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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3502**

03/08/2018 Authored by Fabian

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

04/23/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to environment; appropriating money for environment and natural

1.3 resources; modifying environmental, natural resource, and game and fish provisions;

1.4 modifying Water Law; modifying Clean Water Legacy Act; modifying solid waste

1.5 provisions; modifying certain penalties; modifying requirements for fencing

1.6 abandoned mines; creating accounts; providing for disposition of certain receipts;

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

1.8 sections 84.0895, subdivision 2; 84.775, subdivision 1; 84.83, subdivision 3; 84.86,

1.9 subdivision 1; 84.928, subdivision 2; 86B.005, subdivision 8a; 86B.532, subdivision

1.10 1; 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; 97A.051,

1.11 subdivision 2; 97A.433, subdivisions 4, 5; 97A.56, subdivision 2; 97B.015,

1.12 subdivision 6; 97B.081, subdivision 3; 97B.1055; 97C.345, subdivision 3a;

1.13 103B.3369, subdivisions 5, 9, by adding a subdivision; 103B.801, subdivisions 2,

1.14 5; 103E.021, subdivision 6; 103E.071; 103G.2242, subdivision 14; 103G.287, by

1.15 adding a subdivision; 114D.15, subdivisions 7, 11, 13, by adding subdivisions;

1.16 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26; 114D.35,

1.17 subdivisions 1, 3; 115.03, subdivisions 1, 5; 115.035; 115.77, subdivision 1; 115.84,

1.18 subdivisions 2, 3; 115A.51; 115A.94, subdivisions 2, 4a, 4b, 4c, 4d, 5, by adding

1.19 subdivisions; 115B.20, subdivision 2; 116.07, by adding a subdivision; 116.155,

1.20 subdivision 1, by adding subdivisions; 116.993, subdivisions 2, 6; 180.03,

1.21 subdivisions 2, 3, 4; 180.10; 444.075, subdivision 1a; 473.8441, subdivision 4;

1.22 Minnesota Statutes 2017 Supplement, sections 84.01, subdivision 6; 84.91,

1.23 subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivisions

1.24 3, 4; 84D.108, subdivisions 2b, 2c; 85.0146, subdivision 1; 97A.075, subdivision

1.25 1; 103G.271, subdivision 7; 116.07, subdivision 4d; 116.0714; 169A.07; Laws

1.26 2010, chapter 361, article 4, section 78; Laws 2015, First Special Session chapter

1.27 4, article 4, section 136, as amended; Laws 2016, chapter 189, article 3, sections

1.28 3, subdivision 5; 4; 48; Laws 2017, chapter 93, article 1, sections 3, subdivision

1.29 6; 4; article 2, sections 155, subdivision 5; 163; proposing coding for new law in

1.30 Minnesota Statutes, chapters 84; 97A; 103G; 115; 115B; 116; 383A.

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

1.32 **ARTICLE 1**

1.33 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

2.1 The sums shown in the columns marked "Appropriations" are added to the appropriations
 2.2 in Laws 2017, chapter 93, article 1, to the agencies and for the purposes specified in this
 2.3 article. The appropriations are from the general fund, or another named fund, and are
 2.4 available for the fiscal years indicated for each purpose. The figures "2018" and "2019"
 2.5 used in this article mean that the appropriations listed under them are available for the fiscal
 2.6 year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year
 2.7 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019.
 2.8 Appropriations for the fiscal year ending June 30, 2018, are effective the day following
 2.9 final enactment.

APPROPRIATIONS

Available for the Year

Ending June 30

2018

2019

2.14 **Sec. 2. POLLUTION CONTROL AGENCY \$ -0- \$ 199,000**

2.15 \$199,000 the second year is from the
 2.16 environmental fund for the voluntary
 2.17 certification program for deicer applicators
 2.18 under Minnesota Statutes, section 116.2025.
 2.19 The base for fiscal year 2020 and later is
 2.20 \$184,000.

2.21 **Sec. 3. NATURAL RESOURCES**

2.22 **Subdivision 1. Total Appropriation \$ 50,000 \$ 2,552,000**

Appropriations by Fund

2.24		<u>2018</u>	<u>2019</u>
2.25	<u>General</u>	<u>-0-</u>	<u>750,000</u>
2.26	<u>Natural Resources</u>	<u>-0-</u>	<u>1,802,000</u>
2.27	<u>Game and Fish</u>	<u>50,000</u>	<u>-0-</u>

2.28 The amounts that may be spent for each
 2.29 purpose are specified in the following
 2.30 subdivisions.

2.31 **Subd. 2. Land and Mineral Resources**
 2.32 **Management**

-0- 347,000

3.1 \$319,000 the second year is from the mineral
 3.2 management account in the natural resources
 3.3 fund for environmental research relating to
 3.4 mine permitting, in consultation with the
 3.5 Mineral Coordinating Committee.

3.6 \$28,000 the second year is from the land
 3.7 acquisition account in the natural resources
 3.8 fund to compensate the permanent school fund
 3.9 for a road easement on school trust lands in
 3.10 Sand Dunes State Forest. This appropriation
 3.11 must be matched with nonstate money by 20
 3.12 percent of the total cost of the easement. This
 3.13 is a onetime appropriation.

3.14 **Subd. 3. Ecological and Water Resources** \$50,000 -0-

3.15 \$50,000 the first year is from the heritage
 3.16 enhancement account in the game and fish
 3.17 fund to prepare a report on the actions
 3.18 necessary to protect, restore, and enhance the
 3.19 naturally occurring wild rice in the public
 3.20 waters of Minnesota as required under this act.
 3.21 This is a onetime appropriation and is
 3.22 available until June 30, 2019.

3.23 **Subd. 4. Parks and Trails Management** -0- 1,415,000

3.24 (a) \$315,000 the second year is from the
 3.25 natural resources fund for a grant to St. Louis
 3.26 County to be used as a match to a state
 3.27 bonding grant for trail and bridge construction
 3.28 and for a maintenance fund for a five-mile
 3.29 segment of the Voyageur Country ATV trail
 3.30 system, including a multiuse bridge over the
 3.31 Vermilion River that would serve ATVs,
 3.32 snowmobiles, off-road vehicles, off-highway
 3.33 motorcycles, and emergency vehicles in St.
 3.34 Louis County. Of this amount, \$285,000 is
 3.35 from the all-terrain vehicle account, \$15,000

4.1 is from the off-road vehicle account, and
4.2 \$15,000 is from the off-highway motorcycle
4.3 account. This is a onetime appropriation and
4.4 is available until June 30, 2021.

4.5 (b) \$300,000 the second year is from the
4.6 natural resources fund for a grant to Lake
4.7 County to match other funding sources to
4.8 develop the Prospectors Loop trail system. Of
4.9 this amount, \$270,000 is from the all-terrain
4.10 vehicle account, \$15,000 is from the
4.11 off-highway motorcycle account, and \$15,000
4.12 is from the off-road vehicle account. This is
4.13 a onetime appropriation and is available until
4.14 June 30, 2021.

4.15 (c) \$100,000 the second year is from the
4.16 all-terrain vehicle account in the natural
4.17 resources fund for wetland delineation and
4.18 work on an environmental assessment
4.19 worksheet for the Taconite State Trail from
4.20 Ely to Tower consistent with the 2017
4.21 Taconite State Trail Master Plan. This is a
4.22 onetime appropriation and is available until
4.23 June 30, 2021.

4.24 (d) \$100,000 the second year is from the
4.25 all-terrain vehicle account in the natural
4.26 resources fund for a grant to the city of
4.27 Virginia to develop, in cooperation with the
4.28 Quad Cities ATV Club, an all-terrain vehicle
4.29 trail system in the cities of Virginia, Eveleth,
4.30 Gilbert, and Mountain Iron and surrounding
4.31 areas. This is a onetime appropriation and is
4.32 available until June 30, 2021.

4.33 (e) \$200,000 the second year is from the
4.34 off-road vehicle account in the natural
4.35 resources fund for a contract with a project

5.1 administrator to assist the commissioner in
5.2 planning, designing, and providing a system
5.3 of state touring routes for off-road vehicles by
5.4 identifying sustainable, legal routes suitable
5.5 for licensed four-wheel drive vehicles and a
5.6 system of recreational trails for registered
5.7 off-road vehicles. This is a onetime
5.8 appropriation.

5.9 (f) \$200,000 the second year is appropriated
5.10 from the off-road vehicle account in the
5.11 natural resources fund for a contract to prepare
5.12 a comprehensive, statewide, strategic master
5.13 plan for trails for off-road vehicles. This is a
5.14 onetime appropriation. At a minimum, the
5.15 plan must:

5.16 (1) identify opportunities to develop new,
5.17 high-quality, comprehensive trails for off-road
5.18 vehicles in a system that serves regional and
5.19 tourist destinations;

5.20 (2) enhance connectivity with trails for
5.21 off-road vehicles, trails and parks for other
5.22 off-highway vehicles, and trails and parks for
5.23 other types of vehicles;

5.24 (3) provide opportunities for new exposure
5.25 and economic development in greater
5.26 Minnesota;

5.27 (4) help people connect with the outdoors in
5.28 a safe and environmentally sustainable
5.29 manner;

5.30 (5) create new and support existing
5.31 opportunities for social, economic, and cultural
5.32 benefits and meaningful and mutually
5.33 beneficial relationships for users of off-road

6.1 vehicles and the communities that host trails
 6.2 for off-road vehicles; and
 6.3 (6) require the commissioner to cooperate with
 6.4 local governments, organizations, and other
 6.5 interested partners.

6.6 (g) \$200,000 the second year is from the
 6.7 off-road vehicle account in the natural
 6.8 resources fund to reimburse federal, county,
 6.9 and township entities for additional needs on
 6.10 forest roads when the needs are a result of
 6.11 increased use by off-road vehicles and are
 6.12 attributable to a border-to-border touring route
 6.13 established by the commissioner. This
 6.14 paragraph does apply to roads that are operated
 6.15 by a public road authority as defined in
 6.16 Minnesota Statutes, section 160.02,
 6.17 subdivision 25. This is a onetime appropriation
 6.18 and is available until June 30, 2023. To be
 6.19 eligible for reimbursement under this
 6.20 paragraph, the claimant must demonstrate that
 6.21 the needs result from additional traffic
 6.22 generated by the border-to-border touring
 6.23 route.

6.24 **Subd. 5. Fish and Wildlife Management** -0- 650,000

6.25 \$650,000 the second year is for wildlife
 6.26 disease surveillance and response. This is a
 6.27 onetime appropriation.

6.28 **Subd. 6. Enforcement** -0- 140,000

6.29 (a) \$100,000 the second year is for responding
 6.30 to escaped animals from Cervidae farms,
 6.31 including inspection of farmed Cervidae,
 6.32 farmed Cervidae facilities, and farmed
 6.33 Cervidae records when the commissioner has
 6.34 reasonable suspicion that laws protecting

7.1 native wild animals have been violated. This
7.2 is a onetime appropriation.

7.3 (b) \$40,000 the second year is from the
7.4 all-terrain vehicle account in the natural
7.5 resources fund to develop a voluntary online
7.6 youth all-terrain vehicle training program
7.7 under Minnesota Statutes, section 84.925,
7.8 subdivision 1. This is a onetime appropriation.

7.9 **Sec. 4. NATURAL RESOURCES DAMAGES**
7.10 **ACCOUNT TRANSFER**

7.11 By June 30, 2018, any money in the general
7.12 portion of the remediation fund dedicated for
7.13 the purposes of the natural resources damages
7.14 account must be transferred to the natural
7.15 resources damages account.

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

7.17 Sec. 5. Laws 2010, chapter 361, article 4, section 78, is amended to read:

7.18 Sec. 78. **APPROPRIATION; MOOSE TRAIL.**

7.19 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources
7.20 from the all-terrain vehicle account in the natural resources fund for a grant to the city of
7.21 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, so that it
7.22 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron
7.23 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available
7.24 until ~~spent~~ June 30, 2020.

7.25 Sec. 6. Laws 2016, chapter 189, article 3, section 3, subdivision 5, is amended to read:

7.26 **Subd. 5. Parks and Trails Management** -0- 6,459,000

7.27 Appropriations by Fund

7.28		2016	2017
7.29	General	-0-	2,929,000
7.30	Natural Resources	-0-	3,530,000

7.31 \$2,800,000 the second year is a onetime
7.32 appropriation.

8.1 \$2,300,000 the second year is from the state
8.2 parks account in the natural resources fund.
8.3 Of this amount, \$1,300,000 is onetime, of
8.4 which \$1,150,000 is for strategic park
8.5 acquisition.

8.6 \$20,000 the second year is from the natural
8.7 resources fund to design and erect signs
8.8 marking the David Dill trail designated in this
8.9 act. Of this amount, \$10,000 is from the
8.10 snowmobile trails and enforcement account
8.11 and \$10,000 is from the all-terrain vehicle
8.12 account. This is a onetime appropriation.

8.13 \$100,000 the second year is for the
8.14 improvement of the infrastructure for sanitary
8.15 sewer service at the Woodenfrog Campground
8.16 in Kabetogama State Forest. This is a onetime
8.17 appropriation.

8.18 \$29,000 the second year is for computer
8.19 programming related to the transfer-on-death
8.20 title changes for watercraft. This is a onetime
8.21 appropriation.

8.22 \$210,000 the first year is from the water
8.23 recreation account in the natural resources
8.24 fund for implementation of Minnesota
8.25 Statutes, section 86B.532, established in this
8.26 act. This is a onetime appropriation. The
8.27 commissioner of natural resources shall seek
8.28 federal and other nonstate funds to reimburse
8.29 the department for the initial costs of
8.30 producing and distributing carbon monoxide
8.31 boat warning labels. All amounts collected
8.32 under this paragraph shall be deposited into
8.33 the water recreation account.

9.1 \$1,000,000 the second year is from the natural
 9.2 resources fund for a grant to Lake County for
 9.3 construction, including bridges, of the
 9.4 Prospectors ATV Trail System linking the
 9.5 communities of Ely, Babbitt, Embarrass, and
 9.6 Tower; Bear Head Lake and Lake
 9.7 Vermilion-Soudan Underground Mine State
 9.8 Parks; the Taconite State Trail; and the Lake
 9.9 County Regional ATV Trail System. Of this
 9.10 amount, \$900,000 is from the all-terrain
 9.11 vehicle account, \$50,000 is from the
 9.12 off-highway motorcycle account, and \$50,000
 9.13 is from the off-road vehicle account. This is
 9.14 a onetime appropriation and is available until
 9.15 June 30, 2019.

9.16 Sec. 7. Laws 2016, chapter 189, article 3, section 4, is amended to read:

9.17 **Sec. 4. BOARD OF WATER AND SOIL**
 9.18 **RESOURCES**

\$ -0- \$ 479,000

9.19 \$479,000 the second year is for the
 9.20 development of a detailed plan to implement
 9.21 a working lands watershed restoration program
 9.22 to incentivize the establishment and
 9.23 maintenance of perennial crops that includes
 9.24 the following:

9.25 (1) a process for selecting pilot watersheds
 9.26 that are expected to result in the greatest water
 9.27 quality improvements and exhibit readiness
 9.28 to participate in the program;

9.29 (2) an assessment of the quantity of
 9.30 agricultural land that is expected to be eligible
 9.31 for the program in each watershed;

9.32 (3) an assessment of landowner interest in
 9.33 participating in the program;

- 10.1 (4) an assessment of the contract terms and
10.2 any recommendations for changes to the terms,
10.3 including consideration of variable payment
10.4 rates for lands of different priority or type;
- 10.5 (5) an assessment of the opportunity to
10.6 leverage federal funds through the program
10.7 and recommendations on how to maximize
10.8 the use of federal funds for assistance to
10.9 establish perennial crops;
- 10.10 (6) an assessment of how other state programs
10.11 could complement the program;
- 10.12 (7) an estimate of water quality improvements
10.13 expected to result from implementation in pilot
10.14 watersheds;
- 10.15 (8) an assessment of how to best integrate
10.16 program implementation with existing
10.17 conservation requirements and develop
10.18 recommendations on harvest practices and
10.19 timing to benefit wildlife production;
- 10.20 (9) an assessment of the potential viability and
10.21 water quality benefit of cover crops used in
10.22 biomass processing facilities;
- 10.23 (10) a timeline for implementation,
10.24 coordinated to the extent possible with
10.25 proposed biomass processing facilities; ~~and~~
- 10.26 (11) a projection of funding sources needed
10.27 to complete implementation;
- 10.28 (12) outreach to local governments, interest
10.29 groups, and individual farmers on the
10.30 economic and environmental benefits of
10.31 perennial and cover crops;
- 10.32 (13) establishment of detailed criteria to target
10.33 the location of perennial and cover crops on

11.1 a watershed basis to maximize the
 11.2 environmental benefit at the lowest cost; and
 11.3 (14) development of model contracts to
 11.4 include payment rates, duration, type of crops,
 11.5 harvest standards, and monitoring procedures
 11.6 for use in future program implementation.

11.7 This is a onetime appropriation and is
 11.8 available until June 30, ~~2018~~ 2019.

11.9 The board shall coordinate development of
 11.10 the working lands watershed restoration plan
 11.11 with stakeholders and the commissioners of
 11.12 natural resources, agriculture, and the
 11.13 Pollution Control Agency. The board must
 11.14 submit an interim report by October 15, ~~2017~~
 11.15 2018, and the feasibility study and program
 11.16 plan by February 1, ~~2018~~ 2019, to the chairs
 11.17 and ranking minority members of the
 11.18 legislative committees and divisions with
 11.19 jurisdiction over agriculture, natural resources,
 11.20 and environment policy and finance and to the
 11.21 Clean Water Council.

11.22 Sec. 8. Laws 2017, chapter 93, article 1, section 3, subdivision 6, is amended to read:

11.23			<u>67,750,000</u>
11.24	Subd. 6. Fish and Wildlife Management	68,207,000	<u>69,210,000</u>

11.25	Appropriations by Fund		
11.26		2018	2019
11.27	Natural Resources	1,912,000	1,912,000
11.28			65,838,000
11.29	Game and Fish	66,295,000	<u>67,298,000</u>

11.30 (a) \$8,283,000 the first year and \$8,386,000
 11.31 the second year are from the heritage
 11.32 enhancement account in the game and fish
 11.33 fund only for activities specified in Minnesota
 11.34 Statutes, section 297A.94, paragraph (e),

12.1 clause (1). Notwithstanding Minnesota
12.2 Statutes, section 297A.94, five percent of this
12.3 appropriation may be used for expanding
12.4 hunter and angler recruitment and retention.

12.5 (b) Notwithstanding Minnesota Statutes,
12.6 section 297A.94, \$30,000 the first year is from
12.7 the heritage enhancement account in the game
12.8 and fish fund for the commissioner of natural
12.9 resources to contract with a private entity to
12.10 search for a site to construct a world-class
12.11 shooting range and club house for use by the
12.12 Minnesota State High School League and for
12.13 other regional, statewide, national, and
12.14 international shooting events. The
12.15 commissioner must provide public notice of
12.16 the search, including making the public aware
12.17 of the process through the Department of
12.18 Natural Resources' media outlets, and solicit
12.19 input on the location and building options for
12.20 the facility. The siting search process must
12.21 include a public process to determine if any
12.22 business or individual is interested in donating
12.23 land for the facility, anticipated to be at least
12.24 500 acres. The site search team must meet
12.25 with interested third parties affected by or
12.26 interested in the facility. The commissioner
12.27 must submit a report with the results of the
12.28 site search to the chairs and ranking minority
12.29 members of the legislative committees and
12.30 divisions with jurisdiction over environment
12.31 and natural resources by March 1, 2018. This
12.32 is a onetime appropriation.

12.33 (c) Notwithstanding Minnesota Statutes,
12.34 section 297A.94, \$30,000 the first year is from
12.35 the heritage enhancement account in the game

13.1 and fish fund for a study of lead shot
 13.2 deposition on state lands. By March 1, 2018,
 13.3 the commissioner shall provide a report of the
 13.4 study to the chairs and ranking minority
 13.5 members of the legislative committees with
 13.6 jurisdiction over natural resources policy and
 13.7 finance. This is a onetime appropriation.

13.8 (d) Notwithstanding Minnesota Statutes,
 13.9 section 297A.94, \$500,000 the first year is
 13.10 from the heritage enhancement account in the
 13.11 game and fish fund for planning and
 13.12 emergency response to disease outbreaks in
 13.13 wildlife. This is a onetime appropriation and
 13.14 is available until June 30, 2019.

13.15 (e) \$8,606,000 the second year is from the
 13.16 deer management account in the game and
 13.17 fish fund for the purposes specified under
 13.18 Minnesota Statutes, section 97A.075,
 13.19 subdivision 1, paragraph (b).

13.20 Sec. 9. Laws 2017, chapter 93, article 1, section 4, is amended to read:

13.21 **Sec. 4. BOARD OF WATER AND SOIL**
 13.22 **RESOURCES** **\$ 14,311,000 \$ 14,164,000**

13.23 (a) \$3,423,000 the first year and \$3,423,000
 13.24 the second year are for natural resources block
 13.25 grants to local governments. Grants must be
 13.26 matched with a combination of local cash or
 13.27 in-kind contributions. The base grant portion
 13.28 related to water planning must be matched by
 13.29 an amount as specified by Minnesota Statutes,
 13.30 section 103B.3369. The board may reduce the
 13.31 amount of the natural resources block grant
 13.32 to a county by an amount equal to any
 13.33 reduction in the county's general services
 13.34 allocation to a soil and water conservation

- 14.1 district from the county's previous year
- 14.2 allocation when the board determines that the
- 14.3 reduction was disproportionate.
- 14.4 (b) \$3,116,000 the first year and \$3,116,000
- 14.5 the second year are for grants to soil and water
- 14.6 conservation districts for the purposes of
- 14.7 Minnesota Statutes, sections 103C.321 and
- 14.8 103C.331, and for general purposes, nonpoint
- 14.9 engineering, and implementation and
- 14.10 stewardship of the reinvest in Minnesota
- 14.11 reserve program. Expenditures may be made
- 14.12 from these appropriations for supplies and
- 14.13 services benefiting soil and water conservation
- 14.14 districts. Any district receiving a payment
- 14.15 under this paragraph shall maintain a Web
- 14.16 page that publishes, at a minimum, its annual
- 14.17 report, annual audit, annual budget, and
- 14.18 meeting notices.
- 14.19 (c) \$260,000 the first year and \$260,000 the
- 14.20 second year are for feedlot water quality cost
- 14.21 share grants for feedlots under 300 animal
- 14.22 units and nutrient and manure management
- 14.23 projects in watersheds where there are
- 14.24 impaired waters.
- 14.25 (d) \$1,200,000 the first year and \$1,200,000
- 14.26 the second year are for soil and water
- 14.27 conservation district cost-sharing contracts for
- 14.28 perennially vegetated riparian buffers, erosion
- 14.29 control, water retention and treatment, and
- 14.30 other high-priority conservation practices.
- 14.31 (e) \$100,000 the first year and \$100,000 the
- 14.32 second year are for county cooperative weed
- 14.33 management cost-share programs and to
- 14.34 restore native plants in selected invasive
- 14.35 species management sites.

15.1 (f) \$761,000 the first year and \$761,000 the
15.2 second year are for implementation,
15.3 enforcement, and oversight of the Wetland
15.4 Conservation Act, including administration of
15.5 the wetland banking program and in-lieu fee
15.6 mechanism.

15.7 (g) \$300,000 the first year is for improving
15.8 the efficiency and effectiveness of Minnesota's
15.9 wetland regulatory programs through
15.10 continued examination of United States Clean
15.11 Water Act section 404 assumption including
15.12 negotiation of draft agreements with the
15.13 United States Environmental Protection
15.14 Agency and the United States Army Corps of
15.15 Engineers, planning for an online permitting
15.16 system, upgrading the existing wetland
15.17 banking database, and developing an in-lieu
15.18 fee wetland banking program as authorized
15.19 by statute. This is a onetime appropriation and
15.20 is available until June 30, 2019.

15.21 (h) \$166,000 the first year and \$166,000 the
15.22 second year are to provide technical assistance
15.23 to local drainage management officials and
15.24 for the costs of the Drainage Work Group. The
15.25 Board of Water and Soil Resources must
15.26 coordinate the stakeholder drainage work
15.27 group in accordance with Minnesota Statutes,
15.28 section 103B.101, subdivision 13, to evaluate
15.29 and make recommendations to accelerate
15.30 drainage system acquisition and establishment
15.31 of ditch buffer strips under Minnesota Statutes,
15.32 chapter 103E, or compatible alternative
15.33 practices required by Minnesota Statutes,
15.34 section 103F.48. The evaluation and
15.35 recommendations must be submitted in a

- 16.1 report to the senate and house of
16.2 representatives committees with jurisdiction
16.3 over agriculture and environment policy by
16.4 February 1, 2018.
- 16.5 (i) \$100,000 the first year and \$100,000 the
16.6 second year are for a grant to the Red River
16.7 Basin Commission for water quality and
16.8 floodplain management, including
16.9 administration of programs. This appropriation
16.10 must be matched by nonstate funds. If the
16.11 appropriation in either year is insufficient, the
16.12 appropriation in the other year is available for
16.13 it.
- 16.14 (j) \$140,000 the first year and \$140,000 the
16.15 second year are for grants to Area II
16.16 Minnesota River Basin Projects for floodplain
16.17 management.
- 16.18 (k) \$125,000 the first year and \$125,000 the
16.19 second year are for conservation easement
16.20 stewardship.
- 16.21 (l) \$240,000 the first year and \$240,000 the
16.22 second year are for a grant to the Lower
16.23 Minnesota River Watershed District to defray
16.24 the annual cost of operating and maintaining
16.25 sites for dredge spoil to sustain the state,
16.26 national, and international commercial and
16.27 recreational navigation on the lower Minnesota
16.28 River.
- 16.29 (m) \$4,380,000 the first year and \$4,533,000
16.30 the second year are for Board of Water and
16.31 Soil Resources agency administration and
16.32 operations.
- 16.33 (n) Notwithstanding Minnesota Statutes,
16.34 section 103C.501, the board may shift

17.1 cost-share funds in this section and may adjust
 17.2 the technical and administrative assistance
 17.3 portion of the grant funds to leverage federal
 17.4 or other nonstate funds or to address
 17.5 high-priority needs identified in local water
 17.6 management plans or comprehensive water
 17.7 management plans.

17.8 (o) The appropriations for grants in this section
 17.9 are available until June 30, 2021, except
 17.10 returned grants are available for two years
 17.11 after they are returned. If an appropriation for
 17.12 grants in either year is insufficient, the
 17.13 appropriation in the other year is available for
 17.14 it.

17.15 (p) Notwithstanding Minnesota Statutes,
 17.16 section 16B.97, the appropriations for grants
 17.17 in this section are exempt from Department
 17.18 of Administration, Office of Grants
 17.19 Management Policy 08-08 Grant Payments
 17.20 and 08-10 Grant Monitoring.

17.21 **ARTICLE 2**

17.22 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

17.23 Section 1. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended
 17.24 to read:

17.25 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
 17.26 or outside counsel to render title opinions, represent the department in severed mineral
 17.27 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute
 17.28 to the contrary, represent the state in quiet title or title registration actions affecting land or
 17.29 interests in land administered by the commissioner and in all proceedings relating to road
 17.30 vacations.

17.31 Sec. 2. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

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

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

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

18.10 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
18.11 3b agricultural land as a result of the application of pesticides or other agricultural chemical
18.12 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
18.13 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
18.14 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste
18.15 land, or other land for which the owner receives a state paid wetlands or native prairie tax
18.16 credit.

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

18.19 Sec. 3. Minnesota Statutes 2016, section 84.775, subdivision 1, is amended to read:

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

18.22 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause
18.23 (1); 84.777; 84.788 to 84.795; or 84.90;

18.24 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
18.25 84.777; 84.798 to 84.804; or 84.90; or

18.26 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);
18.27 84.777; 84.90; or 84.922 to 84.928.

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

18.30 (1) \$100 for the first offense;

18.31 (2) \$200 for the second offense; and

19.1 (3) \$500 for third and subsequent offenses.

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

19.6 (1) \$100 for the first offense;

19.7 (2) \$500 for the second offense; and

19.8 (3) \$1,000 for third and subsequent offenses.

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

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

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

19.17 Sec. 4. Minnesota Statutes 2016, section 84.83, subdivision 3, is amended to read:

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

19.21 (1) for a grant-in-aid program to counties and municipalities for construction and
19.22 maintenance of snowmobile trails, including maintenance of trails on lands and waters of
19.23 Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in
19.24 St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;
19.25 and on the following lakes in Cook County: Devil Track and Hungry Jack;

19.26 (2) for acquisition, development, and maintenance of state recreational snowmobile
19.27 trails;

19.28 (3) for snowmobile safety programs; and

19.29 (4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated
19.30 grants to local law enforcement agencies.

20.1 (b) No less than 60 percent of revenue ~~collected from snowmobile registration and~~
20.2 ~~snowmobile state trail sticker fees~~ deposited in the snowmobile trails and enforcement
20.3 account must be expended for grants-in-aid to develop, maintain, and groom trails and
20.4 acquire easements.

20.5 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.6 Sec. 5. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

20.15 (5) Specifications relating to snowmobile mufflers.

20.16 (6) A comprehensive snowmobile information and safety education and training program,
20.17 including but not limited to the preparation and dissemination of snowmobile information
20.18 and safety advice to the public, the training of snowmobile operators, and the issuance of
20.19 snowmobile safety certificates to snowmobile operators who successfully complete the
20.20 snowmobile safety education and training course. For the purpose of administering such
20.21 program and to defray expenses of training and certifying snowmobile operators, the
20.22 commissioner shall collect a fee from each person who receives the youth or adult training.
20.23 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
20.24 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
20.25 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
20.26 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
20.27 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
20.28 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
20.29 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
20.30 and enforcement account in the natural resources fund and the amount thereof, except for
20.31 the electronic licensing system commission established by the commissioner under section
20.32 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
20.33 annually to the Enforcement Division of the Department of Natural Resources for the

21.1 administration of such programs. In addition to the fee established by the commissioner,
 21.2 instructors may charge each person any fee paid by the instructor for the person's online
 21.3 training course and up to the established fee amount for class materials and expenses. The
 21.4 commissioner shall cooperate with private organizations and associations, private and public
 21.5 corporations, and local governmental units in furtherance of the program established under
 21.6 this clause. School districts may cooperate with the commissioner and volunteer instructors
 21.7 to provide space for the classroom portion of the training. The commissioner shall consult
 21.8 with the commissioner of public safety in regard to training program subject matter and
 21.9 performance testing that leads to the certification of snowmobile operators.

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

21.16 Sec. 6. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended to
 21.17 read:

21.18 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control
 21.19 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person
 21.20 knows or has reason to believe is under the influence of alcohol or a controlled substance
 21.21 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state
 21.22 or on the ice of any boundary water of this state.

21.23 (b) No owner or other person having charge or control of any snowmobile or all-terrain
 21.24 vehicle shall knowingly authorize or permit any person, who by reason of any physical or
 21.25 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain
 21.26 vehicle anywhere in this state or on the ice of any boundary water of this state.

21.27 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
 21.28 anywhere in this state or on the ice of any boundary water of this state is subject to chapter
 21.29 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
 21.30 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~
 21.31 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit
 21.32 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity
 21.33 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period

22.1 of one year. The commissioner shall notify the person of the time period during which the
22.2 person is prohibited from operating a snowmobile or all-terrain vehicle.

22.3 (d) Administrative and judicial review of the operating privileges prohibition is governed
22.4 by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving
22.5 conviction or prior license revocation, as defined in section 169A.03. Otherwise,
22.6 administrative and judicial review of the prohibition is governed by section 169A.53 or
22.7 171.177.

22.8 (e) The court shall promptly forward to the commissioner and the Department of Public
22.9 Safety copies of all convictions and criminal and civil sanctions imposed under:

22.10 (1) this section and chapters;

22.11 (2) chapter 169 and relating to snowmobiles and all-terrain vehicles;

22.12 (3) chapter 169A relating to snowmobiles and all-terrain vehicles; and

22.13 (4) section 171.177.

22.14 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
22.15 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain
22.16 vehicle during the time period the person is prohibited from operating a vehicle under
22.17 paragraph (c) is guilty of a misdemeanor.

22.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
22.19 committed on or after that date.

22.20 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended
22.21 to read:

22.22 Subdivision 1. **Program Training and certification programs established.** (a) The
22.23 commissioner shall establish:

22.24 (1) a comprehensive all-terrain vehicle environmental and safety education and training
22.25 certification program, including the preparation and dissemination of vehicle information
22.26 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
22.27 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
22.28 successfully complete the all-terrain vehicle environmental and safety education and training
22.29 course; and

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

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

23.3 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
23.4 training and certifying vehicle operators, the commissioner shall collect a fee from each
23.5 person who receives the training for certification under paragraph (a), clause (1). The
23.6 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
23.7 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
23.8 in a manner that neither significantly overrecovers nor underrecovers costs, including
23.9 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
23.10 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
23.11 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
23.12 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
23.13 account in the natural resources fund and the amount thereof, except for the electronic
23.14 licensing system commission established by the commissioner under section 84.027,
23.15 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
23.16 the Enforcement Division of the Department of Natural Resources for the administration
23.17 of the programs. In addition to the fee established by the commissioner, instructors may
23.18 charge each person up to the established fee amount for class materials and expenses.

23.19 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
23.20 private and public corporations, and local governmental units in furtherance of the ~~program~~
23.21 programs established under this section. School districts may cooperate with the
23.22 commissioner and volunteer instructors to provide space for the classroom portion of the
23.23 training. The commissioner shall consult with the commissioner of public safety in regard
23.24 to ~~training program~~ the subject matter of the training programs and performance testing that
23.25 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
23.26 component in the ~~safety education and training program~~ programs established under this
23.27 section.

23.28 Sec. 8. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended
23.29 to read:

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

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

- 24.1 (1) make a direct crossing of a public road right-of-way;
- 24.2 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- 24.3 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
- 24.4 paragraph (f).
- 24.5 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
- 24.6 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,
- 24.7 county state-aid, or county highway or operate on public lands and waters or state or
- 24.8 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
- 24.9 issued by the commissioner and is accompanied by a person 18 years of age or older who
- 24.10 holds a valid driver's license.
- 24.11 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
- 24.12 but less than 16 years old, must:
- 24.13 (1) successfully complete the safety education and training program under section 84.925,
- 24.14 subdivision 1, including a riding component; and
- 24.15 (2) be able to properly reach and control the handle bars and reach the foot pegs while
- 24.16 sitting upright on the seat of the all-terrain vehicle.
- 24.17 (e) A person at least ~~six~~ ten years of age may take the safety education and training
- 24.18 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
- 24.19 the certificate is not valid until the person reaches age 12.
- 24.20 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
- 24.21 vehicle with an engine capacity up to 110cc if the vehicle is a class 1 all-terrain vehicle with
- 24.22 straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
- 24.23 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
- 24.24 guardian.
- 24.25 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.
- 24.26 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
- 24.27 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:
- 24.28 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
- 24.29 all-terrain vehicle with straddle-style seating; or
- 24.30 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
- 24.31 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

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

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

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

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

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

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

25.16 **Sec. 9. [84.9258] ALL-TERRAIN VEHICLE PILOT PROJECT; HAYES LAKE**
25.17 **STATE PARK.**

25.18 (a) A person may operate an all-terrain vehicle in campground areas at Hayes Lake State
25.19 Park designated by the commissioner of natural resources under this section. The all-terrain
25.20 vehicle must have a valid state park permit. The commissioner must issue an annual permit
25.21 for an all-terrain vehicle at the same fee and in the same manner as an annual motorcycle
25.22 state park permit, unless the all-terrain vehicle is being permitted annually as a second or
25.23 subsequent vehicle. The person operating the all-terrain vehicle must display the state park
25.24 permit on the all-terrain vehicle or carry the state park permit while operating the vehicle.

25.25 (b) By August 1, 2018, the commissioner of natural resources, in cooperation with
25.26 Roseau County and the Friends of Hayes Lake State Park, must designate campground areas
25.27 at Hayes Lake State Park and access routes to those campgrounds from nearby all-terrain
25.28 vehicle trails as accessible to all-terrain vehicles. The campground areas and access routes
25.29 designated must have been previously open to motorized vehicle use.

25.30 (c) Designations made under this section are not subject to the rulemaking provisions
25.31 of chapter 14, and section 14.386 does not apply.

25.32 (d) This section expires January 1, 2021.

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

26.2 Sec. 10. Minnesota Statutes 2016, section 84.928, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

26.14 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
26.15 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

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

26.20 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

26.22 Sec. 11. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended
26.23 to read:

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

26.27 (b) In waters that are listed as infested waters, except those listed as infested with
26.28 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
26.29 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

27.22 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River
27.23 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors
27.24 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota
27.25 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for
27.26 noncommercial personal use as bait for angling, as provided in a permit issued under section
27.27 84D.11, is allowed as follows:

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

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

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

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

28.5 ~~This paragraph expires December 1, 2017.~~

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

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

28.11 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

28.12 Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended
28.13 to read:

28.14 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
28.15 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
28.16 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
28.17 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
28.18 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
28.19 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
28.20 license or permit. Tagged gear must not be used in water bodies other than those specified
28.21 in the license or permit. The license or permit may authorize department staff to remove
28.22 tags after the from gear is that has been decontaminated according to a protocol specified
28.23 by the commissioner if use of the decontaminated gear in other water bodies would not pose
28.24 an unreasonable risk of harm to natural resources or the use of natural resources in the state.

28.25 This tagging requirement does not apply to commercial fishing equipment used in Lake
28.26 Superior.

28.27 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
28.28 frog, or crayfish harvesting in an infested water that is listed solely because it contains
28.29 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
28.30 of two days before they are used in any other waters, except as provided in this paragraph.
28.31 Commercial licensees must notify the department's regional or area fisheries office or a
28.32 conservation officer before removing nets or equipment from an infested water listed solely
28.33 because it contains Eurasian watermilfoil and before resetting those nets or equipment in

29.1 any other waters. Upon notification, the commissioner may authorize a commercial licensee
29.2 to move nets or equipment to another water without freezing or drying, if that water is listed
29.3 as infested solely because it contains Eurasian watermilfoil.

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

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

29.8 Sec. 13. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended
29.9 to read:

29.10 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
29.11 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
29.12 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~
29.13 ~~Gull East State~~ water access Site sites on Gull Lake (DNR Division of Waters number
29.14 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,
29.15 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake
29.16 service providers participating in the Gull Lake targeted pilot study place of business must
29.17 be located in Cass or Crow Wing County.

29.18 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
29.19 the report to the chairs and ranking minority members of the senate and house of
29.20 representatives committees having jurisdiction over natural resources required under Laws
29.21 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
29.22 recommendations and assessments.

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

29.24 Sec. 14. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended
29.25 to read:

29.26 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
29.27 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
29.28 ~~Cross Lake #1 State~~ water access Site sites on Cross Lake (DNR Division of Waters number
29.29 18-0312) in Crow Wing County using the same authorities, general procedures, and
29.30 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place
29.31 of business of lake service providers participating in the Cross Lake targeted pilot study
29.32 must be located in Cass or Crow Wing County.

30.1 (b) If an additional targeted pilot project for Cross Lake is implemented under this
 30.2 section, the report to the chairs and ranking minority members of the senate and house of
 30.3 representatives committees having jurisdiction over natural resources required under Laws
 30.4 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
 30.5 study recommendations and assessments.

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

30.7 Sec. 15. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended
 30.8 to read:

30.9 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area
 30.10 Citizens Advisory Council is established. Membership on the advisory council shall include:

30.11 (1) a representative of ~~the Cuyuna Range Mineland Recreation Area Joint Powers Board~~
 30.12 Cuyuna Range Economic Development Inc.;

30.13 (2) a representative of ~~for the Croft Mine Historical Park Joint Powers Board~~;

30.14 (3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked~~
 30.15 ~~as a miner in the local area~~ member at large appointed by the members of the council;

30.16 (4) a representative of the Crow Wing County Board;

30.17 (5) ~~an elected state official~~ the state senator representing the state recreation area;

30.18 (6) the member from the state house of representatives representing the state recreation
 30.19 area;

30.20 (7) a representative of the Grand Rapids regional office of the Department of Natural
 30.21 Resources;

30.22 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

30.23 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of
 30.24 commerce;

30.25 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing
 30.26 County District 5 commissioner;

30.27 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton
 30.28 School Board;

30.29 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna
 30.30 Range Chamber of Commerce; and

31.1 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

31.2 Sec. 16. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

31.3 Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide
31.4 detection system" means a device or system ~~that meets the requirements of the American~~
31.5 ~~Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.~~
31.6 for detecting carbon monoxide that is certified by a nationally recognized testing laboratory
31.7 to conform to current UL Standards for use on recreational boats.

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

31.9 Sec. 17. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

31.10 Subdivision 1. **Requirements; installation.** (a) No motorboat that has an enclosed
31.11 accommodation compartment may be operated on any waters of the state unless the motorboat
31.12 is equipped with a functioning marine carbon monoxide detection system installed according
31.13 to the manufacturer's instructions and this subdivision.

31.14 (b) ~~After May 1, 2017,~~ No new motorboat that has an enclosed accommodation
31.15 compartment may be sold or offered for sale in Minnesota unless the motorboat is equipped
31.16 with a new functioning marine carbon monoxide detection system installed according to
31.17 the manufacturer's instructions and this subdivision.

31.18 (c) A marine carbon monoxide detection system must be located:

31.19 (1) to monitor the atmosphere of the enclosed accommodation compartment; and

31.20 (2) within ten feet or 3.048 meters of any designated sleeping accommodations.

31.21 (d) A marine carbon monoxide detection system, including a sensor, must not be located
31.22 within five feet or 1.52 meters of any cooking appliance.

31.23 **EFFECTIVE DATE.** This section is effective May 1, 2018.

31.24 Sec. 18. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to
31.25 read:

31.26 Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all
31.27 individuals employed as wildland firefighters under this chapter are not subject to the
31.28 requirements of chapter 299N.

32.1 Sec. 19. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

32.2 Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person
32.3 who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty
32.4 is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

32.5 (b) Failure by any person to comply with any provision or requirement of sections 88.03
32.6 to 88.22 to which such person is subject shall be deemed a violation thereof.

32.7 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to
32.8 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,
32.9 shall also be liable in full damages to any and every person suffering loss or injury by reason
32.10 of such violation, including liability to the state, and any of its political subdivisions, for
32.11 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire
32.12 caused by, or resulting from, any violation of these sections. Notwithstanding any statute
32.13 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee
32.14 of the Department of Natural Resources may represent the commissioner in proceedings
32.15 under this subdivision that are removed to district court from conciliation court. All expenses
32.16 so collected by the state shall be deposited in the general fund. When a fire set by any person
32.17 spreads to and damages or destroys property belonging to another, the setting of the fire
32.18 shall be prima facie evidence of negligence in setting and allowing the same to spread.

32.19 (d) At any time the state, or any political subdivision thereof, either of its own motion,
32.20 or at the suggestion or request of the director, may bring an action in any court of competent
32.21 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,
32.22 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any
32.23 person from proceeding further in, with, or at any timber cutting or other operations without
32.24 complying with the provisions of those sections, or the requirements of the director pursuant
32.25 thereto; and the court may grant such relief, or any other appropriate relief, whenever it
32.26 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid
32.27 in accomplishing the purposes of sections 88.03 to 88.22.

32.28 Sec. 20. Minnesota Statutes 2016, section 89.551, is amended to read:

32.29 **89.551 APPROVED FIREWOOD REQUIRED.**

32.30 (a) After the commissioner issues an order under paragraph (b), a person may not possess
32.31 firewood on land administered by the commissioner of natural resources unless the firewood:

32.32 (1) was obtained from a firewood distribution facility located on land administered by
32.33 the commissioner;

33.1 (2) was obtained from a firewood dealer who is selling firewood that is approved by the
33.2 commissioner under paragraph (b); or

33.3 (3) has been approved by the commissioner of natural resources under paragraph (b).

33.4 (b) The commissioner of natural resources shall, by written order published in the State
33.5 Register, approve firewood for possession on lands administered by the commissioner. The
33.6 order is not subject to the rulemaking provisions of chapter 14, and section 14.386 does not
33.7 apply.

33.8 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~
33.9 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~
33.10 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~
33.11 ~~of this section and sold for use on land administered by the commissioner.~~

33.12 (d) For the purposes of this section, "firewood" means any wood that is intended for use
33.13 in a campfire, as defined in section 88.01, subdivision 25.

33.14 Sec. 21. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

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

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

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

33.25 Sec. 22. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended
33.26 to read:

33.27 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
33.28 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
33.29 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
33.30 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

34.1 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,
34.2 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2
34.3 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses
34.4 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,
34.5 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in
34.6 section 97A.4742, for each license issued to a person 18 years of age or older under section
34.7 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for
34.8 each license issued to a person under 18 years of age under section 97A.473, subdivision
34.9 4, shall be credited to the deer management account and is appropriated to the commissioner
34.10 for deer habitat improvement or deer management programs. The deer management account
34.11 is established as an account in the game and fish fund and may be used only for deer habitat
34.12 improvement or deer management programs.

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

34.18 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
34.19 Cervidae health-management account and is appropriated for emergency deer feeding and
34.20 wild Cervidae health management. Money appropriated for emergency deer feeding and
34.21 wild Cervidae health management is available until expended.

34.22 When the unencumbered balance in the appropriation for emergency deer feeding and
34.23 wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
34.24 unencumbered balance in excess of \$2,500,000 is canceled and available for deer- and
34.25 bear-management programs and computerized licensing.

34.26 Sec. 23. [97A.409] VOTER REGISTRATION INFORMATION.

34.27 (a) On the Department of Natural Resources online license sales Web site for purchasing
34.28 a resident license to hunt or fish that is required under the game and fish laws, the
34.29 commissioner must include the voter registration eligibility requirements and a description
34.30 of how to register to vote before or on election day. On the Web page where an individual
34.31 has the option to print a license to hunt or fish, the commissioner must include a direct link
34.32 to the secretary of state's online voter registration Web page.

34.33 (b) In the printed and digital versions of fishing regulations and hunting and trapping
34.34 regulations, the commissioner must include the voter registration eligibility requirements,

35.1 a description of how to register to vote before or on election day, and a link to the secretary
35.2 of state's online voter registration Web page. In addition, the commissioner must include a
35.3 voter registration application in the printed and digital versions of fishing regulations and
35.4 hunting and trapping regulations.

35.5 (c) The secretary of state must provide the required voter registration information to the
35.6 commissioner. The secretary of state must prepare and approve an alternate form of the
35.7 voter registration application to be used in the regulations.

35.8 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to licenses
35.9 issued on or after March 1, 2019. Paragraph (b) is effective August 1, 2018, and applies to
35.10 printed and digital versions of regulations updated on or after that date.

35.11 Sec. 24. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

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

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

35.23 Sec. 25. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

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

35.29 Sec. 26. Minnesota Statutes 2016, section 97A.56, subdivision 2, is amended to read:

35.30 Subd. 2. **Prohibited actions; penalty.** (a) A person may not ~~possess or~~ release feral
35.31 swine or swine that were feral during any part of the swine's lifetime or allow feral swine

36.1 to run at large. Except as provided under paragraph (b), a person may not possess feral
36.2 swine or swine that were feral during any part of the swine's lifetime.

36.3 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner
36.4 for feral swine control or eradication. It is not a violation of this section if a person shoots
36.5 a feral swine and reports the taking to the commissioner within 24 hours. All swine taken
36.6 in this manner must be surrendered to the commissioner unless the commissioner authorizes
36.7 the person to keep the swine.

36.8 (c) A person who violates this subdivision is guilty of a misdemeanor.

36.9 Sec. 27. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

36.10 Subd. 6. **Provisional certificate for persons with permanent physical or**
36.11 **developmental disability.** Upon the recommendation of a course instructor, the
36.12 commissioner may issue a provisional firearms safety certificate to a person who satisfactorily
36.13 completes the classroom portion of the firearms safety course but is unable to pass the
36.14 written or an alternate format exam portion of the course because of a permanent physical
36.15 disability or developmental disability as defined in section 97B.1055, subdivision 1. The
36.16 certificate is valid only when used according to section 97B.1055.

36.17 Sec. 28. Minnesota Statutes 2016, section 97B.081, subdivision 3, is amended to read:

36.18 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

36.19 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons
36.20 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

36.21 (2) hunt fox or coyote from January 1 to March 15 while using ~~a handheld~~ an artificial
36.22 light, provided that the person is:

36.23 (i) on foot;

36.24 (ii) using a shotgun;

36.25 (iii) not within a public road right-of-way;

36.26 (iv) using a handheld or electronic calling device; and

36.27 (v) not within 200 feet of a motor vehicle; or

36.28 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
36.29 animals, provided that the person is:

36.30 (i) on foot; and

37.1 (ii) not in possession of a firearm or bow.

37.2 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
37.3 headlight, or other artificial light to:

37.4 (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or
37.5 occupation-related activities that do not involve taking wild animals; or

37.6 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
37.7 spotting, locating, or taking a wild animal.

37.8 (c) Except as otherwise provided by the game and fish laws, it is not a violation of this
37.9 section for a person to use an electronic range finder device from one-half hour before
37.10 sunrise until one-half hour after sunset while lawfully hunting wild animals.

37.11 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
37.12 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
37.13 firearm, provided that the person:

37.14 (1) has the person's valid bear-hunting license in possession;

37.15 (2) is on foot; and

37.16 (3) is following the blood trail of a bear that was shot during legal shooting hours.

37.17 Sec. 29. Minnesota Statutes 2016, section 97B.1055, is amended to read:

37.18 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**
37.19 **DEVELOPMENTAL DISABILITY.**

37.20 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision
37.21 6~~;~~:

37.22 (1) "person with developmental disability" means a person who has been diagnosed as
37.23 having substantial limitations in present functioning, manifested as significantly subaverage
37.24 intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior,
37.25 and who manifests these conditions before the person's 22nd birthday~~;~~:

37.26 ~~A~~ (2) "person with a related condition" means a person who meets the diagnostic
37.27 definition under section 252.27, subdivision 1a~~;~~; and

37.28 (3) "person with a permanent physical disability" means a person who has a physical
37.29 disability that prevents them from being able to navigate natural terrain or hold a firearm
37.30 for the purpose of a required field component for the firearms safety training program under
37.31 section 97B.020.

38.1 Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a
38.2 permanent physical disability or developmental disability may obtain a firearms hunting
38.3 license with a provisional firearms safety certificate issued under section 97B.015,
38.4 subdivision 6.

38.5 (b) Any person accompanying or assisting a person with a permanent physical disability
38.6 or developmental disability under this section must possess a valid firearms safety certificate
38.7 issued by the commissioner.

38.8 Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under
38.9 subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person
38.10 designated by a parent or guardian when hunting. A person who is not hunting but is solely
38.11 accompanying and assisting a person with a permanent physical disability or developmental
38.12 disability need not obtain a hunting license.

38.13 Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a
38.14 firearm if the person is otherwise prohibited from possessing a firearm under state or federal
38.15 law or a court order.

38.16 (b) No person shall knowingly authorize or permit a person, who by reason of a permanent
38.17 physical disability or developmental disability is incapable of safely possessing a firearm,
38.18 to possess a firearm to hunt in the state or on any boundary water of the state.

38.19 Sec. 30. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

38.20 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard
38.21 shad for use as bait for angling:

38.22 (1) from July 1 to November 30; and

38.23 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream
38.24 of St. Anthony Falls₂ and the St. Croix River downstream of the dam at Taylors Falls,
38.25 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,
38.26 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under
38.27 section 84D.03, subdivision 3.

38.28 (b) Cast nets used under this subdivision must be monofilament and may not exceed
38.29 ~~seven~~ five feet in ~~diameter~~ radius, and mesh size must be from three-eighths to five-eighths
38.30 inch bar measure. No more than two cast nets may be used at one time.

38.31 ~~(e) This subdivision expires December 1, 2017. The commissioner must report to the~~
38.32 ~~chairs and ranking minority members of the house of representatives and senate committees~~

39.1 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~
39.2 ~~of permits issued, conservation impacts from the use of east nets, and recommendations for~~
39.3 ~~any necessary changes in statutes or rules.~~

39.4 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

39.5 Sec. 31. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

39.6 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a
39.7 county or other local unit of government that provides a match utilizing a water
39.8 implementation tax or other local source. A water implementation tax that a county or other
39.9 local unit of government intends to use as a match to the base grant must be levied at a rate
39.10 sufficient to generate a minimum amount determined by the board. The board may award
39.11 performance-based or watershed-based grants, contracts, or payments to local units of
39.12 government that are responsible for implementing elements of applicable portions of
39.13 watershed management plans, comprehensive plans, local water management plans, or
39.14 comprehensive watershed management plans, developed or amended, adopted and approved,
39.15 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the
39.16 board may also award performance-based grants to local units of government to carry out
39.17 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation
39.18 plan has been incorporated into the local water management plan according to the procedures
39.19 for approving comprehensive plans, watershed management plans, local water management
39.20 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,
39.21 or if the TMDL implementation plan has undergone a public review process. Notwithstanding
39.22 section 16A.41, the board may award ~~performance-based~~ grants, contracts, or payments on
39.23 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or
39.24 as a supplement to state funding to accomplish implementation of comprehensive plans,
39.25 watershed management plans, local water management plans, or comprehensive watershed
39.26 management plans under this chapter and chapter 103C or 103D.

39.27 Sec. 32. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

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

40.1 (b) Notwithstanding paragraph (a), the board may develop and utilize eligibility criteria
40.2 for base amounts of state funding to local governments.

40.3 Sec. 33. Minnesota Statutes 2016, section 103B.3369, is amended by adding a subdivision
40.4 to read:

40.5 Subd. 10. **Red River Basin Commission.** (a) The board may provide information and
40.6 technical or financial support to the Red River Basin Commission in furtherance of the
40.7 watershed management policy under section 103A.212.

40.8 (b) For the purposes of this subdivision, "Red River Basin Commission" means a Red
40.9 River of the North transboundary, nonprofit corporation organized under section 501(c)(3)
40.10 of the Internal Revenue Code and respective bylaws with the purpose of facilitating
40.11 transboundary and basin-wide dialogue; consulting with citizens, land users, organizations,
40.12 and governments; and coordinating basin-wide interstate and international efforts on water
40.13 management including but not limited to flood mitigation, water quality, water supply,
40.14 drainage, aquatic health, and recreation.

40.15 Sec. 34. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

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

40.18 (1) align local water planning purposes and procedures under this chapter and chapters
40.19 103C and 103D on watershed boundaries to create a systematic, watershed-wide,
40.20 science-based approach to watershed management;

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

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

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

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

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

41.1 Sec. 35. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

41.2 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June
41.3 30, 2016, a transition plan for development, approval, adoption, and coordination of plans
41.4 consistent with section 103A.212. The transition plan must include a goal of completing
41.5 statewide transition to comprehensive watershed management plans by 2025. The
41.6 metropolitan area may be considered for inclusion in the transition plan. The board may
41.7 amend the transition plan no more often than once every two years.

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

41.11 Sec. 36. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

41.12 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**
41.13 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring
41.14 appointment of viewers and redetermination of benefits and damages, a drainage authority
41.15 may ~~implement~~ make findings and order the establishment of permanent buffer strips of
41.16 perennial vegetation approved by the drainage authority or side inlet controls, or both,
41.17 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,
41.18 improve water quality, or maintain the efficiency of the drainage system. The drainage
41.19 authority's finding that the establishment of permanent buffer strips of perennial vegetation
41.20 or side inlet controls is necessary to control erosion and sedimentation, improve water
41.21 quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction
41.22 under this subdivision. Preference should be given to planting native species of a local
41.23 ecotype. The approved perennial vegetation shall not impede future maintenance of the
41.24 ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured
41.25 outward from the top edge of the existing constructed channel. Drainage system rights-of-way
41.26 for the acreage and additional property required for the permanent strips must be acquired
41.27 by the authority having jurisdiction.

41.28 (b) A project under this subdivision shall be implemented as a repair according to section
41.29 103E.705, except that the drainage authority may appoint an engineer to examine the drainage
41.30 system and prepare an engineer's repair report for the project.

41.31 (c) Damages shall be determined by the drainage authority, or viewers, appointed by
41.32 the drainage authority, according to section 103E.315, subdivision 8. A damages statement
41.33 shall be prepared, including an explanation of how the damages were determined for each
41.34 property affected by the project, and filed with the auditor or watershed district. Within 30

42.1 days after the damages statement is filed, the auditor or watershed district shall prepare
42.2 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),
42.3 (7), and (8), and mail a copy of the property owner's report and damages statement to each
42.4 owner of property affected by the proposed project.

42.5 (d) After a damages statement is filed, the drainage authority shall set a time, by order,
42.6 not more than 30 days after the date of the order, for a hearing on the project. At least ten
42.7 days before the hearing, the auditor or watershed district shall give notice by mail of the
42.8 time and location of the hearing to the owners of property and political subdivisions likely
42.9 to be affected by the project.

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

42.14 Sec. 37. Minnesota Statutes 2016, section 103E.071, is amended to read:

42.15 **103E.071 COUNTY ATTORNEY.**

42.16 The county attorney shall represent the county in all drainage proceedings and related
42.17 matters without special compensation, except as provided in section 388.09, subdivision 1.
42.18 A county attorney, the county attorney's assistant, or any attorney associated with the county
42.19 attorney in business, may not otherwise appear in any drainage proceeding for any interested
42.20 person.

42.21 Sec. 38. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

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

42.24 (1) account maintenance annual fee: one percent of the value of credits not to exceed
42.25 \$500;

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

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

42.29 (b) The board ~~may~~ must establish fees ~~at or~~ based on costs to the agency below the
42.30 amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

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

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

43.8 Sec. 39. Minnesota Statutes 2017 Supplement, section 103G.271, subdivision 7, is amended
43.9 to read:

43.10 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive
43.11 owner of real property if the permittee conveys the real property where the source of water
43.12 is located. The new owner must notify the commissioner immediately after the conveyance
43.13 and request transfer of the permit. The commissioner must not deny the transfer of a permit
43.14 if the permittee is in compliance with all permit conditions and the permit meets the
43.15 requirements of sections 103G.255 to 103G.301. The commissioner may not require
43.16 additional conditions or require additional testing when transferring a permit.

43.17 Sec. 40. [103G.276] IRRIGATION TEST WELLS.

43.18 If the commissioner requires installation of a test well for a water appropriation permit
43.19 for irrigation and denies the permit, the commissioner must pay the costs of the well.

43.20 Sec. 41. Minnesota Statutes 2016, section 103G.287, is amended by adding a subdivision
43.21 to read:

43.22 Subd. 6. **Management plans.** (a) Before the commissioner approves a management plan
43.23 or modification to a management plan for appropriating groundwater that restricts water
43.24 usage in the area, the commissioner must demonstrate to affected permit holders that any
43.25 data used to make the decision to restrict the usage supports or verifies the decision.

43.26 (b) Before the commissioner approves a management plan or modification to a
43.27 management plan for appropriating groundwater, the commissioner must consider the
43.28 economic impact of the plan or modification.

44.1 Sec. 42. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
44.2 to read:

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

44.5 Sec. 43. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
44.6 to read:

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

44.9 Sec. 44. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

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

44.14 Sec. 45. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

44.15 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means:

44.16 (1) a document detailing restoration activities needed to meet the approved TMDL's
44.17 pollutant load allocations for point and nonpoint sources; or

44.18 (2) one of the following that the commissioner of the Pollution Control Agency
44.19 determines to be, in whole or part, sufficient to meet applicable water quality standards:

44.20 (i) a comprehensive watershed management plan;

44.21 (ii) a comprehensive local water management plan; or

44.22 (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

44.23 Sec. 46. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

44.24 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed
44.25 restoration and protection strategy" or "WRAPS" means a document summarizing scientific
44.26 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale
44.27 including the physical, chemical, and biological assessment of the water quality of the
44.28 watershed; identification of impairments and water bodies in need of protection; identification
44.29 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the

45.1 impairments; and ~~an implementation table containing~~ information to support strategies and
45.2 ~~actions~~ designed to achieve and maintain water quality standards and goals.

45.3 Sec. 47. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

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

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

45.9 (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~
45.10 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

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

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

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

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

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

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

45.22 Sec. 48. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

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

45.25 (1) develop regional ~~and,~~ multiple pollutant, or watershed TMDL's ~~and TMDL~~
45.26 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~
45.27 or WRAPSS, where reasonable and feasible;

45.28 (2) maximize use of available organizational, technical, and financial resources to perform
45.29 sampling, monitoring, and other activities to identify degraded groundwater and impaired
45.30 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution

46.1 Control Agency in assessing water quality that meets the requirements in ~~Appendix D of~~
 46.2 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner
 46.3 of the Pollution Control Agency (2003);

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

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

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

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

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

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

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

46.25 Sec. 49. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

46.26 Subd. 5. **Priorities for preparing WRAPSs AND TMDL's.** In consultation with the
 46.27 Clean Water Council shall recommend, the commissioner of the Pollution Control Agency
 46.28 must coordinate with the commissioners of natural resources, health, and agriculture, the
 46.29 Board of Water and Soil Resources, and, when applicable, the Minnesota Forest Resources
 46.30 Council to establish priorities for scheduling and preparing WRAPSs and TMDL's and
 46.31 TMDL implementation plans, taking into account, considering the severity and causes of
 46.32 the impairment impairments, the designated uses of those the waters, and other applicable
 46.33 federal TMDL requirements. In recommending priorities, the council shall also give

47.1 ~~Consideration to, groundwater and high-quality waters and watersheds watershed protection,~~
 47.2 waters and watersheds with declining water quality trends, waters used as drinking water
 47.3 sources, and waters and watersheds:

47.4 (1) with impairments that pose the greatest potential risk to human health;

47.5 (2) with impairments that pose the greatest potential risk to threatened or endangered
 47.6 species;

47.7 (3) with impairments that pose the greatest potential risk to aquatic health;

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

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

47.16 Sec. 50. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

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

47.22 Sec. 51. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
 47.23 to read:

47.24 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the
 47.25 commissioner of the Pollution Control Agency determines that a comprehensive watershed
 47.26 management plan or comprehensive local water management plan contains information that
 47.27 is sufficient and consistent with guidance from the United States Environmental Protection
 47.28 Agency, including the recommended structure for category 4b demonstrations or its
 47.29 replacement under section 303(d) of the federal Clean Water Act, the commissioner may
 47.30 submit the plan to the Environmental Protection Agency according to federal TMDL
 47.31 requirements as an alternative to developing a TMDL.

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

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

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

48.14 Sec. 52. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
48.15 to read:

48.16 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,
48.17 or program for water quality improvement or protection that is conducted by a watershed
48.18 management organization or a local government unit with a comprehensive watershed
48.19 management plan or other water management plan approved according to chapter 103B,
48.20 103C, or 103D may be considered as contributing to the requirements of a storm water
48.21 pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4)
48.22 permit unless the project, practice, or program was previously documented as contributing
48.23 to a different SWPPP for an MS4 permit.

48.24 Sec. 53. Minnesota Statutes 2016, section 114D.26, is amended to read:

48.25 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

48.26 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall
48.27 must develop watershed restoration and protection strategies- for:

48.28 (1) quantifying impairments and risks to water quality;

48.29 (2) describing the causes of impairments and pollution sources;

48.30 (3) consolidating TMDLs in a major watershed; and

49.1 (4) informing comprehensive local water management plans and comprehensive
 49.2 watershed management plans.

49.3 (b) To ensure effectiveness, efficiency, and accountability in meeting the goals of this
 49.4 chapter, the commissioner of the Pollution Control Agency and the Board of Water and
 49.5 Soil Resources must coordinate the schedule, budget, scope, and use of a WRAPS and
 49.6 related documents and processes in consultation with local government units and, when
 49.7 applicable, the Minnesota Forest Resources Council in consideration of section 114D.20,
 49.8 subdivision 8. Each WRAPS shall must:

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

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

49.11 (3) summarize watershed modeling outputs and resulting pollution load allocations; and
 49.12 wasteload allocations, and priority areas for targeting actions to improve water quality and
 49.13 identify areas with high pollutant-loading rates;

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

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

49.20 (6) describe the current pollution loading and load reduction needed for each source or
 49.21 source category to meet water quality standards and goals, including wasteload and load
 49.22 allocations from TMDL's;

49.23 (7) ~~contain a plan for ongoing~~ identify water quality monitoring needed to fill data gaps,
 49.24 determine changing conditions, and or gauge implementation effectiveness; and

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

49.28 (i) water quality parameters of concern;

49.29 (ii) current water quality conditions;

49.30 (iii) water quality goals and targets by parameter of concern; and

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

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

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

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

50.9 Subd. 2. **Reporting.** ~~Beginning July 1, 2016, and every other year thereafter, The~~
 50.10 ~~commissioner of the Pollution Control Agency must periodically report on its the agency's~~
 50.11 ~~Web site the progress toward implementation milestones and water quality goals for all~~
 50.12 ~~adopted TMDL's and, where available, WRAPS's.~~

50.13 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~
 50.14 ~~Control Agency must complete WRAPS's for at least ten percent of watershed restoration~~
 50.15 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~
 50.16 ~~2023, unless the commissioner determines that a comprehensive watershed management~~
 50.17 ~~plan or comprehensive local water management plan, in whole or part, meets the definition~~
 50.18 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~
 50.19 ~~strategies, in whole or part, after consultation with the Board of Water and Soil Resources~~
 50.20 ~~and local government units.~~

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

50.24 Sec. 54. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

50.25 Subdivision 1. **Public and stakeholder participation.** ~~(a) Public agencies and private~~
 50.26 ~~entities involved in the implementation of implementing this chapter shall must encourage~~
 50.27 ~~participation by the public and stakeholders, including local citizens, landowners and, land~~
 50.28 ~~managers, and public and private organizations, in identifying impaired waters, in developing~~
 50.29 ~~TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in~~
 50.30 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

50.31 ~~(b) In particular, the commissioner of the Pollution Control Agency shall must make~~
 50.32 ~~reasonable efforts to provide timely information to the public and to stakeholders about~~
 50.33 ~~impaired waters that have been identified by the agency. The agency shall seek broad and~~

51.1 ~~early public and stakeholder participation in scoping the activities necessary to develop a~~
 51.2 ~~TMDL, including the scientific models, methods, and approaches to be used in TMDL~~
 51.3 ~~development, and to implement restoration pursuant to section 114D.15, subdivision 7, and~~
 51.4 ~~to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.~~

51.5 (c) Public agencies and private entities involved in implementing restoration and
 51.6 protection identified in a comprehensive watershed management plan or comprehensive
 51.7 local water management plan must make efforts to inform, consult, and involve the public
 51.8 and stakeholders.

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

51.14 Sec. 55. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

51.15 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,
 51.16 educating, and encouraging the participation of citizens, stakeholders, and others regarding
 51.17 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~
 51.18 ~~implementation plans, implementation of restoration for impaired waters, identification of~~
 51.19 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.
 51.20 Public agencies ~~shall be~~ are responsible for implementing the strategies.

51.21 Sec. 56. Minnesota Statutes 2016, section 115.03, subdivision 1, is amended to read:

51.22 Subdivision 1. **Generally.** The agency is hereby given and charged with the following
 51.23 powers and duties:

51.24 (a) to administer and enforce all laws relating to the pollution of any of the waters of
 51.25 the state;

51.26 (b) to investigate the extent, character, and effect of the pollution of the waters of this
 51.27 state and to gather data and information necessary or desirable in the administration or
 51.28 enforcement of pollution laws, and to make such classification of the waters of the state as
 51.29 it may deem advisable;

51.30 (c) to establish and alter such reasonable pollution standards for any waters of the state
 51.31 in relation to the public use to which they are or may be put as it shall deem necessary for

52.1 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
52.2 116;

52.3 (d) to encourage waste treatment, including advanced waste treatment, instead of stream
52.4 low-flow augmentation for dilution purposes to control and prevent pollution;

52.5 (e) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable
52.6 orders, permits, variances, standards, rules, schedules of compliance, and stipulation
52.7 agreements, under such conditions as it may prescribe, in order to prevent, control or abate
52.8 water pollution, or for the installation or operation of disposal systems or parts thereof, or
52.9 for other equipment and facilities:

52.10 (1) requiring the discontinuance of the discharge of sewage, industrial waste or other
52.11 wastes into any waters of the state resulting in pollution in excess of the applicable pollution
52.12 standard established under this chapter;

52.13 (2) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
52.14 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
52.15 municipal disposal system where the same is likely to get into any waters of the state in
52.16 violation of this chapter and, with respect to the pollution of waters of the state, chapter
52.17 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
52.18 the schedule of compliance within which such prohibition or abatement must be
52.19 accomplished;

52.20 (3) prohibiting the storage of any liquid or solid substance or other pollutant in a manner
52.21 which does not reasonably assure proper retention against entry into any waters of the state
52.22 that would be likely to pollute any waters of the state;

52.23 (4) requiring the construction, installation, maintenance, and operation by any person
52.24 of any disposal system or any part thereof, or other equipment and facilities, or the
52.25 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,
52.26 or the adoption of other remedial measures to prevent, control or abate any discharge or
52.27 deposit of sewage, industrial waste or other wastes by any person;

52.28 (5) establishing, and from time to time revising, standards of performance for new sources
52.29 taking into consideration, among other things, classes, types, sizes, and categories of sources,
52.30 processes, pollution control technology, cost of achieving such effluent reduction, and any
52.31 nonwater quality environmental impact and energy requirements. Said standards of
52.32 performance for new sources shall encompass those standards for the control of the discharge
52.33 of pollutants which reflect the greatest degree of effluent reduction which the agency
52.34 determines to be achievable through application of the best available demonstrated control

53.1 technology, processes, operating methods, or other alternatives, including, where practicable,
53.2 a standard permitting no discharge of pollutants. New sources shall encompass buildings,
53.3 structures, facilities, or installations from which there is or may be the discharge of pollutants,
53.4 the construction of which is commenced after the publication by the agency of proposed
53.5 rules prescribing a standard of performance which will be applicable to such source.

53.6 Notwithstanding any other provision of the law of this state, any point source the construction
53.7 of which is commenced after May 20, 1973, and which is so constructed as to meet all
53.8 applicable standards of performance for new sources shall, consistent with and subject to
53.9 the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution
53.10 Control Act, not be subject to any more stringent standard of performance for new sources
53.11 during a ten-year period beginning on the date of completion of such construction or during
53.12 the period of depreciation or amortization of such facility for the purposes of section 167
53.13 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first.
53.14 Construction shall encompass any placement, assembly, or installation of facilities or
53.15 equipment, including contractual obligations to purchase such facilities or equipment, at
53.16 the premises where such equipment will be used, including preparation work at such
53.17 premises;

53.18 (6) establishing and revising pretreatment standards to prevent or abate the discharge of
53.19 any pollutant into any publicly owned disposal system, which pollutant interferes with,
53.20 passes through, or otherwise is incompatible with such disposal system;

53.21 (7) requiring the owner or operator of any disposal system or any point source to establish
53.22 and maintain such records, make such reports, install, use, and maintain such monitoring
53.23 equipment or methods, including where appropriate biological monitoring methods, sample
53.24 such effluents in accordance with such methods, at such locations, at such intervals, and in
53.25 such a manner as the agency shall prescribe, and providing such other information as the
53.26 agency may reasonably require;

53.27 (8) notwithstanding any other provision of this chapter, and with respect to the pollution
53.28 of waters of the state, chapter 116, requiring the achievement of more stringent limitations
53.29 than otherwise imposed by effluent limitations in order to meet any applicable water quality
53.30 standard by establishing new effluent limitations, based upon section 115.01, subdivision
53.31 13, clause (b), including alternative effluent control strategies for any point source or group
53.32 of point sources to insure the integrity of water quality classifications, whenever the agency
53.33 determines that discharges of pollutants from such point source or sources, with the
53.34 application of effluent limitations required to comply with any standard of best available
53.35 technology, would interfere with the attainment or maintenance of the water quality

54.1 classification in a specific portion of the waters of the state. Prior to establishment of any
54.2 such effluent limitation, the agency shall hold a public hearing to determine the relationship
54.3 of the economic and social costs of achieving such limitation or limitations, including any
54.4 economic or social dislocation in the affected community or communities, to the social and
54.5 economic benefits to be obtained and to determine whether or not such effluent limitation
54.6 can be implemented with available technology or other alternative control strategies. If a
54.7 person affected by such limitation demonstrates at such hearing that, whether or not such
54.8 technology or other alternative control strategies are available, there is no reasonable
54.9 relationship between the economic and social costs and the benefits to be obtained, such
54.10 limitation shall not become effective and shall be adjusted as it applies to such person;

54.11 (9) modifying, in its discretion, any requirement or limitation based upon best available
54.12 technology with respect to any point source for which a permit application is filed after July
54.13 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the
54.14 agency that such modified requirements will represent the maximum use of technology
54.15 within the economic capability of the owner or operator and will result in reasonable further
54.16 progress toward the elimination of the discharge of pollutants; and

54.17 (10) requiring that applicants for wastewater discharge permits evaluate in their
54.18 applications the potential reuses of the discharged wastewater;

54.19 (f) to require to be submitted and to approve plans and specifications for disposal systems
54.20 or point sources, or any part thereof and to inspect the construction thereof for compliance
54.21 with the approved plans and specifications thereof;

54.22 (g) to prescribe and alter rules, not inconsistent with law, for the conduct of the agency
54.23 and other matters within the scope of the powers granted to and imposed upon it by this
54.24 chapter and, with respect to pollution of waters of the state, in chapter 116, provided that
54.25 every rule affecting any other department or agency of the state or any person other than a
54.26 member or employee of the agency shall be filed with the secretary of state;

54.27 (h) to conduct such investigations, issue such notices, public and otherwise, and hold
54.28 such hearings as are necessary or which it may deem advisable for the discharge of its duties
54.29 under this chapter and, with respect to the pollution of waters of the state, under chapter
54.30 116, including, but not limited to, the issuance of permits, and to authorize any member,
54.31 employee, or agent appointed by it to conduct such investigations or, issue such notices and
54.32 hold such hearings;

54.33 (i) for the purpose of water pollution control planning by the state and pursuant to the
54.34 Federal Water Pollution Control Act, as amended, to establish and revise planning areas,

55.1 adopt plans and programs and continuing planning processes, including, but not limited to,
55.2 basin plans and areawide waste treatment management plans, and to provide for the
55.3 implementation of any such plans by means of, including, but not limited to, standards, plan
55.4 elements, procedures for revision, intergovernmental cooperation, residual treatment process
55.5 waste controls, and needs inventory and ranking for construction of disposal systems;

55.6 (j) to train water pollution control personnel, and charge such fees therefor as are
55.7 necessary to cover the agency's costs. The fees under this paragraph are subject to legislative
55.8 approval under section 16A.1283. All such fees received shall be paid into the state treasury
55.9 and credited to the Pollution Control Agency training account;

55.10 (k) to impose as additional conditions in permits to publicly owned disposal systems
55.11 appropriate measures to insure compliance by industrial and other users with any pretreatment
55.12 standard, including, but not limited to, those related to toxic pollutants, and any system of
55.13 user charges ratably as is hereby required under state law or said Federal Water Pollution
55.14 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

55.15 (l) to set a period not to exceed five years for the duration of any national pollutant
55.16 discharge elimination system permit or not to exceed ten years for any permit issued as a
55.17 state disposal system permit only;

55.18 (m) to require each governmental subdivision identified as a permittee for a wastewater
55.19 treatment works to evaluate in every odd-numbered year the condition of its existing system
55.20 and identify future capital improvements that will be needed to attain or maintain compliance
55.21 with a national pollutant discharge elimination system or state disposal system permit; and

55.22 (n) to train subsurface sewage treatment system personnel, including persons who design,
55.23 construct, install, inspect, service, and operate subsurface sewage treatment systems, and
55.24 charge fees as necessary to pay the agency's costs. The fees under this paragraph are subject
55.25 to legislative approval under section 16A.1283. All fees received must be paid into the state
55.26 treasury and credited to the agency's training account. Money in the account is appropriated
55.27 to the agency to pay expenses related to training.

55.28 The information required in clause (m) must be submitted in every odd-numbered year to
55.29 the commissioner on a form provided by the commissioner. The commissioner shall provide
55.30 technical assistance if requested by the governmental subdivision.

55.31 The powers and duties given the agency in this subdivision also apply to permits issued
55.32 under chapter 114C.

56.1 Sec. 57. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

56.2 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)

56.3 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with
56.4 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall
56.5 have the authority to perform any and all acts minimally necessary including, but not limited
56.6 to, the establishment and application of standards, procedures, rules, orders, variances,
56.7 stipulation agreements, schedules of compliance, and permit conditions, consistent with
56.8 and, therefore not less stringent than the provisions of the Federal Water Pollution Control
56.9 Act, as amended, applicable to the participation by the state of Minnesota in the national
56.10 pollutant discharge elimination system (NPDES); provided that this provision shall not be
56.11 construed as a limitation on any powers or duties otherwise residing with the agency pursuant
56.12 to any provision of law.

56.13 (b) An activity that conveys or connects waters of the state without subjecting the
56.14 transferred water to intervening industrial, municipal, or commercial use does not require
56.15 a national pollutant discharge elimination system permit. This exemption does not apply to
56.16 pollutants introduced by the activity itself to the water being transferred.

56.17 Sec. 58. Minnesota Statutes 2016, section 115.035, is amended to read:

56.18 **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

56.19 ~~(a) When the commissioner convenes an external peer review panel during the~~
56.20 ~~promulgation or amendment of water quality standards, the commissioner must provide~~
56.21 ~~notice and take public comment on the charge questions for the external peer review panel~~
56.22 ~~and must allow written and oral public comment as part of the external peer review panel~~
56.23 ~~process. Every new or revised numeric water quality standard must be supported by a~~
56.24 technical support document that provides the scientific basis for the proposed standard and
56.25 that has undergone external, scientific peer review. Numeric water quality standards in
56.26 which the agency is adopting, without change, a United States Environmental Protection
56.27 Agency criterion that has been through peer review are not subject to this paragraph.

56.28 Documentation of the external peer review panel, including the name or names of the peer
56.29 reviewer or reviewers, must be included in the statement of need and reasonableness for
56.30 the water quality standard. ~~If the commissioner does not convene an external peer review~~
56.31 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~
56.32 ~~must state the reason an external peer review panel will not be convened in the statement~~
56.33 ~~of need and reasonableness.~~

57.1 (b) Every technical support document developed by the agency must be released in draft
57.2 form for public comment before peer review and before finalizing the technical support
57.3 document.

57.4 (c) The commissioner must provide public notice and information about the external
57.5 peer review through the request for comments published at the beginning of the rulemaking
57.6 process for the numeric water quality standard, and:

57.7 (1) the request for comments must identify the draft technical support document and
57.8 where the document can be found;

57.9 (2) the request for comments must include a proposed charge for the external peer review
57.10 and request comments on the charge;

57.11 (3) all comments received during the public comment period must be made available to
57.12 the external peer reviewers; and

57.13 (4) if the agency is not soliciting external peer review because the agency is adopting a
57.14 United States Environmental Protection Agency criterion without change, that must be
57.15 noted in the request for comments.

57.16 (d) The purpose of the external peer review is to evaluate whether the technical support
57.17 document and proposed standard are based on sound scientific knowledge, methods, and
57.18 practices. The external peer review must be conducted according to the guidance in the
57.19 most recent edition of the United States Environmental Protection Agency's Peer Review
57.20 Handbook. Peer reviewers must not have participated in developing the scientific basis of
57.21 the standard.

57.22 (e) The type of review and the number of peer reviewers depends on the nature of the
57.23 science underlying the standard. When the agency is developing significant new science or
57.24 science that expands significantly beyond current documented scientific practices or
57.25 principles, a panel review must be used.

57.26 (f) In response to the findings of the external peer review, the draft technical support
57.27 document must be revised as appropriate. The findings of the external peer review must be
57.28 documented and attached to the final technical support document, which must be an exhibit
57.29 as part of the statement of need and reasonableness in the rulemaking to adopt the new or
57.30 revised numeric water quality standard. The final technical support document must note
57.31 changes made in response to the external peer review.

57.32 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web
57.33 site a report identifying the water quality standards development work in progress or

58.1 completed in the past year, the lead agency scientist for each development effort, and
58.2 opportunities for public input.

58.3 **Sec. 59. [115.455] EFFLUENT LIMITATIONS; COMPLIANCE.**

58.4 To the extent allowable under federal law, for a municipality that constructs a publicly
58.5 owned treatment works facility or for an industrial national pollutant discharge elimination
58.6 system and state disposal system permit holder that constructs a treatment works facility to
58.7 comply with a new or modified effluent limitation, compliance with any new or modified
58.8 effluent limitation adopted after construction begins that would require additional capital
58.9 investment is required no sooner than 16 years after the date the facility begins operating.

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

58.11 Sec. 60. Minnesota Statutes 2016, section 115.77, subdivision 1, is amended to read:

58.12 Subdivision 1. **Fees.** The agency shall collect fees in amounts necessary, but no greater
58.13 than the amounts necessary, to cover the reasonable costs of reviewing applications and
58.14 issuing certifications. The fees under this subdivision are subject to legislative approval
58.15 under section 16A.1283.

58.16 Sec. 61. Minnesota Statutes 2016, section 115.84, subdivision 2, is amended to read:

58.17 Subd. 2. **Rules.** The agency may adopt rules to govern certification of laboratories
58.18 according to this section. ~~Notwithstanding section 16A.1283, the agency may adopt rules~~
58.19 ~~establishing fees.~~

58.20 Sec. 62. Minnesota Statutes 2016, section 115.84, subdivision 3, is amended to read:

58.21 Subd. 3. **Fees.** (a) Until the agency adopts a rule establishing fees for certification, the
58.22 agency shall collect fees from laboratories registering with the agency, but not accredited
58.23 by the commissioner of health under sections 144.97 to 144.99, in amounts necessary to
58.24 cover the reasonable costs of the certification program, including reviewing applications,
58.25 issuing certifications, and conducting audits and compliance assistance. The fees under this
58.26 paragraph are subject to legislative approval under section 16A.1283.

58.27 (b) Fees under this section must be based on the number, type, and complexity of
58.28 analytical methods that laboratories are certified to perform.

58.29 (c) Revenue from fees charged by the agency for certification shall be credited to the
58.30 environmental fund.

59.1 Sec. 63. Minnesota Statutes 2016, section 115A.51, is amended to read:

59.2 **115A.51 APPLICATION REQUIREMENTS.**

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

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

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

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

59.12 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
59.13 including the use of existing solid waste management facilities with reasonably available
59.14 capacity sufficient to accomplish the goals of the proposed project and has compared and
59.15 evaluated the costs of the alternatives, including capital and operating costs, and the effects
59.16 of the alternatives on the cost to generators;

59.17 (5) that the applicant has identified waste management objectives in applicable county
59.18 and regional solid waste management plans consistent with sections 115A.46, subdivision
59.19 2, paragraphs (e) and (f), and 473.149, subdivision 1, and other solid waste facilities identified
59.20 in the county and regional plans; and

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

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

59.26 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision
59.27 2, paragraphs (e) and (f), and 473.149, subdivisions 1; and

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

59.29 (b) The commissioner may require completion of a comprehensive solid waste
59.30 management plan conforming to the requirements of section 115A.46, before accepting an
59.31 application. Within five days of filing an application with the agency, the applicant must

60.1 submit a copy of the application to each solid waste management facility mentioned in the
 60.2 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

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

60.4 Sec. 64. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

60.5 Subd. 2. **Local authority.** A city or town may organize collection, after public notification
 60.6 and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as
 60.7 provided in subdivision 5. A city or town that has organized collection as of May 1, 2013,
 60.8 is exempt from subdivisions 4a to ~~4d~~ 4f.

60.9 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
 60.10 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
 60.11 that date.

60.12 Sec. 65. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

60.13 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise,
 60.14 license, contract, or other means of organizing collection, a city or town, by resolution of
 60.15 the governing body, must establish ~~an organized~~ a solid waste collection options committee
 60.16 to identify, examine, and evaluate various methods of ~~organized~~ solid waste collection. The
 60.17 governing body shall appoint the committee members.

60.18 (b) The ~~organized~~ solid waste collection options committee is subject to chapter 13D.

60.19 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
 60.20 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
 60.21 that date.

60.22 Sec. 66. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

60.23 Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

60.24 (1) determine which methods of ~~organized~~ solid waste collection to examine, which
 60.25 must include:

60.26 (i) the existing system of collection;

60.27 ~~(ii)~~ (ii) a system in which a single collector collects solid waste from all sections of a
 60.28 city or town; and

60.29 ~~(iii)~~ (iii) a system in which multiple collectors, either singly or as members of an
 60.30 organization of collectors, collect solid waste from different sections of a city or town;

61.1 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods
61.2 selected for examination will be evaluated, which may include: costs to residential
61.3 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste
61.4 service based on the desired level of service, costs and other factors, the impact of miles
61.5 driven by ~~collection vehicles~~ on city streets and alleys and the incremental impact of miles
61.6 driven by collection vehicles, initial and operating costs to the city of implementing the
61.7 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts
61.8 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and
61.9 aesthetic impacts;

61.10 (3) collect information regarding the operation and efficacy of existing methods of
61.11 ~~organized~~ solid waste collection in other cities and towns;

61.12 (4) seek input from, at a minimum:

61.13 (i) the governing body of the city or town;

61.14 (ii) the local official of the city or town responsible for solid waste issues;

61.15 (iii) persons currently licensed to operate solid waste collection and recycling services
61.16 in the city or town; and

61.17 (iv) residents of the city or town who currently pay for residential solid waste collection
61.18 services; and

61.19 (5) issue a report on the committee's research, findings, and any recommendations to
61.20 the governing body of the city or town.

61.21 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
61.22 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
61.23 that date.

61.24 Sec. 67. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

61.25 Subd. 4c. **Governing body; implementation.** The governing body of the city or town
61.26 shall consider the report and recommendations of the ~~organized~~ solid waste collection
61.27 options committee. The governing body must provide public notice and hold at least one
61.28 public hearing before deciding whether to implement organized collection. Organized
61.29 collection may begin no sooner than six months after the effective date of the decision of
61.30 the governing body of the city or town to implement organized collection.

62.1 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
62.2 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
62.3 that date.

62.4 Sec. 68. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

62.5 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing
62.6 a committee under subdivision 4a to consider organizing residential solid waste collection,
62.7 a city or town with more than one licensed collector must notify the public and all licensed
62.8 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60
62.9 days in which meetings and negotiations shall occur exclusively between licensed collectors
62.10 and the city or town to develop a proposal in which interested licensed collectors, as members
62.11 of an organization of collectors, collect solid waste from designated sections of the city or
62.12 town. The proposal shall include identified city or town priorities, including issues related
62.13 to zone creation, traffic, safety, environmental performance, service provided, and price,
62.14 and shall reflect existing haulers maintaining their respective market share of business as
62.15 determined by each hauler's average customer count during the six months prior to the
62.16 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be
62.17 excluded from the proposal, the city may allocate their customers proportionally based on
62.18 market share to the participating collectors who choose to negotiate. The initial organized
62.19 collection agreement executed under this subdivision must be for a ~~period of three to seven~~
62.20 years. Upon execution of an agreement between the participating licensed collectors and
62.21 city or town, the city or town shall establish organized collection through appropriate local
62.22 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except
62.23 that the governing body must provide the public notification and hearing required under
62.24 subdivision 4c.

62.25 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
62.26 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
62.27 that date.

62.28 Sec. 69. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
62.29 to read:

62.30 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations
62.31 under subdivision 4d, participating licensed collectors and elected officials of the city or
62.32 town must meet and confer regarding waste collection issues, including but not limited to

63.1 road deterioration, public safety, pricing mechanisms, and contractual considerations unique
63.2 to organized collection.

63.3 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
63.4 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
63.5 that date.

63.6 Sec. 70. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
63.7 to read:

63.8 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection
63.9 agreement must not obligate a participating licensed collector for damages to third parties
63.10 solely caused by another participating licensed collector. The organized collection agreement
63.11 may include joint obligations for actions that are undertaken by all the participating licensed
63.12 collectors under this section.

63.13 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
63.14 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
63.15 that date.

63.16 Sec. 71. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

63.17 Subd. 5. **County organized collection.** (a) A county may by ordinance require cities
63.18 and towns within the county to organize collection. Organized collection ordinances of
63.19 counties may:

63.20 (1) require cities and towns to require the separation and separate collection of recyclable
63.21 materials;

63.22 (2) specify the material to be separated; and

63.23 (3) require cities and towns to meet any performance standards for source separation
63.24 that are contained in the county solid waste plan.

63.25 (b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city
63.26 or town that does not comply with a county organized collection ordinance adopted under
63.27 this subdivision, and the county may implement, as part of its organized collection, the
63.28 source separation program and performance standards required by its organized collection
63.29 ordinance.

64.1 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
64.2 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
64.3 that date.

64.4 Sec. 72. **[115B.171] TESTING FOR PRIVATE WELLS; EAST METROPOLITAN**
64.5 **AREA.**

64.6 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
64.7 the meanings given.

64.8 (b) "East metropolitan area" means:

64.9 (1) the cities of Afton, Cottage Grove, Lake Elmo, Newport, Oakdale, St. Paul Park,
64.10 and Woodbury;

64.11 (2) the townships of Denmark, Grey Cloud Island, and Lakeland; and

64.12 (3) other areas added by the commissioner that have a potential for significant
64.13 groundwater pollution from PFCs.

64.14 (c) "PFCs" means per- and poly-fluorinated chemicals.

64.15 Subd. 2. **Testing required for private wells.** At the request of the owner or occupier
64.16 of land in the east metropolitan area containing a private well for water, the commissioner
64.17 must use money in the remediation fund under section 116.155 to provide timely testing
64.18 for PFCs for the well if the commissioner has not previously tested the well for PFCs. If
64.19 the test of the private well measures a contamination at or above 50 percent of a health-based
64.20 advisory value or health risk limit for PFCs, the commissioner must provide for additional
64.21 well tests based on a schedule to ensure that the groundwater is safe for consumption.

64.22 Subd. 3. **Test reporting.** (a) By January 15 each year, the commissioner must report to
64.23 each community in the east metropolitan area a summary of the results of the testing for
64.24 private wells in the community. The report must include information on the number of wells
64.25 tested and trends of PFC contamination in private wells in the community. Reports to
64.26 communities under this section must also be published on the agency's Web site.

64.27 (b) By January 15 each year, the commissioner must report to the legislature, as provided
64.28 in section 3.195, on the testing for private wells conducted in the east metropolitan area,
64.29 including copies of the community reports required in paragraph (a), the number of requests
64.30 for well testing in each community, and the total amount spent for testing private wells in
64.31 each community.

65.1 Sec. 73. **[115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.**

65.2 **Subdivision 1. Establishment.** The natural resources damages account is established as
65.3 an account in the remediation fund.

65.4 **Subd. 2. Revenues.** The account consists of money from the following sources:

65.5 (1) revenues from actions taken by the attorney general on behalf of the commissioner
65.6 of natural resources, including settlement agreements, under section 115B.17, subdivisions
65.7 6 and 7, excluding money received under the settlement defined under section 115B.52,
65.8 subdivision 1;

65.9 (2) appropriations and transfers to the account as provided by law;

65.10 (3) interest earned on the account; and

65.11 (4) money received by the agency or the commissioner of natural resources for deposit
65.12 in the account in the form of a gift or a grant.

65.13 **Subd. 3. Expenditures.** (a) Money in the account is appropriated to the commissioner
65.14 of natural resources for the purposes authorized in section 115B.20, subdivision 2, clause
65.15 (8).

65.16 (b) The commissioner of management and budget must allocate the amounts available
65.17 in any biennium to the commissioner of natural resources for the purposes of this section
65.18 based upon work plans submitted by the commissioner of natural resources and may adjust
65.19 those allocations upon submittal of revised work plans. Copies of the work plans must be
65.20 submitted to the chairs of the house of representatives and senate committees and divisions
65.21 having jurisdiction over environment and natural resources finance.

65.22 **Subd. 4. Report.** By November 1 each year, the commissioner of natural resources must
65.23 submit a report to the chairs and ranking minority members of the house of representatives
65.24 and senate committees and divisions with jurisdiction over the environment and natural
65.25 resources policy and finance on expenditures from the natural resources damages account
65.26 during the previous fiscal year.

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

65.28 Sec. 74. Minnesota Statutes 2016, section 115B.20, subdivision 2, is amended to read:

65.29 **Subd. 2. Purposes for which money may be spent.** Money appropriated from the
65.30 remediation fund under section 116.155, subdivision 2, paragraph (a), clause (1), may be
65.31 spent only for the following purposes:

66.1 (1) preparation by the agency and the commissioner of agriculture for taking removal
66.2 or remedial action under section 115B.17, or under chapter 18D, including investigation,
66.3 monitoring and testing activities, enforcement and compliance efforts relating to the release
66.4 of hazardous substances, pollutants or contaminants under section 115B.17 or 115B.18, or
66.5 chapter 18D;

66.6 (2) removal and remedial actions taken or authorized by the agency or the commissioner
66.7 of the Pollution Control Agency under section 115B.17, or taken or authorized by the
66.8 commissioner of agriculture under chapter 18D including related enforcement and compliance
66.9 efforts under section 115B.17 or 115B.18, or chapter 18D, and payment of the state share
66.10 of the cost of remedial action which may be carried out under a cooperative agreement with
66.11 the federal government pursuant to the federal Superfund Act, under United States Code,
66.12 title 42, section 9604(c)(3) for actions related to facilities other than commercial hazardous
66.13 waste facilities located under the siting authority of chapter 115A;

66.14 (3) reimbursement to any private person for expenditures made before July 1, 1983, to
66.15 provide alternative water supplies deemed necessary by the agency or the commissioner of
66.16 agriculture and the Department of Health to protect the public health from contamination
66.17 resulting from the release of a hazardous substance;

66.18 (4) assessment and recovery of natural resource damages by the agency ~~and the~~
66.19 ~~commissioner of natural resources~~ for administration, planning, and implementation by the
66.20 commissioner of natural resources of the rehabilitation, restoration, or acquisition of natural
66.21 resources to remedy injuries or losses to natural resources resulting from the release of a
66.22 hazardous substance; before implementing a project to rehabilitate, restore, or acquire natural
66.23 resources under this clause, the commissioner of natural resources shall provide written
66.24 notice of the proposed project to the chairs of the senate and house of representatives
66.25 committees with jurisdiction over environment and natural resources finance;

66.26 (5) acquisition of a property interest under section 115B.17, subdivision 15;

66.27 (6) reimbursement, in an amount to be determined by the agency in each case, to a
66.28 political subdivision that is not a responsible person under section 115B.03, for reasonable
66.29 and necessary expenditures resulting from an emergency caused by a release or threatened
66.30 release of a hazardous substance, pollutant, or contaminant; ~~and~~

66.31 (7) reimbursement to a political subdivision for expenditures in excess of the liability
66.32 limit under section 115B.04, subdivision 4; and

66.33 (8) assessment and recovery of natural resource damages by the commissioner of natural
66.34 resources for administration, planning, and implementation by the commissioner of natural

67.1 resources of the rehabilitation, restoration, or acquisition of natural resources to remedy
67.2 injuries or losses to natural resources resulting from the release of a hazardous substance.
67.3 Before implementing a project to rehabilitate, restore, or acquire natural resources under
67.4 this clause, the commissioner of natural resources must provide written notice of the proposed
67.5 project to the chairs of the senate and house of representatives committees with jurisdiction
67.6 over environment and natural resources finance.

67.7 Sec. 75. **[115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.**

67.8 Subdivision 1. **Definition.** For purposes of this section and section 115B.53, the term
67.9 "settlement" means the agreement and order entered on February 20, 2018, settling litigation
67.10 commenced by the state against the 3M Company under section 115B.17, subdivision 7.

67.11 Subd. 2. **Establishment.** The water quality and sustainability account is established as
67.12 an account in the remediation fund. The account consists of revenue deposited in the account
67.13 under the terms of the settlement and earnings on the investment of money in the account.

67.14 Subd. 3. **Expenditures.** Money in the account is appropriated to the commissioner of
67.15 the Pollution Control Agency and to the commissioner of natural resources for the purposes
67.16 authorized under the settlement.

67.17 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
67.18 commissioner of natural resources must jointly submit:

67.19 (1) by March 1 and November 1 each year, a biannual report to the chairs and ranking
67.20 minority members of the legislative policy and finance committees with jurisdiction over
67.21 environment and natural resources on expenditures from the water quality and sustainability
67.22 account during the previous six months; and

67.23 (2) by November 1 each year, a report to the legislature on expenditures from the water
67.24 quality and sustainability account during the previous fiscal year and a spending plan for
67.25 anticipated expenditures from the account during the current fiscal year.

67.26 Sec. 76. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

67.27 The commissioner of the Pollution Control Agency and the commissioner of natural
67.28 resources must work with stakeholders to identify and recommend projects to receive funding
67.29 from the water quality and sustainability account under the settlement. Stakeholders include,
67.30 at a minimum, representatives of the agency, the Department of Natural Resources, east
67.31 metropolitan area municipalities, and the 3M Company.

68.1 Sec. 77. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
68.2 read:

68.3 Subd. 2c. Exemption from standards for temporary storage facilities subject to
68.4 control. (a) A temporary storage facility located at a commodity facility that is required to
68.5 be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota
68.6 Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions
68.7 directly associated with the temporary storage facility, it is determined that there is no
68.8 applicable specific standard of performance.

68.9 (b) For the purposes of this subdivision, the following terms have the meanings given
68.10 them:

68.11 (1) "temporary storage facility" means a facility storing grain that:

68.12 (i) uses an asphalt, concrete, or comparable base material;

68.13 (ii) has rigid, self-supporting sidewalls;

68.14 (iii) provides adequate aeration; and

68.15 (iv) provides an acceptable covering; and

68.16 (2) "portable equipment" means equipment that is not fixed at any one spot and can be
68.17 moved, including but not limited to portable receiving pits, portable augers and conveyors,
68.18 and portable reclaim equipment directly associated with the temporary storage facility.

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

68.20 Sec. 78. Minnesota Statutes 2017 Supplement, section 116.07, subdivision 4d, is amended
68.21 to read:

68.22 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
68.23 than those necessary to cover the reasonable costs of developing, reviewing, and acting
68.24 upon applications for agency permits and implementing and enforcing the conditions of the
68.25 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
68.26 fee schedule must reflect reasonable and routine direct and indirect costs associated with
68.27 permitting, implementation, and enforcement. The agency may impose an additional
68.28 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
68.29 of implementing and enforcing the conditions of a permit under the rules of the agency.

68.30 Water fees under this paragraph are subject to legislative approval under section 16A.1283.

68.31 Any money collected under this paragraph shall be deposited in the environmental fund.

69.1 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner
69.2 or operator of all stationary sources, emission facilities, emissions units, air contaminant
69.3 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage
69.4 facilities subject to a notification, permit, or license requirement under this chapter,
69.5 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401
69.6 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and
69.7 indirect reasonable costs, including legal costs, required to develop and administer the
69.8 notification, permit, or license program requirements of this chapter, subchapters I and V
69.9 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules
69.10 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon
69.11 an application for a permit; implementing and enforcing statutes, rules, and the terms and
69.12 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally
69.13 applicable regulations; responding to federal guidance; modeling, analyses, and
69.14 demonstrations; preparing inventories and tracking emissions; and providing information
69.15 to the public about these activities.

69.16 (c) The agency shall set fees that:

69.17 (1) will result in the collection, in the aggregate, from the sources listed in paragraph
69.18 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant
69.19 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of
69.20 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national
69.21 primary ambient air quality standard has been promulgated;

69.22 (2) may result in the collection, in the aggregate, from the sources listed in paragraph
69.23 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is
69.24 regulated under this chapter or air quality rules adopted under this chapter; and

69.25 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount
69.26 needed to match grant funds received by the state under United States Code, title 42, section
69.27 7405 (section 105 of the federal Clean Air Act).

69.28 The agency must not include in the calculation of the aggregate amount to be collected
69.29 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant
69.30 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge
69.31 on existing fees. The commissioner may not collect the surcharge after the grant funds
69.32 become unavailable. In addition, the commissioner shall use nonfee funds to the extent
69.33 practical to match the grant funds so that the fee surcharge is minimized.

70.1 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
70.2 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
70.3 year by the percentage, if any, by which the Consumer Price Index for the most recent
70.4 calendar year ending before the beginning of the year the fee is collected exceeds the
70.5 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
70.6 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
70.7 all-urban consumers published by the United States Department of Labor, as of the close
70.8 of the 12-month period ending on August 31 of each calendar year. The revision of the
70.9 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
70.10 year 1989 shall be used.

70.11 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
70.12 environmental fund and must be used solely for the activities listed in paragraph (b).

70.13 (f) Permit applicants who wish to construct, reconstruct, or modify a project may offer
70.14 to reimburse the agency for the costs of staff time or consultant services needed to expedite
70.15 the preapplication process and permit development process through the final decision on
70.16 the permit, including the analysis of environmental review documents. The reimbursement
70.17 shall be in addition to permit application fees imposed by law. When the agency determines
70.18 that it needs additional resources to develop the permit application in an expedited manner,
70.19 and that expediting the development is consistent with permitting program priorities, the
70.20 agency may accept the reimbursement. The commissioner must give the applicant an estimate
70.21 of costs to be incurred by the commissioner. The estimate must include a brief description
70.22 of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for
70.23 each task. The applicant and the commissioner must enter into a written agreement detailing
70.24 the estimated costs for the expedited permit decision-making process to be incurred by the
70.25 agency. The agreement must also identify staff anticipated to be assigned to the project.
70.26 The commissioner must not issue a permit until the applicant has paid all fees in full. The
70.27 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted
70.28 by the agency are appropriated to the agency for the purpose of developing the permit or
70.29 analyzing environmental review documents. Reimbursement by a permit applicant shall
70.30 precede and not be contingent upon issuance of a permit; shall not affect the agency's decision
70.31 on whether to issue or deny a permit, what conditions are included in a permit, or the
70.32 application of state and federal statutes and rules governing permit determinations; and shall
70.33 not affect final decisions regarding environmental review.

70.34 (g) The fees under this subdivision are exempt from section 16A.1285.

71.1 Sec. 79. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

71.2 **116.0714 NEW OPEN-AIR SWINE BASINS.**

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

71.9 (b) This section does not apply to a storage basin for effluent basins used solely for
71.10 wastewater from a truck-washing facility.

71.11 Sec. 80. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

71.12 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in
71.13 the state treasury to provide a reliable source of public money for response and corrective
71.14 actions to address releases of hazardous substances, pollutants or contaminants, agricultural
71.15 chemicals, and petroleum, and for environmental response actions at qualified landfill
71.16 facilities for which the agency has assumed such responsibility, including perpetual care of
71.17 such facilities. The specific purposes for which the general portion of the fund may be spent
71.18 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains
71.19 ~~two~~ four accounts described in subdivisions 4 ~~and 5~~ to 5b.

71.20 Sec. 81. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision
71.21 to read:

71.22 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability
71.23 account is as described in section 115B.52.

71.24 Sec. 82. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision
71.25 to read:

71.26 Subd. 5b. **Natural resources damages account.** The natural resources damages account
71.27 is as described in section 115B.172.

72.1 Sec. 83. [116.2025] DEICER APPLICATORS; VOLUNTARY CERTIFICATION
72.2 PROGRAM.

72.3 Subdivision 1. Definitions. For the purpose of this section, the following terms have
72.4 the meanings given:

72.5 (1) "certified commercial applicator" means an individual who applies deicer and has
72.6 completed training approved by the commissioner on removing snow and ice and applying
72.7 deicer and passed an examination after completing the training;

72.8 (2) "commercial applicator" means an individual or a company and its employees that
72.9 apply deicer for hire, but does not include a municipal, state, or other government employee;

72.10 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing
72.11 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

72.12 (4) "owner" means a person that owns, leases, or manages real estate and the person's
72.13 employees that contract in writing with a certified commercial applicator.

72.14 Subd. 2. Voluntary certification program; best management practices. (a) The
72.15 commissioner of the Pollution Control Agency must develop a training program that promotes
72.16 best management practices for removing snow and ice and applying deicer and must allow
72.17 individuals who are commercial applicators to obtain certification as a water-friendly
72.18 applicator. The commissioner must certify an individual who is a commercial applicator as
72.19 a water-friendly applicator if the individual successfully completes the program and passes
72.20 the examination.

72.21 (b) The commissioner must provide additional training under this subdivision for certified
72.22 commercial applicators renewing certification after their initial training and certification.

72.23 (c) The commissioner must provide the training and testing module at locations statewide
72.24 and may make the recertification training available online.

72.25 (d) The commissioner must annually post the best management practices and a list of
72.26 certified commercial applicators on the agency's Web site.

72.27 (e) The commissioner may charge a fee of no more than \$250 per certified commercial
72.28 applicator for the training or recertification under this subdivision. Fees collected under this
72.29 subdivision must be deposited in the environmental fund.

72.30 Subd. 3. Liability. (a) A commercial applicator certified under this section; the owner,
72.31 occupant, or lessee of real property maintained by a certified commercial applicator; or an
72.32 employee of that owner, occupant, or lessee who is certified under this section is not civilly

73.1 liable for any claim based on a snow or ice condition arising out of the implementation of
73.2 the best management practices developed by the commissioner under this section even if
73.3 there is actual notice of the snow or ice condition, except when the snow or ice condition
73.4 is affirmatively caused by the willful or reckless acts of the certified commercial applicator
73.5 or the employee of the owner, occupant, or lessee who is certified under this section.
73.6 Commercial applicators certified under this section; the owner, occupants, or lessees of land
73.7 maintained by a certified commercial applicator; and an employee of that owner, occupant,
73.8 or lessee who is certified under this section are presumed to be acting pursuant to the best
73.9 management practices developed by the commissioner under this section.

73.10 (b) To receive the immunity protection under paragraph (a), and not for any other purpose,
73.11 the commercial applicator, or the employee of the owner, occupant, or lessee, must have a
73.12 current certification, pass an exam, complete the winter maintenance assessment tool
73.13 requirements developed by the commissioner, and keep a written record describing the road,
73.14 parking lot, and property maintenance practices used. The written record must include the
73.15 type and rate of application of deicing materials used, the dates of treatment, and the weather
73.16 conditions for each event requiring deicing. The records must be kept for a minimum of six
73.17 years.

73.18 (c) The liability of a commercial applicator who applies deicer but is not certified under
73.19 this section may not be determined under the standards provided in this subdivision.

73.20 Subd. 4. **Record keeping.** (a) A certified commercial applicator or a company employing
73.21 one or more certified commercial applicators must maintain the following records as part
73.22 of the best management practices approved by the commissioner:

73.23 (1) a copy of the applicator's certification approved by the commissioner and any
73.24 recertification;

73.25 (2) evidence of passing the examination approved by the commissioner;

73.26 (3) copies of the assessment tool requirements for winter maintenance developed by the
73.27 commissioner; and

73.28 (4) a written record describing the practices used for road, parking lot, and property
73.29 maintenance.

73.30 (b) The written record under paragraph (a), clause (4), must include the type and rate of
73.31 application of deicing materials used, the dates of treatment, and the weather conditions for
73.32 each event requiring deicing.

73.33 (c) Records required under this subdivision must be kept for at least six years.

74.1 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification
 74.2 of a certified commercial applicator that violates this section or rules adopted under this
 74.3 section.

74.4 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under
 74.5 section 466.03.

74.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to claims
 74.7 arising on or after that date.

74.8 Sec. 84. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

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

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

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

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

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

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

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

74.18 Sec. 85. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

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

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

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

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

74.24 Sec. 86. Minnesota Statutes 2017 Supplement, section 169A.07, is amended to read:

74.25 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

74.26 A person who violates section 169A.20 (driving while impaired) while using an off-road
 74.27 recreational vehicle or motorboat and who does not have a qualified prior impaired driving
 74.28 incident is subject only to the criminal penalty provided in section 169A.25 (second-degree
 74.29 driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27

75.1 (fourth-degree driving while impaired); and loss of operating privileges as provided in
75.2 section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons
75.3 under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation
75.4 of motorboats while using alcohol or with a physical or mental disability), whichever is
75.5 applicable. The person is not subject to the provisions of section 169A.275, subdivision 5
75.6 (submission to the level of care recommended in chemical use assessment for repeat offenders
75.7 and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring);
75.8 169A.285 (penalty assessment); 169A.44 (conditional release); ~~169A.54 (impaired driving
75.9 convictions and adjudications; administrative penalties); or 169A.54, subdivision 11
75.10 (chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53
75.11 (implied consent law) or 171.177 (revocation; search warrant); or the plate impoundment
75.12 provisions of section 169A.60 (administrative impoundment of plates).~~

75.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
75.14 committed on or after that date.

75.15 Sec. 87. Minnesota Statutes 2016, section 180.03, subdivision 2, is amended to read:

75.16 Subd. 2. **Fences.** Every person, firm, or corporation that is or has been engaged in the
75.17 business of mining or removing iron ore, taconite, semitaconite or other minerals except
75.18 sand, crushed rock, and gravel shall erect and maintain, as a minimum, a three strand wire
75.19 fence along the outside perimeter of the excavation, open pit, or shaft of any mine in which
75.20 mining operations have ceased for a period of six consecutive months or longer. Based upon
75.21 local site conditions that may exist at shafts, caves, or open pits, the county mine inspector
75.22 may require more secure fencing such as barbed wire or mesh fence, or may require barriers,
75.23 appropriate signs, or any combination of the above, to reduce the possibility of accidental
75.24 falls. The county mine inspector may grant exemptions under subdivision 4. Where mining
75.25 operations have ceased and not resumed, the fence, barrier, signs, or combination of them
75.26 required by this section shall be erected within two years from the date when the county
75.27 mine inspector directs the erection of fences, barriers, signs, or combination of them.

75.28 Sec. 88. Minnesota Statutes 2016, section 180.03, subdivision 3, is amended to read:

75.29 Subd. 3. **Abandoned mines.** Except as described in subdivision 4, when a mine is idle
75.30 or abandoned it is the duty of the inspector of mines to notify the person, firm, or corporation
75.31 that is or has been engaged in the business of mining to erect and maintain around all the
75.32 shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination
75.33 of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the

76.1 possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been
76.2 idled or abandoned, or if the person, firm, or corporation that has been engaged in the
76.3 business of mining no longer exists, the fee owner shall erect and maintain the fence, barrier,
76.4 or signs required by this section. If the fee owner fails to act, the county in which the mining
76.5 operation is located may, in addition to any other remedies available, abate the nuisance by
76.6 erecting or maintaining the fence, barrier, or signs and assessing the costs and related
76.7 expenses pursuant to section 429.101.

76.8 Sec. 89. Minnesota Statutes 2016, section 180.03, subdivision 4, is amended to read:

76.9 Subd. 4. **Exemptions.** (a) The portion of an excavation, cave, open or water-filled pit,
76.10 or shaft is exempt from the requirements of this section if:

76.11 (1) it is located on property owned, leased, or administered by the Office of the
76.12 Commissioner of Iron Range Resources and Rehabilitation;

76.13 (2) it is for the construction, operation, maintenance, or administration of:

76.14 (i) grants-in-aid trails as defined in section 85.018;

76.15 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision
76.16 1, that is intended or permitted to be used as a park, an open area for recreational purposes,
76.17 or for the provision of recreational services, including the creation of trails or paths without
76.18 artificial surfaces; or

76.19 (iii) recreational use, as defined in section 604A.21, subdivisions 5 and 6, provided the
76.20 use is administered by a municipality, as defined in section 466.01, subdivision 1;

76.21 (3) it is for economic development purposes under chapter 469; or

76.22 (4) upon written application by the property owner, the county mine inspector may
76.23 exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or
76.24 shaft which determines that it is provided with fencing, barriers, appropriate signs, or
76.25 combinations of them, in a manner that is reasonably similar to the standards in subdivision
76.26 2, or which if, in the inspector's judgment, it does not constitute a safety hazard.

76.27 (b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted
76.28 by the recipient of the exemption consistent with section 97B.001, subdivision 4:

76.29 (1) at each location of public access to the mining area restricting access to designated
76.30 areas and warning of possible dangers due to the presence of excavations, shafts, caves, or
76.31 open or water-filled pits;

77.1 (2) prohibiting public access beyond the boundaries of the designated public access area;
77.2 and

77.3 (3) identifying those areas where the property on which public access is allowed abuts
77.4 private property.

77.5 (c) Where an exemption applies, to reduce the possibility of inadvertent access beyond
77.6 the boundaries of the designated public access area, any new fencing erected by the recipient
77.7 of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient
77.8 of the exemption.

77.9 (d) Notwithstanding section 180.10, limited openings in preexisting fencing may be
77.10 created and maintained by the recipient of the exemption or its agent to provide public
77.11 access to the designated public access area.

77.12 (e) The county mine inspector has the authority to enter, examine, and inspect any and
77.13 all property exempted under this section at all reasonable times by day or by night, and, in
77.14 addition to enforcing the provisions of this chapter, may make recommendations regarding
77.15 the erection of fences, barriers, signs, or a combination of them.

77.16 Sec. 90. Minnesota Statutes 2016, section 180.10, is amended to read:

77.17 **180.10 REMOVAL OF FENCE; GUARD.**

77.18 A worker, employee, or other person who opens, removes, or disturbs any fence, guard,
77.19 barrier, sign, or rail required by section 180.03 and fails to close or replace or have the same
77.20 closed or replaced again around or in front of any mine shaft, pit, chute, excavation, cave,
77.21 or land liable to cave, injure, or destroy, whether by accident, injury, or damage results,
77.22 either to the mine or those at work therein, or to any other person, shall be guilty of a
77.23 misdemeanor. A worker, employee, or other person who, in regard to any fence, guard,
77.24 barrier, sign, or rail, does any of the acts prohibited by section 609.52, commits theft of the
77.25 fence, guard, barrier, sign, or rail may be sentenced as provided in section 609.52.

77.26 Sec. 91. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**
77.27 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

77.28 Subdivision 1. **Discontinuance.** Notwithstanding section 103C.225, the Ramsey Soil
77.29 and Water Conservation District is discontinued effective July 1, 2018, and its duties and
77.30 authorities are transferred to the Ramsey County Board of Commissioners.

77.31 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of
77.32 Commissioners has the duties and authorities of a soil and water conservation district. All

78.1 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil
78.2 and Water Conservation District is a party remain in force and effect for the period provided
78.3 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the
78.4 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the
78.5 district's rights and duties.

78.6 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board
78.7 of Supervisors shall transfer the assets of the district to the Ramsey County Board of
78.8 Commissioners. The Ramsey County Board of Commissioners shall use the transferred
78.9 assets for the purposes of implementing the transferred duties and authorities.

78.10 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition
78.11 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water
78.12 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources
78.13 under its authority in section 103C.201, and after giving notice of corrective actions and
78.14 time to implement the corrective actions, may reestablish the Ramsey Soil and Water
78.15 Conservation District if it determines the goals established in section 103C.005 are not
78.16 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the
78.17 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

78.18 **EFFECTIVE DATE.** This section is effective the day after the governing body of
78.19 Ramsey County and its chief clerical officer timely complete their compliance with Minnesota
78.20 Statutes, section 645.021, subdivisions 2 and 3.

78.21 Sec. 92. Minnesota Statutes 2016, section 444.075, subdivision 1a, is amended to read:

78.22 Subd. 1a. **Authorization.** Any municipality may build, construct, reconstruct, repair,
78.23 enlarge, improve, or in any other manner obtain facilities, and maintain and operate the
78.24 facilities inside or outside its corporate limits, and acquire by gift, purchase, lease,
78.25 condemnation, or otherwise any and all land and easements required for that purpose. The
78.26 authority hereby granted is in addition to all other powers with reference to the facilities
78.27 otherwise granted by the laws of this state or by the charter of any municipality. The authority
78.28 regarding storm sewers granted to municipalities which have territory within a watershed
78.29 which has adopted a watershed plan pursuant to section 103B.231 shall be exercised, with
78.30 respect to facilities acquired following the adoption of the watershed plan, only for facilities
78.31 which are not inconsistent with the watershed plan. The authority regarding storm sewers
78.32 granted to municipalities which have adopted local water management plans pursuant to
78.33 section 103B.235 shall be exercised, with respect to facilities acquired following the adoption
78.34 of a local plan, only for facilities which are not inconsistent with the local plan. Counties;

79.1 ~~except counties in the seven-county metropolitan area,~~ shall have the same authority granted
79.2 to municipalities by this subdivision except for areas of the county organized into cities and
79.3 areas of the county incorporated within a sanitary district established by special act of the
79.4 legislature.

79.5 Sec. 93. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

79.6 Subd. 4. **Grant conditions.** The commissioner shall administer grants so that the
79.7 following conditions are met:

79.8 (a) A county must apply for a grant in the manner determined by the commissioner. The
79.9 application must describe the activities for which the grant will be used.

79.10 (b) The activities funded must be consistent with the metropolitan policy plan and the
79.11 county master plan.

79.12 (c) A grant must be matched by equal ~~county~~ local expenditures for the activities for
79.13 which the grant is made. A local expenditure may include, but is not limited to, an
79.14 expenditure by a local unit of government, tribal government, or private sector or nonprofit
79.15 organization.

79.16 (d) All grant funds must be used for new activities or to enhance or increase the
79.17 effectiveness of existing activities in the county. Grant funds must not be used for research
79.18 or development of a product that would be patented, copyrighted, or a subject of trade
79.19 secrets.

79.20 (e) Counties shall provide support to maintain effective municipal recycling where it is
79.21 already established.

79.22 Sec. 94. Laws 2015, First Special Session chapter 4, article 4, section 136, as amended
79.23 by Laws 2017, chapter 93, article 2, section 149, is amended to read:

79.24 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

79.25 (a) Until the commissioner of the Pollution Control Agency amends rules refining the
79.26 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider
79.27 all independent research and publicly funded research and to include criteria for identifying
79.28 waters and a list of waters subject to the standard, implementation of the wild rice water
79.29 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the
79.30 following, unless the permittee requests additional conditions:

80.1 (1) when issuing, modifying, or renewing national pollutant discharge elimination system
80.2 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild
80.3 rice, and in doing so shall be limited by the following conditions:

80.4 (i) the agency shall not require permittees to expend money for design or implementation
80.5 of sulfate treatment technologies or other forms of sulfate mitigation; and

80.6 (ii) the agency may require sulfate minimization plans in permits; and

80.7 (2) the agency shall not list waters containing natural beds of wild rice as impaired for
80.8 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,
80.9 section 1313, until the rulemaking described in this paragraph takes effect.

80.10 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits
80.11 issued or reissued after the effective date of this section as needed to include numeric permit
80.12 limits based on the wild rice water quality standard.

80.13 ~~(c) The commissioner shall complete the rulemaking described in paragraph (a) by~~
80.14 ~~January 15, 2019.~~

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

80.16 Sec. 95. Laws 2016, chapter 189, article 3, section 48, is amended to read:

80.17 Sec. 48. **LAKE SERVICE PROVIDER FEASIBILITY REPORT.**

80.18 The commissioner of natural resources shall report to the chairs of the house of
80.19 representatives and senate committees with jurisdiction over natural resources by January
80.20 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as
80.21 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in
80.22 the state. The report must:

80.23 (1) include recommendations for state and local resources needed to implement the
80.24 program;

80.25 (2) assess local government inspection roles under Minnesota Statutes, section 84D.105,
80.26 subdivision 2, paragraph (g); and

80.27 (3) assess whether mechanisms to ensure that water-related equipment placed back into
80.28 the same body of water from which it was removed can adequately protect other water
80.29 bodies.

81.1 Sec. 96. Laws 2017, chapter 93, article 2, section 155, subdivision 5, is amended to read:

81.2 Subd. 5. **Sunset.** This section expires ~~two~~ six years from the day following final
81.3 enactment.

81.4 Sec. 97. Laws 2017, chapter 93, article 2, section 163, is amended to read:

81.5 Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**
81.6 **COUNTY.**

81.7 ~~Before July 1, 2018,~~ The commissioner of natural resources must not initiate a civil
81.8 action to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater
81.9 County.

81.10 Sec. 98. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

81.11 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
81.12 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township
81.13 that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26
81.14 (a)(9)(i)(A), and other platted areas within that jurisdiction.

81.15 Sec. 99. **RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

81.16 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,
81.17 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew
81.18 a type IV disposal facility certificate.

81.19 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
81.20 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
81.21 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
81.22 section 14.388.

81.23 Sec. 100. **RECREATIONAL TRAILS; ENVIRONMENTAL REVIEW;**
81.24 **RULEMAKING.**

81.25 (a) The Environmental Quality Board must amend Minnesota Rules, chapter 4410, to
81.26 be consistent with this section, including amending Minnesota Rules, part 4410.4300, subpart
81.27 37, as follows:

81.28 (1) item A must be amended to read: "Constructing a trail at least 25 miles long on
81.29 forested or other naturally vegetated land for a recreational use unless exempted by part
81.30 4410.4600, subpart 14, item D. In applying this item, if a proposed trail will contain segments

82.1 of newly constructed trail and segments that will follow an existing trail but be designated
82.2 for a new motorized use, an EAW must be prepared if the sum of the quotients obtained by
82.3 dividing the length of the new construction by 25 miles and length of the existing but newly
82.4 designated trail by 25 miles equals or exceeds one. Additions and designations under items
82.5 C and D do not apply to this formula.";

82.6 (2) item B must be amended to read: "Designating at least 25 miles of an existing trail
82.7 for a new motorized recreational use other than snowmobiling. In applying this item, if a
82.8 proposed trail will contain segments of newly constructed trail and segments that will follow
82.9 an existing trail but be designated for a new motorized use, an EAW must be prepared if
82.10 the sum of the quotients obtained by dividing the length of the new construction by 25 miles
82.11 and the length of the existing but newly designated trail by 25 miles equals or exceeds one.
82.12 Additions and designations under items C and D do not apply to this formula.";

82.13 (3) a new item C must be adopted to read: "When adding a new motorized recreational
82.14 use or seasonal motorized recreational use to an existing motorized recreational trail if the
82.15 treadway width is not expanded as a result of the added use, a mandatory EAW is not
82.16 required."; and

82.17 (4) a new item D must be adopted to read: "When designating an existing, legally
82.18 constructed route for motorized recreational use, a mandatory EAW is not required."

82.19 (b) The board may use the good cause exemption rulemaking procedure under Minnesota
82.20 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and
82.21 Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota
82.22 Statutes, section 14.388.

82.23 Sec. 101. **WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE**
82.24 **PROGRAM.**

82.25 The Board of Water and Soil Resources, in cooperation with the United States Army
82.26 Corps of Engineers, may complete the planning frameworks and other program application
82.27 requirements necessary for federal approval of an in-lieu fee program, as authorized under
82.28 Minnesota Statutes, section 103G.2242, in the Red River basin and the greater than 80
82.29 percent area. The planning frameworks must contain a prioritization strategy for selecting
82.30 and implementing mitigation activities based on a watershed approach that includes
82.31 consideration of historic resource loss within watersheds and the extent to which mitigation
82.32 can address priority watershed needs. The board must consider the recommendations of the
82.33 report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and
82.34 implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in

83.1 developing proposed planning frameworks for applicable watersheds. When completing
83.2 the work and pursuing approval of an in-lieu fee program, the board must do so consistent
83.3 with the applicable requirements, stakeholder and agency review processes, and approval
83.4 time frames in Code of Federal Regulations, title 33, section 332. The board must submit
83.5 any completed planning frameworks to the chairs and ranking minority members of the
83.6 house of representatives and the senate committees and divisions with jurisdiction over
83.7 environment and natural resources upon receiving federal approval.

83.8 Sec. 102. **TEMPORARY ENFORCEMENT OF GROUNDWATER**
83.9 **APPROPRIATION PERMIT REQUIREMENTS.**

83.10 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to
83.11 suspend or revoke a water appropriation permit, issue an order requiring a violation to be
83.12 corrected, assess monetary penalties, or otherwise take enforcement action against a water
83.13 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement
83.14 action is based solely on a violation of a permit requirement added to a groundwater
83.15 appropriation permit within the north and east metro groundwater management area as a
83.16 result of a court order issued in 2017.

83.17 (b) The commissioner of natural resources may continue to use all the authorities granted
83.18 to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater
83.19 resources within the north and east groundwater management area.

83.20 Sec. 103. **GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

83.21 (a) Notwithstanding water appropriation permit requirements added by the commissioner
83.22 of natural resources as a result of a court order issued in 2017, a public water supplier located
83.23 in the seven-county metropolitan area within a designated groundwater management area:

83.24 (1) is not required to revise a water supply plan to include contingency plans to fully or
83.25 partially convert its water supplies to surface water;

83.26 (2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative
83.27 measures that achieve similar water use reductions when notified by the commissioner of
83.28 natural resources that lake levels have fallen below court-ordered levels; and

83.29 (3) is not required to use per capita residential water use as a measure for purposes of
83.30 water use reduction goals, plans, and implementation and may submit water use plans and
83.31 reports that use a measure other than per capita residential water use.

83.32 (b) This section expires July 1, 2019.

84.1 Sec. 104. **1837 CEDED TERRITORY FISHERIES TECHNICAL COMMITTEE.**

84.2 The commissioner of natural resources may invite at least two fish managers as designated
84.3 by the commissioner to attend all meetings of the 1837 Ceded Territory Fisheries Technical
84.4 Committee.

84.5 Sec. 105. **CARBON MONOXIDE EXPOSURE; FISH HOUSES AND ICE**
84.6 **SHELTERS; REPORT.**

84.7 The commissioner of natural resources must work with fish house and ice shelter
84.8 manufacturers and other interested parties to identify best practices to reduce fish house
84.9 and ice shelter user exposure to carbon monoxide. The commissioner must increase outreach
84.10 efforts relating to the dangers of carbon monoxide exposure in fish houses and report
84.11 recommendations to the chairs of the house of representatives and senate committees and
84.12 divisions with jurisdiction over environment and natural resources policy by January 15,
84.13 2019.

84.14 Sec. 106. **NONPOINT PRIORITY FUNDING PLAN; REPORT.**

84.15 The Board of Water and Soil Resources, in cooperation with representatives of state
84.16 agencies, local governments, tribal governments, private and nonprofit organizations, and
84.17 others must review the nonpoint priority funding plan under Minnesota Statutes, section
84.18 114D.50, subdivision 3a. By January 31, 2019, the board must submit a report to the chairs
84.19 and ranking minority members of the house of representatives and senate committees and
84.20 divisions with jurisdiction over environment and natural resources that contains
84.21 recommendations to improve the effectiveness of nonpoint priority funding plans to meet
84.22 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in
84.23 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater
84.24 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

84.25 Sec. 107. **HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

84.26 (a) The commissioner of natural resources must operate the Hill-Annex Mine State Park
84.27 for the purposes it was established through June 30, 2021. The commissioner must work
84.28 with the group established under Laws 2017, chapter 93, article 2, section 156, to review
84.29 park activities and the alternate operating model developed and identify options for
84.30 sustainable and viable operation of the park site. The commissioner must submit
84.31 recommendations to the chairs and ranking minority members of the house of representatives

85.1 and senate committees and divisions with jurisdiction over the environment and natural
85.2 resources by January 15, 2021.

85.3 (b) The commissioner of natural resources must work with the city of Calumet, other
85.4 neighboring cities and townships, and other local units of government to identify and
85.5 coordinate volunteers to supplement the Department of Natural Resources' park operations
85.6 to the extent allowable under state law and rules.

85.7 **Sec. 108. DEMOLITION DEBRIS LANDFILLS; PERMITTING; GROUNDWATER**
85.8 **EVALUATION.**

85.9 (a) In issuing or reissuing a class I demolition land disposal facility permit, the Minnesota
85.10 Pollution Control Agency must consider environmental benefits and impacts, social and
85.11 economic factors, the feasibility and practicability of the permit conditions, and whether
85.12 the burden of any resulting tax or fee is reasonable, feasible, or practicable. A permit issued
85.13 under this section must be in accordance with Minnesota Rules, part 7035.2825, and the
85.14 Pollution Control Agency's Demolition Landfill Guidance published August 2005. The
85.15 Pollution Control Agency must not impose permit conditions on class 1 demolition land
85.16 disposal facilities, including requirements for enhanced cover and hydrogeologic sampling,
85.17 analysis, and reporting, that are not contained in current rules or the Demolition Landfill
85.18 Guidance unless revised rules are adopted reflecting the restrictions on permits required by
85.19 this paragraph.

85.20 (b) The Pollution Control Agency must use existing appropriations to contract with an
85.21 independent laboratory to develop a sampling protocol and to collect, analyze, and evaluate
85.22 groundwater quality data from demolition debris land disposal facilities under a monitoring
85.23 program in accordance with the Pollution Control Agency's Demolition Landfill Guidance
85.24 published August 2005. Data on groundwater quality must be evaluated in reference to and
85.25 in accordance with the definition of pollutant under Minnesota Statutes, section 103H.005,
85.26 subdivision 11, based on the Minnesota Department of Health's adopted health risk limits
85.27 and health risk values. In evaluating pollutants, a laboratory must consider whether pollutant
85.28 concentrations may originate from activities not associated with the permitted demolition
85.29 debris land disposal facility. By November 1, 2018, the agency must submit a report of the
85.30 evaluation to the chairs and ranking minority members of the senate and house of
85.31 representatives committees with jurisdiction over environment and natural resources finance.

86.1 Sec. 109. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**
86.2 **MAINTENANCE.**

86.3 With the consent of the property owner where the drainage ditch buffer will be located,
86.4 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,
86.5 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation
86.6 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating
86.7 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and
86.8 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This
86.9 section expires June 30, 2019.

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

86.11 Sec. 110. **WILD RICE; LEGISLATIVE FINDINGS.**

86.12 (a) The legislature finds that naturally occurring wild rice is an ecologically and culturally
86.13 important aquatic plant resource found in certain waters within the state, which serves as a
86.14 food source for wildlife and humans. The legislature further finds that in recognition of the
86.15 unique importance of this resource, the Pollution Control Agency, in conjunction with
86.16 Minnesota Indian tribes, has identified and listed, in rule, select wild-rice waters for which
86.17 the water quality and the aquatic habitat necessary to support the propagation and
86.18 maintenance of wild rice must not be materially impaired or degraded. The legislature also
86.19 finds that identifying and listing additional wild-rice waters based upon their exceptional
86.20 wild-rice characteristics is an appropriate method of protecting naturally occurring wild
86.21 rice.

86.22 (b) The legislature further finds that federal law vests broad authority in the state to
86.23 define beneficial uses for waters for the state and grants the state the primary responsibility
86.24 and right to plan the development and use of the state's water resources and to specify
86.25 appropriate water uses to be achieved and protected. The legislature also finds that certain
86.26 waters of the state are used to irrigate wild rice intentionally grown as an agricultural crop,
86.27 which is an appropriate beneficial use to be achieved and protected and which is the only
86.28 established beneficial use specifically pertaining to wild rice. The legislature also finds that
86.29 Minnesota has a unique numeric water quality standard for sulfate in rule to protect this
86.30 beneficial use to permit the use of waters for irrigation for the production of wild rice that
86.31 is based on outdated information and ignores the current scientific understanding of the
86.32 potential impacts of sulfate on wild rice.

86.33 (c) The legislature further finds that it is contrary to the public welfare to impose
86.34 requirements or burdens on regulated parties in Minnesota on the basis of a water quality

87.1 standard that ignores current science. The legislature also finds that the water quality standard
87.2 for sulfate has not been enforced in Minnesota since it was adopted in 1973, that the Pollution
87.3 Control Agency has not designated in rules any waters subject to the water quality standard
87.4 for sulfate, and that initiating enforcement of the existing obsolete standard would impose
87.5 prohibitively expensive burdens on regulated parties with potentially grave economic impacts
87.6 on Minnesota communities and industry.

87.7 (d) In recognition of the existence in rule of a water quality standard for sulfate that is
87.8 not supported by current scientific information, in recognition of the potentially grave
87.9 consequences that would occur from enforcement of that obsolete standard, and recognizing
87.10 that the administrative process to repeal the rule has proven to be inefficient and will not
87.11 provide the regulatory certainty required in a timely manner in the absence of legislative
87.12 action, the legislature finds that the most effective means to serve the welfare of the state
87.13 is to enact sections 111 to 116 to eliminate the water quality standard for sulfate, leaving
87.14 in place sufficient other provisions in law and rule for the protection of naturally occurring
87.15 wild rice, including but not limited to the listing of additional select wild-rice waters.

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

87.17 **Sec. 111. WATER QUALITY STANDARD FOR SULFATE; RULEMAKING.**

87.18 The commissioner of the Pollution Control Agency may not adopt, modify, or proceed
87.19 with any revisions to the rules pertaining to water quality standards for sulfate for wild-rice
87.20 waters in Minnesota Rules, part 7050.0224, subpart 2, that were disapproved by the chief
87.21 administrative law judge on January 11, 2018, without again going through the rulemaking
87.22 procedures under Minnesota Statutes, sections 14.05 to 14.28, except Minnesota Statutes,
87.23 section 14.101, does not apply.

87.24 **EFFECTIVE DATE.** This section is effective retroactively from January 11, 2018.

87.25 **Sec. 112. IDENTIFICATION AND LISTING OF WILD-RICE WATERS.**

87.26 The commissioner of the Pollution Control Agency may evaluate the waters of the state
87.27 to determine if any additional waters containing naturally occurring wild rice have exceptional
87.28 wild-rice characteristics. The commissioner may, by rule, identify and list these waters as
87.29 [WR] waters where the water quality and the aquatic habitat necessary to support the
87.30 propagation and maintenance of wild rice must not be materially impaired or degraded.
87.31 Before identifying and listing a wild-rice water, the commissioner must establish, in a
87.32 separate and prior rulemaking, criteria to be used in identifying and listing wild-rice waters.

88.1 The criteria must include the following, each of which must be met before a water body
88.2 can be identified and listed as a wild-rice water:

88.3 (1) the history of harvesting wild rice;

88.4 (2) minimum acreage; and

88.5 (3) minimum density of wild rice.

88.6 **Sec. 113. APPLICATION OF WATER QUALITY STANDARD FOR SULFATE**
88.7 **FOR WILD-RICE WATERS.**

88.8 The commissioner of the Pollution Control Agency must not apply the water quality
88.9 standard for sulfate for wild-rice waters nullified in this act when issuing, modifying, or
88.10 renewing national pollutant discharge elimination system or state disposal system permits.

88.11 The commissioner of the Pollution Control Agency must take all steps necessary to conform
88.12 the agency's rules and practices to this act and to ensure that no regulated party is required
88.13 to take any action or bear any burden arising from the nullified water quality standard for
88.14 sulfate unless requested by the permittee.

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

88.16 **Sec. 114. APPLICATION OF EQUATION-BASED WATER QUALITY STANDARD**
88.17 **FOR WILD-RICE WATERS.**

88.18 The commissioner of the Pollution Control Agency must not apply the proposed
88.19 equation-based sulfate standard rejected by the chief administrative law judge on January
88.20 11, 2018, including as a numeric translator to the narrative sulfate standard for wild rice
88.21 under Minnesota Rules, part 7050.0150, subpart 3, or 7050.0224, subpart 1, when issuing,
88.22 modifying, or renewing national pollutant discharge elimination system or state disposal
88.23 system permits.

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

88.25 **Sec. 115. APPLICATION OF WATER QUALITY STANDARDS; IRRIGATION.**

88.26 The commissioner of the Pollution Control Agency must not apply a water quality
88.27 standard established to protect water quality for purposes of permitting the water's use for
88.28 irrigation without significant damage or adverse effects upon crops or vegetation, including
88.29 water used for the production of wild rice, unless the water is appropriated for irrigation
88.30 use.

89.1 Sec. 116. NULLIFICATION OF WATER QUALITY STANDARD FOR SULFATE
89.2 IN WILD-RICE WATERS.

89.3 (a) Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, there is no numeric,
89.4 nonnarrative, water quality standard for sulfates in class 4A waters in the state until the
89.5 commissioner of the Pollution Control Agency adopts a standard in accordance with section
89.6 111.

89.7 (b) That portion of Minnesota Rules, part 7050.0224, subpart 2, that conflicts with
89.8 paragraph (a) is nullified and does not have the force and effect of law.

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

89.10 Sec. 117. WILD RICE REPORT.

89.11 (a) The commissioner of natural resources must convene a work group consisting of
89.12 state, tribal, and public experts familiar with the agronomy and hydrology that supports
89.13 naturally occurring wild rice. The work group's purpose is to advise the commissioner in
89.14 the preparation of a report on wild rice.

89.15 (b) The commissioner of natural resources must submit a report to the state's tribal
89.16 governments and the chairs and ranking minority members of the legislative committees
89.17 and divisions with jurisdiction over environment and natural resources by January 15, 2019,
89.18 that:

89.19 (1) provides recommendations on actions necessary to preserve and improve the health
89.20 of existing natural wild rice beds;

89.21 (2) includes recommendations on monitoring the effectiveness of restoration and
89.22 protection activities;

89.23 (3) identifies best management practices for natural wild rice protection and restoration
89.24 and recommendations for expanding the use of effective best management practices; and

89.25 (4) identifies areas in which to implement the best management practices.

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

APPENDIX
Article locations in HF3502-1

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