standard,
57.7 interpretive statement, or similar pronouncement meets the definition of a rule as defined
57.8 under section 14.02, subdivision 4, but has not been adopted according to the rulemaking
57.9 process provided under chapter 14. If an unadopted rule is challenged under section 14.381,
57.10 the commissioner must overcome a presumption against the unadopted rule.

57.11 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
57.12 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
57.13 standard, the commissioner must follow the rulemaking process provided under chapter 14
57.14 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
57.15 statement, or similar pronouncement.

57.16 Sec. 87. Minnesota Statutes 2018, section 116.0714, is amended to read:

57.17 **116.0714 NEW OPEN-AIR SWINE BASINS.**

57.18 (a) The commissioner of the Pollution Control Agency or a county board shall not
57.19 approve any permits for the construction of new open-air swine basins, except that existing
57.20 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste
57.21 treatment program for resolving pollution problems or to allow conversion of an existing
57.22 basin of less than 1,000,000 gallons to a different animal type, provided all standards are
57.23 met. This section expires June 30, 2022.

57.24 (b) This section does not apply to basins used solely for wastewater from truck-washing
57.25 facilities.

57.26 Sec. 88. **[116.385] TRICHLOROETHYLENE; BAN.**

57.27 Subdivision 1. **Definitions.** For the purposes of this section, "trichloroethylene" means
57.28 a chemical with the Chemical Abstract Services Registry.

57.29 Subd. 2. **Use ban.** (a) Beginning January 1, 2021, an owner or operator of a facility
57.30 required to have an air emissions permit issued by the Pollution Control Agency may not
57.31 use trichloroethylene at its permitted facility, including in any manufacturing, processing,

58.1 or cleaning processes. Cessation of use must be made enforceable in the air emissions permit
 58.2 for the facility or in an enforceable agreement by January 1, 2021.

58.3 (b) If additional time is needed to assess replacement chemicals or address impacts to
 58.4 facility operations, then by January 1, 2021, the commissioner may, at the commissioner's
 58.5 discretion, include a schedule of compliance in the facility's permit or enforceable agreement
 58.6 that requires compliance with this section before January 1, 2023. Owners or operators of
 58.7 facilities requesting additional time under this subdivision must demonstrate compliance
 58.8 with the health based value for trichloroethylene, as established by the Department of Health.

58.9 (c) The commissioner may grant a variance under this section pursuant to section 116.07,
 58.10 subdivision 5.

58.11 Subd. 3. **Replacement chemicals.** An owner or operator that must comply with this
 58.12 section must replace trichloroethylene with a chemical demonstrated to be less toxic to
 58.13 human health and approved by the commissioner of the Pollution Control Agency. If there
 58.14 is more than one less-toxic replacement chemical, then the commissioner may require the
 58.15 owner or operator to perform a feasibility study to determine the least toxic alternative.

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

58.17 Sec. 89. Minnesota Statutes 2018, section 116.993, subdivision 2, is amended to read:

58.18 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower
 58.19 must:

58.20 (1) be a small business corporation, sole proprietorship, partnership, or association;

58.21 (2) be a potential emitter of pollutants to the air, ground, or water;

58.22 (3) need capital for equipment purchases that will meet or exceed environmental
 58.23 regulations or need capital for site investigation and cleanup;

58.24 (4) have less than ~~50~~ 100 full-time equivalent employees; and

58.25 (5) have an after tax profit of less than \$500,000; ~~and~~

58.26 ~~(6) have a net worth of less than \$1,000,000.~~

58.27 Sec. 90. Minnesota Statutes 2018, section 116.993, subdivision 6, is amended to read:

58.28 Subd. 6. **Loan conditions.** A loan made under this section must include:

58.29 (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever~~
 58.30 ~~is greater~~ not to exceed five percent;

59.1 (2) a term of payment of not more than seven years; and

59.2 (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

59.3 Sec. 91. Minnesota Statutes 2018, section 282.01, subdivision 4, is amended to read:

59.4 Subd. 4. **Sale; method; requirements; effects.** (a) The sale authorized under subdivision
 59.5 3 must be conducted by the county auditor at the county seat of the county in which the
 59.6 parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted
 59.7 in any ~~county~~ designated facility within the county. The sale must not be for less than the
 59.8 appraised value except as provided in subdivision 7a. The parcels must be sold for cash
 59.9 only, unless the county board of the county has adopted a resolution providing for their sale
 59.10 on terms, in which event the resolution controls with respect to the sale. When the sale is
 59.11 made on terms other than for cash only (1) a payment of at least ten percent of the purchase
 59.12 price must be made at the time of purchase, and the balance must be paid in no more than
 59.13 ten equal annual installments, or (2) the payments must be made in accordance with county
 59.14 board policy, but in no event may the board require more than 12 installments annually,
 59.15 and the contract term must not be for more than ten years. Standing timber or timber products
 59.16 must not be removed from these lands until an amount equal to the appraised value of all
 59.17 standing timber or timber products on the lands at the time of purchase has been paid by
 59.18 the purchaser. If a parcel of land bearing standing timber or timber products is sold at public
 59.19 auction for more than the appraised value, the amount bid in excess of the appraised value
 59.20 must be allocated between the land and the timber in proportion to their respective appraised
 59.21 values. In that case, standing timber or timber products must not be removed from the land
 59.22 until the amount of the excess bid allocated to timber or timber products has been paid in
 59.23 addition to the appraised value of the land. The purchaser is entitled to immediate possession,
 59.24 subject to the provisions of any existing valid lease made in behalf of the state.

59.25 (b) For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price
 59.26 is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance
 59.27 of the purchase price for sales occurring after December 31, 1990, is subject to interest at
 59.28 the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change
 59.29 each year on the unpaid balance in the manner provided for rate changes in section 549.09
 59.30 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance
 59.31 on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the
 59.32 time that the sale occurred.

59.33 (c) Notwithstanding subdivision 7, a county board may by resolution provide for the
 59.34 listing and sale of individual parcels by other means, including through a real estate broker.

60.1 However, if the buyer under this paragraph could have repurchased a parcel of property
60.2 under section 282.012 or 282.241, that buyer may not purchase that same parcel of property
60.3 at the sale under this subdivision for a purchase price less than the sum of all taxes,
60.4 assessments, penalties, interest, and costs due at the time of forfeiture computed under
60.5 section 282.251, and any special assessments for improvements certified as of the date of
60.6 sale. This subdivision shall be liberally construed to encourage the sale and utilization of
60.7 tax-forfeited land in order to eliminate nuisances and dangerous conditions and to increase
60.8 compliance with land use ordinances.

60.9 Sec. 92. Laws 2012, chapter 236, section 28, subdivision 2, as amended by Laws 2016,
60.10 chapter 154, section 9, is amended to read:

60.11 Subd. 2. **Method of sale.** (a) The leaseholder of a leased parcel may purchase at private
60.12 sale the leased parcel and any other lands allocated to the parcel by the county under
60.13 subdivision 6 that is offered for sale under this section. The purchase price is the appraised
60.14 value of the land under subdivision 3 exclusive of improvements on it. To purchase a parcel,
60.15 a leaseholder must pay in cash to the county an amount equal to the appraised value of the
60.16 land within 180 days from the date of mailing to or service of notice of appraised value to
60.17 the leaseholder by the county. The 180-day period runs from the date of mailing of a copy
60.18 of the appraisal to the leaseholder at the address shown upon the most recent lease agreement
60.19 between the parties, exclusive of the date of mailing or service. The county may use any
60.20 alternative method of notice under the Minnesota Rules of Civil Procedure for the service
60.21 of a summons and complaint.

60.22 (b) If the leaseholder does not purchase the parcel so offered, the county may offer the
60.23 lands for sale under the provisions of Minnesota Statutes, section 282.01, subdivision 7. If
60.24 a person other than the leaseholder purchases the parcel, the purchaser must make payment
60.25 in full to the leaseholder in the manner provided in Minnesota Statutes, section 92.06,
60.26 subdivision 4, for the value of any improvements as determined under subdivision 3 or for
60.27 the value of any improvements as determined through negotiations.

60.28 (c) Failure of a purchaser to comply with the terms of payment voids the sale and the
60.29 property may be reoffered for sale.

60.30 Sec. 93. Laws 2012, chapter 236, section 28, subdivision 9, as amended by Laws 2016,
60.31 chapter 154, section 11, is amended to read:

60.32 Subd. 9. **Sunset.** This section expires ~~seven~~ ten years after the effective date.

61.1 Sec. 94. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017, chapter
61.2 93, article 2, section 148, is amended to read:

61.3 Sec. 105. **RULES; SILICA SAND.**

61.4 (a) The commissioner of the Pollution Control Agency may adopt rules pertaining to
61.5 the control of particulate emissions from silica sand projects. The rulemaking is exempt
61.6 from Minnesota Statutes, section 14.125.

61.7 (b) The commissioner of natural resources shall ~~adopt rules~~ develop a model ordinance
61.8 pertaining to the reclamation of silica sand mines. The rulemaking is exempt from Minnesota
61.9 Statutes, section 14.125 commissioner shall publish the model ordinance in the State Register.

61.10 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based
61.11 value for silica sand.

61.12 (d) The Environmental Quality Board may amend its rules for environmental review,
61.13 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to
61.14 take into account the increased activity in the state and concerns over the size of specific
61.15 operations. The Environmental Quality Board shall consider whether the requirements of
61.16 Minnesota Statutes, section 116C.991, should remain part of the environmental review
61.17 requirements for silica sand and whether the requirements should be different for different
61.18 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section
61.19 14.125.

61.20 Sec. 95. **ADDITION TO STATE PARK.**

61.21 **[85.012] [Subd. 23a.] Glendalough State Park, Otter Tail County.**

61.22 The following areas are added to Glendalough State Park, Otter Tail County:

61.23 (1) Government Lot 2, Section 12, Township 133 North, Range 40 West, Otter Tail
61.24 County, Minnesota, subject to an existing conservation easement; and

61.25 (2) the West Half of the Southeast Quarter and Government Lots 2 and 3, Section 11,
61.26 Township 133 North, Range 40 West, Otter Tail County, Minnesota, except that part of
61.27 said Government Lot 2 platted as Walvatne Addition. Subject to an existing conservation
61.28 easement.

61.29 Sec. 96. **DELETION FROM STATE PARK.**

61.30 **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area is deleted
61.31 from St. Croix State Park, Pine County: that part of the North Half of the Northwest Quarter

62.1 of Section 29 and that part of the Northeast Quarter of the Northeast Quarter of Section 30,
62.2 Township 41 North, Range 17 West, Pine County, Minnesota, lying north of County Road
62.3 48.

62.4 **Sec. 97. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
62.5 **WATER; CARLTON COUNTY.**

62.6 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
62.7 commissioner of natural resources may sell by private sale the surplus land bordering public
62.8 water that is described in paragraph (c).

62.9 (b) The commissioner may make necessary changes to the legal description to correct
62.10 errors and ensure accuracy.

62.11 (c) The land that may be sold is located in Carlton County and is described as:
62.12 Government Lot 6, Section 1, Township 48 North, Range 19 West.

62.13 (d) The land borders Perch Lake and is not contiguous to other state lands. The
62.14 Department of Natural Resources has determined that the land is not needed for natural
62.15 resource purposes and that the state's land management interests would be best served if
62.16 the land were sold to a federally recognized Indian tribe for land consolidation purposes.

62.17 **Sec. 98. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
62.18 **WATER; CASS COUNTY.**

62.19 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
62.20 resources may sell by public sale the surplus land bordering public water that is described
62.21 in paragraph (c).

62.22 (b) The commissioner may make necessary changes to the legal description to correct
62.23 errors and ensure accuracy.

62.24 (c) The land that may be sold is located in Cass County and is described as: Lot 7, Block
62.25 1, Dell's Sleepy Hollow, located in Section 22, Township 140 North, Range 29 West.

62.26 (d) The land borders Woman Lake and is not contiguous to other state lands. The
62.27 Department of Natural Resources has determined that the land is not needed for natural
62.28 resource purposes and that the state's land management interests would best be served if
62.29 the land was returned to private ownership.

63.1 Sec. 99. **PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
63.2 **HUBBARD COUNTY.**

63.3 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
63.4 commissioner of natural resources may sell by private sale the surplus lands bordering
63.5 public water that is described in paragraph (c) to Hubbard County for no consideration.

63.6 (b) The commissioner may make necessary changes to the legal descriptions to correct
63.7 errors and ensure accuracy.

63.8 (c) The lands that may be conveyed are located in Hubbard County and are described
63.9 as:

63.10 (1) the East 285.00 feet of the West 660.00 feet of Government Lot 4 of Section 27,
63.11 Township 141 North, Range 34 West. Including all riparian rights to the contained 2.3 acres,
63.12 more or less; and

63.13 (2) that part of Government Lot 2 of Section 34, Township 141 North, Range 34 West,
63.14 described as follows:

63.15 Commencing at the northwest corner of said Government Lot 2; thence South 89 degrees
63.16 27 minutes 15 seconds East, bearing assumed, along the north line of said Section 34 a
63.17 distance of 375.18 feet to the point of beginning; thence continuing South 89 degrees
63.18 27 minutes 15 seconds East along said north line a distance of 285.13 feet; thence South
63.19 02 degrees 01 minutes 46 seconds East along a line parallel with and 660.00 feet from
63.20 the west line of said Government Lot 2 a distance of 77.98 feet; thence North 88 degrees
63.21 14 minutes 48 seconds East a distance of 65.77 feet along a line which if continued
63.22 550.00 feet would intersect an angle iron previously used as the northeast corner of said
63.23 Government Lot 2; thence South 01 degrees 45 minutes 12 seconds East along a line
63.24 parallel with and 550.00 feet west of a previously established survey line a distance of
63.25 650.18 feet to the boundary line as established by that certain agreement between Richard
63.26 Dusbabek and Jean Dusbabek, husband and wife, and Donald S. Olson and Betty Jane
63.27 Olson, husband and wife, and filed for record on May 10, 1982, in the office of the
63.28 county recorder in Book 146 of Deeds, page 806; thence South 88 degrees 12 minutes
63.29 12 seconds West along said boundary line a distance of 179.39 feet; thence North 12
63.30 degrees 07 minutes 46 seconds West a distance of 663.07 feet; thence North 32 degrees
63.31 35 minutes 05 seconds West a distance of 101.91 feet to the point of beginning; containing
63.32 4.1 acres.

63.33 (d) The lands border Big Sand Lake. The Department of Natural Resources has
63.34 determined that the lands are not needed for natural resource purposes and that the state's

64.1 land management interests would best be served if the lands were conveyed to Hubbard
64.2 County.

64.3 Sec. 100. **PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**

64.4 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or
64.5 other law to the contrary, Itasca County may sell by private sale the tax-forfeited land
64.6 described in paragraph (c).

64.7 (b) The conveyance must be in a form approved by the attorney general. The attorney
64.8 general may make changes to the land description to correct errors and ensure accuracy.

64.9 (c) The land to be sold is located in Itasca County and is described as: the East 660 feet
64.10 of the West 990 feet of the South 660 feet of the Southwest Quarter of the Southeast Quarter,
64.11 Section 7, Township 55 North, Range 24 West.

64.12 (d) The county has determined that the county's land management interests would best
64.13 be served if the lands were used for a new broadcast tower, transmitter, and transmission
64.14 building.

64.15 Sec. 101. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
64.16 **WATER; KANABEC COUNTY.**

64.17 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
64.18 resources may sell by public sale the surplus land bordering public water that is described
64.19 in paragraph (c).

64.20 (b) The commissioner may make necessary changes to the legal description to correct
64.21 errors and ensure accuracy.

64.22 (c) The land that may be sold is located in Kanabec County and is described as: that part
64.23 of the West 200 feet of the Northwest Quarter of Section 13, Township 42 North, Range
64.24 23 West, Kanabec County, Minnesota, lying northerly of the centerline of the Snake River.

64.25 (d) The land borders the Snake River and is not contiguous to other state lands. The
64.26 Department of Natural Resources has determined that the land is not needed for natural
64.27 resource purposes and that the state's land management interests would best be served if
64.28 the land was returned to private ownership.

65.1 Sec. 102. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
65.2 **WATER; OTTER TAIL COUNTY.**

65.3 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
65.4 resources may sell by public sale the surplus land bordering public water that is described
65.5 in paragraph (c).

65.6 (b) The commissioner may make necessary changes to the legal description to correct
65.7 errors and ensure accuracy.

65.8 (c) The land that may be sold is located in Otter Tail County and is described as:

65.9 Lots 25, 26, and 27 in Block 2 of Jackson and Mckee's Addition, according to the plat
65.10 thereof, on file and of record in the Office of the Recorder, Otter Tail County, Minnesota,
65.11 less and except that part of said Lot 27 in Block 2 of Jackson and Mckee's Addition, Otter
65.12 Tail County, Minnesota, South of the line between Government Lots 2 and 3, Section 14,
65.13 Township 136, Range 38.

65.14 (d) The land borders Big Pine Lake and is not contiguous to other state lands. The
65.15 Department of Natural Resources has determined that the land is not needed for natural
65.16 resource purposes and that the state's land management interests would best be served if
65.17 the land was returned to private ownership.

65.18 Sec. 103. **CONVEYANCE OF STATE LAND; STEARNS COUNTY.**

65.19 (a) Notwithstanding Minnesota Statutes, section 222.63, or any other law to the contrary,
65.20 the commissioner of transportation may convey and quitclaim to a private party all right,
65.21 title, and interest of the state of Minnesota, in the land described in paragraph (e).

65.22 (b) The conveyance may take place only upon conditions determined by the commissioner
65.23 or transportation and is not subject to restrictions on disposition, sale, lease, or otherwise
65.24 contained in Minnesota Statutes, section 222.63.

65.25 (c) The consideration for a conveyance made under this section shall be the fair market
65.26 value of the land conveyed hereunder. Proceeds from the sale of real estate or buildings
65.27 under this section shall be deposited in the rail bank maintenance account established in
65.28 Minnesota Statutes, section 222.63, subdivision 8.

65.29 (d) The conveyance may reduce the width of the rail bank corridor to less than 100 feet,
65.30 provided the conveyance does not reduce the width of the rail bank corridor to less than ten
65.31 feet.

65.32 (e) The land to be conveyed is located in Stearns County and is described as:

66.1 That part of Tract A described below:

66.2 Tract A. Outlot "A," Railroad Ridge, according to the plat thereof on file and of record in
 66.3 the Office of the County Recorder in and for Stearns County, Minnesota; which lies northerly
 66.4 of a line run parallel with and distant 33 feet southerly of the northerly line of said Outlot
 66.5 "A" and westerly of the southerly extension of westerly right of way line of 5th Street as
 66.6 shown on said Railroad Ridge; together with that part of Tract A, herein before described,
 66.7 adjoining and southerly of the above described strip which lies northerly of a line run parallel
 66.8 with and distant 40 feet southerly of the northerly line of said Outlot "A" and westerly of
 66.9 the following described line: beginning at a point on the southerly line of said Outlot "A,"
 66.10 distant 436.36 feet easterly of the southwest corner thereof; thence northerly at right angles
 66.11 from said southerly line for 50 feet and there terminating; containing 29,925 square feet,
 66.12 more or less.

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

66.14 Sec. 104. **LEASE; TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

66.15 (a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,
 66.16 St. Louis County may enter into a lease for the tax-forfeited lands described in paragraph
 66.17 (b) for consideration of more than \$12,000 per year.

66.18 (b) The lands to be leased are located in St. Louis County and are described as:

66.19 (1) a 10.0-acre site in the Southeast Quarter, Section 15, Township 56 North, Range 17
 66.20 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet
 66.21 on either side of the centerline in the Southeast Quarter, Section 15, and in the Southwest
 66.22 Quarter, Section 14, Township 56 North, Range 17 West, to be used for an access road to
 66.23 the tower site; and

66.24 (2) a 10.0-acre site in the West Half, Section 32, Township 60 North, Range 21 West,
 66.25 to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on
 66.26 either side of the centerline in the West Half, Section 32, Township 60 North, Range 21
 66.27 West, to be used for an access road to the tower site.

66.28 Sec. 105. **ACCESS TO TIMBER ON TAX-FORFEITED LAND; ST. LOUIS**
 66.29 **COUNTY.**

66.30 (a) Notwithstanding Minnesota Statutes, section 160.83, or other law to the contrary,
 66.31 St. Louis County or its agents or assigns may operate vehicles used for timber harvesting
 66.32 and hauling or for transporting equipment and appurtenances incidental to timber harvesting,

67.1 gravel, and other road-building materials for timber haul roads on designated rustic roads
67.2 to access tax-forfeited lands for sustainable forest management.

67.3 (b) The tax-forfeited lands to be accessed are located in St. Louis County in Sections
67.4 26, 27, and 35, Township 53 North, Range 12 West.

67.5 (c) The rustic roads used for forest management must be immediately repaired if damaged
67.6 and must be maintained in their preharvest condition.

67.7 (d) The county has determined that the county's sustainable forest management
67.8 responsibilities would best be served by using existing public roads to access tax-forfeited
67.9 land rather than building new roads.

67.10 Sec. 106. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

67.11 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or
67.12 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands
67.13 described in paragraph (c).

67.14 (b) The conveyances must be in a form approved by the attorney general. The attorney
67.15 general may make changes to the land descriptions to correct errors and ensure accuracy.

67.16 (c) The lands to be sold are located in St. Louis County and are described as:

67.17 (1) that part of the Southwest Quarter of the Southwest Quarter lying North of Norton
67.18 Road and West of Howard Gnesen Road, except the easterly 95 feet of the westerly 890
67.19 feet and except the westerly 300 feet, Section 3, Township 50, Range 14 (parcel identification
67.20 number 010-2710-00549);

67.21 (2) Lot 5, except the northerly three feet and except the southerly ten feet, West Duluth
67.22 Fifth Division, Section 7, Township 49, Range 14 (parcel identification number
67.23 010-4510-06740);

67.24 (3) the Southeast Quarter of the Northeast Quarter, except 4.24 acres for the highway
67.25 and except the part platted as Clayton Acres and except the highway right-of-way and except
67.26 6.44 acres of the adjacent plat and except the part North of Highway 169, Section 28,
67.27 Township 57, Range 21 (parcel identification number 141-0050-05470);

67.28 (4) that part of the West 420 feet of the Southeast Quarter of the Northwest Quarter lying
67.29 South of the northerly line of Government Lot 6, except that part beginning at the southwest
67.30 corner; thence easterly along the southerly boundary 420 feet to a point; thence northerly
67.31 and parallel with the westerly boundary of said Southeast Quarter of the Northwest Quarter
67.32 177.95 feet to a point; thence North 67 degrees 38 minutes 35 seconds West to a point on

68.1 the westerly boundary of said Southeast Quarter of the Northwest Quarter; thence southerly
68.2 along said westerly boundary approximately 364.12 feet to the point of beginning, Section
68.3 26, Township 57, Range 18 (parcel identification number 295-0017-00326);

68.4 (5) the South Half of the Northwest Quarter, Section 15, Township 56, Range 18 (parcel
68.5 identification number 435-0010-02590);

68.6 (6) part of the East 400 feet of the Southeast Quarter, Section 14, Township 63, Range
68.7 12 (part of parcel identification number 465-0020-01965);

68.8 (7) part of the Northeast Quarter of the Southwest Quarter, Lots 2 and 3, Section 20,
68.9 Township 54, Range 13 (part of parcel identification number 620-0010-03130); and

68.10 (8) Lots 2, 3, 4, and 5, inclusive auditor's plat of Chandler Addition to Ely, Section 28,
68.11 Township 63, Range 12 (parcel identification number 030-0030-03530).

68.12 (d) The county has determined that the county's land management interests would best
68.13 be served if the lands were returned to private ownership.

68.14 **Sec. 107. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
68.15 **WATER; WABASHA COUNTY.**

68.16 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
68.17 resources may sell by public sale the surplus land bordering public water that is described
68.18 in paragraph (c).

68.19 (b) The commissioner may make necessary changes to the legal description to correct
68.20 errors and ensure accuracy.

68.21 (c) The land that may be sold is located in Wabasha County and is described as: Lot 4,
68.22 Section 8, Township 109, Range 12, lying and being in the county of Wabasha, State of
68.23 Minnesota.

68.24 (d) The land borders the Zumbro River and is not contiguous to other state lands. The
68.25 Department of Natural Resources has determined that the land is not needed for natural
68.26 resource purposes and that the state's land management interests would best be served if
68.27 the land was returned to private ownership.

69.1 Sec. 108. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
69.2 **WATER; YELLOW MEDICINE COUNTY.**

69.3 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
69.4 commissioner of natural resources may sell by private sale the surplus land bordering public
69.5 water that is described in paragraph (c) to the United States for no consideration.

69.6 (b) The commissioner may make necessary changes to the legal description to correct
69.7 errors and ensure accuracy.

69.8 (c) The land that may be sold is located in Yellow Medicine County and is described
69.9 as: the South 33.00 feet of the Northwest Quarter of the Northwest Quarter and that part of
69.10 Government Lot 1, Section 22, Township 114 North, Range 41 West, Yellow Medicine
69.11 County, Minnesota, described as follows:

69.12 Beginning at the southwest corner of said Government Lot 1; thence on an assumed
69.13 bearing of North 01 degrees 09 minutes 07 seconds West along the west line of said
69.14 Government Lot 1 a distance of 33.00 feet; thence North 89 degrees 42 minutes 02
69.15 seconds East parallel with the south line of said Government Lot 1 a distance of 150.00
69.16 feet; thence North 00 degrees 17 minutes 58 seconds West 267.00 feet; thence North 89
69.17 degrees 42 minutes 02 seconds East 754 feet more or less, to the water's edge of Spellman
69.18 Lake; thence southwesterly along said water's edge 760 feet, more or less, to the south
69.19 line of said Government Lot 1; thence South 89 degrees 42 minutes 02 seconds West
69.20 along the south line of said Government Lot 1 a distance of 288 feet, more or less, to
69.21 the point of beginning; including all riparian rights to the contained 4.1 acres, more or
69.22 less.

69.23 (d) The land borders Spellman Lake and is not contiguous to other state lands but is
69.24 adjacent to a waterfowl production area. The Department of Natural Resources has
69.25 determined that the land would best be managed by the United States Fish and Wildlife
69.26 Services as part of a waterfowl production area.

69.27 Sec. 109. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

69.28 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
69.29 7090.1010, subpart 1, item B, subitem (1), does not apply to towns or unorganized areas of
69.30 counties.

70.1 Sec. 110. **AGGREGATE RECLAMATION GUIDANCE APPROPRIATION.**

70.2 \$100,000 in fiscal year 2020 is appropriated from the general fund to the commissioner
70.3 of natural resources to update the Department of Natural Resources aggregate reclamation
70.4 handbook as recommended by the Aggregate Resources Task Force Final Report dated
70.5 January 15, 2018.

70.6 Sec. 111. **APPROPRIATIONS; LOCAL RECREATION MATCHING GRANTS.**

70.7 Subdivision 1. Parks and outdoor recreation areas. \$500,000 in fiscal year 2020 and
70.8 \$500,000 in fiscal year 2021 are appropriated from the general fund to the commissioner
70.9 of natural resources for matching grants for parks and outdoor recreation areas under
70.10 Minnesota Statutes, section 85.019, subdivision 2.

70.11 Subd. 2. Trail connections. \$500,000 in fiscal year 2020 and \$500,000 in fiscal year
70.12 2021 are appropriated from the general fund to the commissioner of natural resources for
70.13 matching grants for trail connections under Minnesota Statutes, section 85.019, subdivision
70.14 4c.

70.15 Sec. 112. **REVISOR INSTRUCTION.**

70.16 The revisor of statutes must change the reference in Minnesota Statutes, sections 127A.30,
70.17 subdivision 2, and 287.22 from "section 92.121" to "section 92.122."

70.18 Sec. 113. **REPEALER.**

70.19 Minnesota Statutes 2018, section 92.121, is repealed.

92.121 PERMANENT SCHOOL FUND LANDS.

The commissioner of natural resources shall exchange permanent school fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks, state recreation areas, wildlife management areas, scientific and natural areas, or state waysides or on lands managed by the commissioner as old growth stands, for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 127A.31 when, as a result of management practices applied to the permanent school fund lands and associated resources, revenue generation has been diminished or is prohibited and no alternative has been put into effect to compensate the permanent school fund for the income losses.