

82.12

**ARTICLE 3**

82.13

**STATUTORY CHANGES**

46.1

**ARTICLE 2**

46.2

**ENVIRONMENT AND NATURAL RESOURCES**46.3 Section 1. [1.1465] STATE BEE.46.4 Subdivision 1. **Rusty patched bumble bee.** The rusty patched bumble bee, *Bombus*  
46.5 *affinis*, is the official bee of the state of Minnesota.46.6 Subd. 2. **Photograph.** A photograph of the rusty patched bumble bee must be preserved  
46.7 in the Office of the Secretary of State.

46.8 Sec. 2. Minnesota Statutes 2018, section 16A.151, subdivision 2, is amended to read:

46.9 Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of specific  
46.10 injured persons or entities, this section does not prohibit distribution of money to the specific  
46.11 injured persons or entities on whose behalf the litigation or settlement efforts were initiated.  
46.12 If money recovered on behalf of injured persons or entities cannot reasonably be distributed  
46.13 to those persons or entities because they cannot readily be located or identified or because  
46.14 the cost of distributing the money would outweigh the benefit to the persons or entities, the  
46.15 money must be paid into the general fund.46.16 (b) Money recovered on behalf of a fund in the state treasury other than the general fund  
46.17 may be deposited in that fund.46.18 (c) This section does not prohibit a state official from distributing money to a person or  
46.19 entity other than the state in litigation or potential litigation in which the state is a defendant  
46.20 or potential defendant.46.21 (d) State agencies may accept funds as directed by a federal court for any restitution or  
46.22 monetary penalty under United States Code, title 18, section 3663(a)(3) or United States  
46.23 Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue  
46.24 account and are appropriated to the commissioner of the agency for the purpose as directed  
46.25 by the federal court.46.26 (e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph  
46.27 (t), may be deposited as provided in section 16A.98, subdivision 12.46.28 (f) If the Minnesota Pollution Control Agency recovers \$250,000 or more in litigation  
46.29 or in settlement of a matter that could have resulted in litigation for a civil penalty from  
46.30 violations of a permit issued by the Minnesota Pollution Control Agency, then 40 percent  
46.31 of the money recovered must be distributed to the community health board where the  
46.32 permitted facility is located. The commissioner of the Minnesota Pollution Control Agency

47.1 must notify the commissioner of health and the community health board within 30 days of  
 47.2 a final court order in the litigation or the effective date of the settlement agreement that the  
 47.3 litigation has concluded or a settlement has been reached. The commissioner must collect  
 47.4 and distribute the money to the commissioner of health. The commissioner of health must  
 47.5 distribute the money to the community health board. The community health board must  
 47.6 meet directly with the population potentially affected by the pollution that was the subject  
 47.7 of the litigation or settlement to understand the population's concerns and incorporate those  
 47.8 concerns into a project that benefits that population. The project must be implemented by  
 47.9 the community health board and funded as directed in this paragraph. This paragraph does  
 47.10 not apply to money recovered in litigation or settlement of a matter that could have resulted  
 47.11 in litigation with subdivisions of the state. This paragraph is for the distribution of money  
 47.12 only and does not create a right of intervention in the litigation or settlement of the  
 47.13 enforcement action for any person or entity.

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

47.15 Sec. 3. Minnesota Statutes 2018, section 16A.152, subdivision 2, is amended to read:

47.16 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund  
 47.17 revenues and expenditures, the commissioner of management and budget determines that  
 47.18 there will be a positive unrestricted budgetary general fund balance at the close of the  
 47.19 biennium, the commissioner of management and budget must allocate money to the following  
 47.20 accounts and purposes in priority order:

47.21 (1) the cash flow account established in subdivision 1 until that account reaches  
 47.22 \$350,000,000;

47.23 (2) the budget reserve account established in subdivision 1a until that account reaches  
 47.24 \$1,596,522,000;

47.25 (3) the amount necessary to increase the aid payment schedule for school district aids  
 47.26 and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest  
 47.27 tenth of a percent without exceeding the amount available and with any remaining funds  
 47.28 deposited in the budget reserve;

47.29 (4) the amount necessary to restore all or a portion of the net aid reductions under section  
 47.30 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75,  
 47.31 subdivision 5, by the same amount; and

48.1 (5) ~~the clean water fund established in section 114D.50 until \$22,000,000 has been~~  
 48.2 ~~transferred into the fund~~ metropolitan landfill contingency action trust account established  
 48.3 in section 473.845 until \$13,905,000 has been transferred into the account.

48.4 (b) The amounts necessary to meet the requirements of this section are appropriated  
 48.5 from the general fund within two weeks after the forecast is released or, in the case of  
 48.6 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations  
 48.7 schedules otherwise established in statute.

- 82.14 Section 1. Minnesota Statutes 2018, section 17.035, subdivision 1, is amended to read:
- 82.15 Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter 28A  
82.16 may apply to the commissioner of agriculture for reimbursement of ~~\$70~~ \$150 towards the  
82.17 processor's reasonable and documented cost of processing donated deer, as determined by  
82.18 the commissioner within the limits of available funding. The meat processor shall deliver  
82.19 the deer, processed into cuts or ground meat, to a charitable organization that is registered  
82.20 under chapter 309 and with the commissioner of agriculture and that operates a food  
82.21 assistance program. To request reimbursement, the processor shall submit an application,  
82.22 on a form prescribed by the commissioner of agriculture, the tag number under which the  
82.23 deer was taken, and a receipt for the deer from the charitable organization.
- 82.24 Sec. 2. Minnesota Statutes 2018, section 35.153, is amended by adding a subdivision to  
82.25 read:
- 82.26 Subd. 2a. **Commercial herd.** "Commercial herd" means a herd for which the owner  
82.27 manages the herd for profit or monetary gain and engages in transactions or exchanges for  
82.28 consideration, including sale, barter, the offer to sell, or possession with the intent to sell.
- 83.1 Sec. 3. Minnesota Statutes 2018, section 35.153, is amended by adding a subdivision to  
83.2 read:
- 83.3 Subd. 7. **Noncommercial herd.** "Noncommercial herd" means a herd that is managed  
83.4 solely for personal enjoyment and use, as determined by the board.
- 83.5 Sec. 4. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:
- 83.6 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent  
83.7 escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and  
83.8 be constructed and maintained in a way that prevents the escape of farmed Cervidae or entry  
83.9 into the premises by free-roaming Cervidae. All new fencing installed after the effective  
83.10 date of this section shall be high tensile. By December 1, 2019, all entry areas for farmed  
83.11 Cervidae enclosure areas must have two redundant gates, which must be maintained to  
83.12 prevent the escape of animals through an open gate. If a fence deficiency allows entry or  
83.13 exit by farmed or wild Cervidae, the deficiency must be repaired by the owner within 48  
83.14 hours of discovery of the deficiency. If a fence deficiency is detected during an inspection,  
83.15 the facility must be reinspected at least once in the subsequent three months. The farmed

- 48.8 (c) The commissioner of management and budget ~~shall~~ must certify the total dollar  
48.9 amount of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of  
48.10 education. The commissioner of education ~~shall~~ must increase the aid payment percentage  
48.11 and reduce the property tax shift percentage by these amounts and apply those reductions  
48.12 to the current fiscal year and thereafter.
- 48.13 (d) Paragraph (a), clause (5), expires after the entire amount of the transfer has been  
48.14 made.
- 48.15 Sec. 4. Minnesota Statutes 2018, section 17.035, subdivision 1, is amended to read:
- 48.16 Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter 28A  
48.17 may apply to the commissioner of agriculture for full reimbursement of ~~\$70~~ towards the  
48.18 processor's reasonable and documented cost of processing donated deer, as determined by  
48.19 the commissioner within the limits of available funding. The meat processor shall deliver  
48.20 the deer, processed into cuts or ground meat, to a charitable organization that is registered  
48.21 under chapter 309 and with the commissioner of agriculture and that operates a food  
48.22 assistance program. To request reimbursement, the processor shall submit an application,  
48.23 on a form prescribed by the commissioner of agriculture, the tag number under which the  
48.24 deer was taken, and a receipt for the deer from the charitable organization.

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- 36.15 Section 1. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:
- 36.16 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent  
36.17 escape. All perimeter fences for farmed Cervidae must be comprised of two or more rows  
36.18 of fencing, or one high tensile fence. All perimeter fences must be at least 96 inches in  
36.19 height and be constructed and maintained in a way that prevents the escape of farmed  
36.20 Cervidae or entry into the premises by free-roaming Cervidae. All entry areas for farmed  
36.21 Cervidae enclosure areas shall have two redundant gates, which must be maintained to  
36.22 prevent the escape of animals through an open gate. If a fence deficiency allows imminent  
36.23 entry or exit by farmed or free-roaming Cervidae, the owner must repair the deficiency  
36.24 within a reasonable period of time as determined by the board. If a fence deficiency is  
36.25 detected during an annual inspection under subdivision 7, the facility must be reinspected

83.16 Cervidae owner must pay a reinspection fee of \$950 plus mileage for each reinspection  
 83.17 related to a fence violation.

83.18 Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

83.19 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by  
 83.20 the Board of Animal Health. The identification must include a distinct number that has not  
 83.21 been used during the previous year and must be visible to the naked eye during daylight  
 83.22 under normal conditions at a distance of 50 yards. Newborn animals must be identified  
 83.23 before December 31 of the year in which the animal is born or before movement from the  
 83.24 premises, whichever occurs first. As coordinated by the board, an animal that is not identified  
 83.25 as required under this subdivision may be destroyed by the commissioner of natural resources.

83.26 (b) The Board of Animal Health shall register farmed Cervidae. The owner must submit  
 83.27 the registration request on forms provided by the board. The forms must include sales  
 83.28 receipts or other documentation of the origin of the Cervidae. The board ~~shall~~ must provide  
 83.29 copies of the registration information to the commissioner of natural resources upon request.  
 83.30 The owner must keep written records of the acquisition and disposition of registered farmed  
 83.31 Cervidae.

84.1 Sec. 6. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

84.2 Subd. 7. **Inspection.** As coordinated by the board, the commissioner of agriculture, an  
 84.3 enforcement officer, as defined in section 97A.015, subdivision 18, and the Board of Animal  
 84.4 Health may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae  
 84.5 records. For each commercial herd, the owner or owners must, on or before January 1, pay  
 84.6 an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most  
 84.7 recent inventory submitted to the Board of Animal Health, up to a maximum fee of \$400,  
 84.8 \$250. For each noncommercial herd, the owner or owners must, on or before January 1,  
 84.9 pay an annual inspection fee of \$100. The commissioner of natural resources may inspect  
 84.10 farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable  
 84.11 suspicion that laws protecting native wild animals have been violated and must notify the  
 84.12 owner in writing at the time of the inspection of the reason for the inspection and must  
 84.13 inform the owner in writing after the inspection of whether (1) the cause of the inspection  
 84.14 was unfounded; or (2) there will be an ongoing investigation or continuing evaluation. The  
 84.15 board shall ensure that each farmed Cervidae facility is inspected within 12 months of a  
 84.16 previous inspection. The inspection by the agency authorized under this paragraph must  
 84.17 include a physical inspection of the entire perimeter fence around the facility, and a  
 84.18 verification that farmed Cervidae are tagged. The owner or owners of the herd must present  
 84.19 an accurate inventory for review.

36.26 not less than two times in the subsequent six months. If the facility experiences more than  
 36.27 two escape incidents in any 12-month period, the board may revoke the facility's registration  
 36.28 and order the owner to remove or destroy the animals as directed by the board.

36.29 Sec. 2. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

36.30 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by  
 36.31 the Board of Animal Health. The identification must include a distinct number that has not  
 36.32 been used during the previous three years and must be visible to the naked eye during  
 37.1 daylight under normal conditions at a distance of 50 yards. Newborn animals must be  
 37.2 identified before ~~December~~ October 31 of the year in which the animal is born, at the time  
 37.3 of weaning, or before movement from the premises, whichever occurs first. As coordinated  
 37.4 by the board, the commissioner of natural resources may destroy any animal that is not  
 37.5 identified as required under this subdivision.

37.6 (b) The Board of Animal Health shall register farmed Cervidae. The owner must submit  
 37.7 the registration request on forms provided by the board. The forms must include sales  
 37.8 receipts or other documentation of the origin of the Cervidae. The board shall provide copies  
 37.9 of the registration information to the commissioner of natural resources upon request. The  
 37.10 owner must keep written records of the acquisition and disposition of registered farmed  
 37.11 Cervidae.

37.12 Sec. 3. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

37.13 Subd. 7. **Inspection.** (a) The commissioner of agriculture and the Board of Animal  
 37.14 Health may inspect farmed Cervidae, ~~farmed Cervidae facilities,~~ and farmed Cervidae  
 37.15 records. ~~For each herd, the owner or owners must, on or before January 1, pay an annual~~  
 37.16 ~~inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent~~  
 37.17 ~~inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. The~~  
 37.18 ~~board shall coordinate inspections authorized under this paragraph.~~

37.19 (b) The Board of Animal Health shall annually inspect each farmed Cervidae facility.  
 37.20 Upon request by the Board of Animal Health, the commissioner of agriculture shall assist  
 37.21 the board with annual inspections required under this paragraph. The annual inspection shall  
 37.22 include a physical inspection of all perimeter fencing around the facility and a viewing to  
 37.23 ensure all animals are tagged. The owner of a farmed Cervidae facility must present to the  
 37.24 regulatory agency conducting the annual inspection an accurate inventory of the owner's  
 37.25 farmed Cervidae for review. During an annual inspection, the owner must present individual  
 37.26 animals in a herd for a physical inventory, if required by the board.

37.27 (c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae  
 37.28 facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native  
 37.29 wild animals have been violated and must notify the owner in writing at the time of the  
 37.30 inspection of the reason for the inspection and must inform the owner in writing after the  
 37.31 inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an  
 37.32 ongoing investigation or continuing evaluation.

84.20 Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

84.21 Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved  
84.22 with any decision regarding the farmed Cervidae may request a contested case hearing under  
84.23 chapter 14.

84.24 (b) A person requesting a contested case hearing regarding a registration revocation  
84.25 under subdivision 10, paragraph (b), must make the request within 30 days of the revocation  
84.26 notice.

84.27 Sec. 8. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

84.28 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in  
84.29 Minnesota unless the person is registered with the Board of Animal Health and meets all  
84.30 the requirements for farmed Cervidae under this section. Cervidae possessed in violation  
84.31 of this subdivision may be seized and destroyed by the commissioner of natural resources.

84.32 (b) If the facility experiences more than two escape incidents in any 12-month period,  
84.33 the board may revoke the facility's registration and the animals may be seized by the  
85.1 commissioner of natural resources. After investigation and review of fence deficiencies,  
85.2 escapes, and other program requirements, the board may revoke the registration of a person  
85.3 who owns farmed Cervidae, and the animals may be seized by the commissioner of natural  
85.4 resources. Unless it would prohibit the operator from receiving federal indemnification  
85.5 payments, an enforcement officer, as defined in section 97A.015, subdivision 18, may  
85.6 destroy seized Cervidae 30 days after the registration revocation notice or following a final  
85.7 decision of a contested case hearing, whichever is later.

37.33 (d) If the owner of a farmed Cervidae facility does not repair fence deficiencies within  
37.34 the reasonable period of time determined by the board or is not otherwise in compliance  
38.1 with this section after an inspection and review of the owner's farmed Cervidae facility, the  
38.2 board may revoke the owner's registration and order the owner to remove or destroy the  
38.3 animals as directed by the board.

38.4 Sec. 4. Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to  
38.5 read:

38.6 Subd. 7a. **Fees.** For each herd, the owner must, on or before January 1, pay to the board  
38.7 an annual inspection fee of \$500 unless:

38.8 (1) the owner sells the ability to shoot animals in the herd, in which case the annual  
38.9 inspection fee is \$1,000; or

38.10 (2) the herd consists of more than one species, in which case the annual inspection fee  
38.11 is \$650.

38.12 Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

38.13 Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved  
38.14 with any decision regarding the farmed Cervidae may request a contested case hearing under  
38.15 chapter 14.

38.16 (b) A person requesting a contested case hearing regarding a registration revocation  
38.17 under this section must make the request within 30 days of the revocation notice.

38.18 Sec. 6. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

38.19 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in  
38.20 Minnesota unless the person is registered with the Board of Animal Health and meets all  
38.21 the requirements for farmed Cervidae under this section. Cervidae possessed in violation  
38.22 of this subdivision may be seized and destroyed by the commissioner of natural resources.

38.23 (b) A person whose registration is revoked by the board is ineligible for future registration  
38.24 under this section.

85.8 Sec. 9. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

85.9 Subd. 11. **Mandatory surveillance for chronic wasting disease.** (a) An inventory for  
85.10 each farmed Cervidae herd must be verified by an accredited veterinarian and filed with  
85.11 the Board of Animal Health every 12 months.

85.12 (b) Movement of farmed Cervidae from any premises to another location must be reported  
85.13 to the Board of Animal Health within 14 days of the movement on forms approved by the  
85.14 Board of Animal Health.

85.15 (c) All animals from farmed Cervidae herds that are over ~~16~~ 12 months of age that die  
85.16 or are slaughtered must be tested for chronic wasting disease.

85.17 (d) Except for a closed terminal facility in which live Cervidae are not transported out  
85.18 of the facility, the owner of a premises where chronic wasting disease is detected must:

85.19 (1) depopulate the premises of Cervidae after the indemnification process has been  
85.20 completed and federal or state funding is available for indemnification;

85.21 (2) maintain exclusionary fencing on the premises for five years after the date of detection;  
85.22 and

85.23 (3) not stock Cervidae species on the premises after the date of detection.

38.25 (c) Effective July 1, 2019, to July 1, 2022, the board must not approve a new registration  
38.26 under this subdivision for possession of white-tailed deer. This paragraph does not prohibit  
38.27 a person holding a valid registration under this subdivision from selling or transferring their  
38.28 herd to a family member if the person has no history of violations under this section and  
38.29 the herd is free from chronic wasting disease.

39.1 Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

39.2 Subd. 11. **Mandatory surveillance for chronic wasting disease; herd depopulation.** (a)  
39.3 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian  
39.4 and filed with the Board of Animal Health every 12 months.

39.5 (b) Movement of farmed Cervidae from any premises to another location must be reported  
39.6 to the Board of Animal Health within ~~14 days~~ 48 hours of the movement on forms approved  
39.7 by the Board of Animal Health. If an animal in a farmed Cervidae herd tests positive for  
39.8 chronic wasting disease, the board must alert each person registered under subdivision 7 as  
39.9 soon as practicable and farmed Cervidae must not be moved from any premises in this state  
39.10 for a minimum of 72 hours. The board must examine the movement of farmed Cervidae  
39.11 and other chronic wasting disease vectors related to farmed Cervidae both in and out of the  
39.12 premises where the infected herd was located and take reasonable action necessary to slow  
39.13 or prevent the spread of chronic wasting disease from the infected herd to other farmed or  
39.14 free-roaming Cervidae.

39.15 (c) All animals from farmed Cervidae herds that are over ~~16~~ 12 months of age that die  
39.16 or are slaughtered must be tested for chronic wasting disease.

39.17 (d) If an animal in a farmed Cervidae herd tests positive for chronic wasting disease,  
39.18 except as provided in paragraph (g), the entire herd must be euthanized and disposed of in  
39.19 a manner, and within a reasonable period of time, determined by the board in consultation  
39.20 with the commissioner of natural resources.

39.21 (e) The owner of a herd that euthanizes and disposes of the herd as required by paragraph  
39.22 (d) must:

39.23 (1) maintain the fencing required under subdivision 4;

39.24 (2) prevent any free-roaming or farmed Cervidae from accessing the former cervid pens  
39.25 and other areas that were accessible by the farmed Cervidae; and

39.26 (3) post the premises as directed by the board.

39.27 The requirements under this paragraph must be met for at least 60 months from the date  
39.28 depopulation is completed.

39.29 (f) Before signing an agreement to sell or transfer the property, the owner of a premises  
39.30 where chronic wasting disease is detected must disclose in writing to the buyer or transferee

85.24 Sec. 10. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to  
85.25 read:

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

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

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

86.1 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,  
86.2 84.927, 86B.701, 86B.705, and 87A.10.

86.3 Sec. 11. Minnesota Statutes 2018, section 84.027, is amended by adding a subdivision to  
86.4 read:

86.5 **Subd. 14c. Unadopted rules.** (a) The commissioner of natural resources must not enforce  
86.6 or attempt to enforce an unadopted rule. For purposes of this subdivision, "unadopted rule"  
86.7 means a guideline, bulletin, criterion, manual standard, interpretive statement, or similar  
86.8 pronouncement if the guideline, bulletin, criterion, manual standard, interpretive statement,  
86.9 or similar pronouncement meets the definition of a rule as defined under section 14.02,  
86.10 subdivision 4, but has not been adopted according to the rulemaking process provided under

39.31 the date of depopulation and the requirements incumbent upon the premises and the buyer  
39.32 or transferee under paragraph (e).

40.1 (g) An owner is not required to euthanize and dispose of any animal that tests negative  
40.2 for chronic wasting disease using a live-animal test approved by the board. A live-animal  
40.3 test is not approved for purposes of this paragraph until the board publishes notice in the  
40.4 State Register and provides written notice to the chairs of the house of representatives and  
40.5 senate committees and divisions with jurisdiction over agriculture and natural resources  
40.6 policy and finance that the board has:

40.7 (1) obtained the approval of the commissioners of agriculture and natural resources;

40.8 (2) consulted relevant stakeholders and higher education institutions;

40.9 (3) determined that the test, when used as directed by the board, does not pose an  
40.10 unreasonable risk to the health of free-roaming and farmed Cervidae; and

40.11 (4) developed corresponding animal and herd testing and reporting protocols in  
40.12 coordination with the commissioners of agriculture and natural resources, including but not  
40.13 limited to periodic and ongoing herd testing requirements which reflect the latest scientific  
40.14 understanding of chronic wasting disease.

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48.25 Sec. 5. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to  
48.26 read:

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

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

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

49.1 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,  
49.2 84.927, 86B.701, 86B.705, and 87A.10.

86.11 chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner must  
86.12 overcome a presumption against the unadopted rule.

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

86.18 Sec. 12. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

86.19 Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of  
86.20 natural resources has the authority and responsibility ~~for the administration of~~ to administer  
86.21 school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall  
86.22 biannually report to the Legislative Permanent School Fund Commission and the legislature  
86.23 on the management of the school trust lands that shows how the commissioner has and will  
86.24 continue to achieve the following goals:

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

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

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

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

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

87.7 (6) maintain the integrity of the trust and prevent the misapplication of its lands and its  
87.8 revenues.

87.9 (b) When the commissioner finds an irresolvable conflict between maximizing the  
87.10 long-term economic return and protecting natural resources and recreational values on  
87.11 school trust lands, the commissioner shall give precedence to the long-term economic return  
87.12 in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be  
87.13 compensated for all school trust lands included under a designation or policy provision that  
87.14 prohibits long-term economic return. The commissioner shall submit recommendations to  
87.15 the appropriate legislative committees and divisions on methods of funding for the  
87.16 compensation required under this paragraph, including recommendations for appropriations

49.3 Sec. 6. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

49.4 Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of  
49.5 natural resources has the authority and responsibility ~~for the administration of~~ to administer  
49.6 school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall  
49.7 biannually report to the Legislative Permanent School Fund Commission and the legislature  
49.8 on the management of the school trust lands that shows how the commissioner has and will  
49.9 continue to achieve the following goals:

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

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

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

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

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

49.24 (6) maintain the integrity of the trust and prevent the misapplication of its lands and its  
49.25 revenues.

49.26 (b) When the commissioner finds an irresolvable conflict between maximizing the  
49.27 long-term economic return and protecting natural resources and recreational values on  
49.28 school trust lands, the commissioner shall give precedence to the long-term economic return  
49.29 in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be  
49.30 compensated for all school trust lands included under a designation or policy provision that  
49.31 prohibits long-term economic return. The commissioner shall submit recommendations to  
49.32 the appropriate legislative committees and divisions on methods of funding for the  
49.33 compensation required under this paragraph, including recommendations for appropriations

87.17 from the general fund, nongeneral funds, and the state bond fund. Any uncompensated  
87.18 designation or policy provision restrictions on the long-term economic return on school  
87.19 trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the  
87.20 Legislative Permanent School Fund Commission for review.

87.21 (c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide  
87.22 an inventory and identification of all school trust lands that are included under a designation  
87.23 or policy provision that prohibits long-term economic return. The report ~~shall~~ must include  
87.24 a plan to compensate the permanent school fund through the purchase or exchange of the  
87.25 lands or a plan to manage the school trust land to generate long-term economic return to  
87.26 the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a  
87.27 status report of the commissioner's progress in maximizing the long-term economic return  
87.28 on lands identified in the 2013 report.

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

88.1 Sec. 13. Minnesota Statutes 2018, section 84.0273, is amended to read:  
88.2 84.0273 ESTABLISHING BOUNDARY LINES RELATING TO CERTAIN STATE  
88.3 LANDHOLDINGS.

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

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

88.21 (c) Paragraph (b) applies to all state-owned lands managed by the commissioner of  
88.22 natural resources, except school trust land as defined in section 92.025. For acquired lands,  
88.23 the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding

50.1 from the general fund, nongeneral funds, and the state bond fund. Any uncompensated  
50.2 designation or policy provision restrictions on the long-term economic return on school  
50.3 trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the  
50.4 Legislative Permanent School Fund Commission for review.

50.5 (c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide  
50.6 an inventory and identification of all school trust lands that are included under a designation  
50.7 or policy provision that prohibits long-term economic return. The report ~~shall~~ must include  
50.8 a plan to compensate the permanent school fund through the purchase or exchange of the  
50.9 lands or a plan to manage the school trust land to generate long-term economic return to  
50.10 the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a  
50.11 status report of the commissioner's progress in maximizing the long-term economic return  
50.12 on lands identified in the 2013 report.

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

88.24 the offering to public entities, public sale, and related notice and publication requirements  
 88.25 of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may  
 88.26 sell the surplus lands as provided in paragraph (b) notwithstanding the classification and  
 88.27 public sale provisions of chapters 84A and 282.

88.28 Sec. 14. Minnesota Statutes 2018, section 84.0895, subdivision 2, is amended to read:

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

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

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

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

89.6 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or  
 89.7 3b agricultural land as a result of the application of pesticides or other agricultural chemical  
 89.8 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in  
 89.9 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the  
 89.10 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste  
 89.11 land, or other land for which the owner receives a state paid wetlands or native prairie tax  
 89.12 credit.

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

50.18 Sec. 7. Minnesota Statutes 2018, section 84.0895, is amended by adding a subdivision to  
 50.19 read:

50.20 Subd. 10. **Rusty patched bumble bee.** The rusty patched bumble bee, *Bombus affinis*,  
 50.21 is designated as an endangered species under this section, is the state bee under section  
 50.22 1.1465, has been listed as an endangered species under the federal Endangered Species Act,  
 50.23 and is a species that is of most concern to the state in order to prevent extinction. The  
 50.24 Environmental Quality Board must coordinate efforts to protect the rusty patched bumble  
 50.25 bee in the state.

50.26 Sec. 8. [84.0896] TRADE IN PROHIBITED ANIMAL PARTS PROHIBITED.

50.27 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

- 50.28 (b) "Antique" means an item that:
- 50.29 (1) contains no more than 200 grams of prohibited animal part as a fixed component of
- 50.30 an item that is not made wholly or partially from a prohibited animal part; and
- 50.31 (2) is documented to be at least 100 years old.
- 50.32 (c) "Prohibited animal part" means any of the following:
- 51.1 (1) a tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon,
- 51.2 walrus, whale, or narwhal, or any piece thereof, whether raw or worked;
- 51.3 (2) a product containing any of the materials described in clause (1);
- 51.4 (3) a horn; piece of horn; or derivative of a horn, such as a powder, of any species of
- 51.5 rhinoceros; and
- 51.6 (4) a product containing any of the materials described in clause (3).
- 51.7 (d) "Sell" or "sale" means an exchange for consideration and includes barter and
- 51.8 possession with intent to sell. The term does not include a transfer of ownership by gift,
- 51.9 donation, or bequest.
- 51.10 Subd. 2. **Prohibition.** A person shall not purchase or sell any item that the person knows
- 51.11 or should know is a prohibited animal part.
- 51.12 Subd. 3. **Exceptions.** (a) Subdivision 2 does not prohibit the sale or purchase of a
- 51.13 prohibited animal part if the sale or purchase is:
- 51.14 (1) undertaken as part of law enforcement activities;
- 51.15 (2) expressly authorized by federal law;
- 51.16 (3) of an antique;
- 51.17 (4) of a musical instrument containing a lawfully acquired fixed component made of no
- 51.18 more than 200 grams of prohibited animal part; or
- 51.19 (5) of a prohibited animal part by a bona fide educational or scientific institution that is
- 51.20 a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code.
- 51.21 (b) Subdivision 2 does not prohibit possession of a cultural artifact containing a prohibited
- 51.22 animal part.
- 51.23 Subd. 4. **Disposition of seized prohibited animal parts.** Notwithstanding any other
- 51.24 provision of law, a prohibited animal part seized under this section must, upon a conviction,
- 51.25 be forfeited to the state and either destroyed or given to a nonprofit corporation, as defined
- 51.26 in section 501(c)(3) of the Internal Revenue Code, for an educational or scientific purpose.

51.27 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to crimes  
 51.28 committed on or after that date.

89.15 Sec. 15. [84.1511] WILD RICE STEWARDSHIP COUNCIL.

89.16 Subdivision 1. **Council created.** (a) The Wild Rice Stewardship Council is established  
 89.17 to foster leadership, collaboration, coordination, and communication among state and tribal  
 89.18 government bodies and wild rice stakeholders. Members of the council must represent a  
 89.19 wide range of interests and perspectives and be able to make interdisciplinary  
 89.20 recommendations on managing, monitoring, providing outreach for, researching, and  
 89.21 regulating wild rice.

89.22 (b) The governor must appoint 13 members to the council. The initial appointments to  
 89.23 the council shall include the members of the Governor's Task Force on Wild Rice established  
 89.24 by Executive Orders 18-08 and 18-09 unless those individuals decline to be appointed. The  
 89.25 council membership must include the following individuals:

89.26 (1) one representative nominated by the Minnesota Chippewa Tribe;

89.27 (2) one representative nominated by the four Minnesota Dakota Tribes, which include  
 89.28 the Shakopee Mdewakanton Sioux community, Prairie Island Indian community, Lower  
 89.29 Sioux Indian community, and Upper Sioux community;

89.30 (3) one representative nominated by Red Lake Nation;

89.31 (4) two independent scientists with expertise in wild rice research and plant-based aquatic  
 89.32 toxicity;

90.1 (5) one nonnative wild rice harvester;

90.2 (6) one representative from the ferrous mining industry;

90.3 (7) one representative from the nonferrous mining industry;

90.4 (8) one representative from a municipal wastewater discharger;

90.5 (9) one representative of an electric utility;

90.6 (10) one representative of a statewide labor organization;

90.7 (11) two representatives from an environmental nongovernmental organization; and

90.8 (12) one representative each from the Department of Natural Resources and the Minnesota  
 90.9 Pollution Control Agency appointed by the commissioner of each entity to serve as an ex  
 90.10 officio member.

90.11 (c) The speaker of the house shall appoint one member of the house of representatives  
 90.12 to the council and the minority leader of the house shall appoint one member of the house  
 90.13 of representatives to the council.

90.14 (d) The senate majority leader shall appoint one member of the senate to the council and  
 90.15 the senate minority leader shall appoint one member of the senate to the council.

90.16 (e) The council shall review and consider the recommendations of the Governor's Task  
 90.17 Force on Wild Rice and the 2018 Tribal Wild Rice Task Force report, including the  
 90.18 recommendation to utilize a committee structure that includes council members and  
 90.19 nonmembers with relevant subject matter expertise for technical work related to management  
 90.20 plans, monitoring, and research.

90.21 (f) The Department of Natural Resources shall provide staff support for the council to  
 90.22 enable the council to carry out its functions.

90.23 (g) Terms, compensation, nomination, appointment, and removal of public members of  
 90.24 the council are governed by section 15.059.

90.25 Subd. 2. **Council responsibilities.** (a) The council must provide the governor, chief  
 90.26 executives of Minnesota's 11 Indian tribes, and the legislature a biennial report on the health  
 90.27 of wild rice and policy and funding recommendations to ensure that wild rice thrives in  
 90.28 Minnesota.

90.29 (b) The council must recommend to the commissioners of natural resources and the  
 90.30 Pollution Control Agency a shared monitoring protocol that includes biological, chemical,  
 90.31 and hydrological factors affecting wild rice to assess the health of wild rice populations  
 91.1 over time. The protocol must draw on existing resources such as the monitoring protocol  
 91.2 for wild rice developed by Minnesota Sea Grant, the lake survey and vegetation mapping  
 91.3 methodologies of the Department of Natural Resources, and the monitoring methodologies  
 91.4 of the 1854 Treaty Authority. The council must include recommendations on implementing  
 91.5 the protocol and must regularly prepare a report on protocol implementation.

91.6 (c) The council must recommend to the commissioner of natural resources a  
 91.7 comprehensive, statewide management plan for wild rice. The plan must include clear goals  
 91.8 and indicators, activities, time frames, organizational responsibilities, and performance  
 91.9 measures. Indicators of wild rice health must have the ability to be tracked over time to  
 91.10 facilitate a better understanding of the impact of various stressors versus the natural variability  
 91.11 of wild rice. The council must work with tribes to develop an understanding of natural wild  
 91.12 rice variability through traditional ecological knowledge and lake histories. Biological,  
 91.13 chemical, and hydrological factors must be considered.

91.14 (d) The council must identify and recommend research priorities and required funding  
 91.15 levels. Prioritization should be given to needs identified through the monitoring protocol  
 91.16 and management plans recommended by the council. Topics of research may include:

91.17 (1) assessment of diverse factors impacting wild rice health and interaction among these  
 91.18 factors;

91.19 (2) criteria and methodology for restoring wild rice within its historic range;

- 91.20 (3) seed development;
- 91.21 (4) effective methods of controlling waterfowl predation; and
- 91.22 (5) roles of root plaques, hydrology, landscape context, and other related factors.
- 91.23 (e) The council must provide a forum for scientists and managers to convene and explore  
 91.24 research needs, approaches, and outcomes for building a shared understanding of the threats  
 91.25 to and opportunities for fostering wild rice health and to fill data gaps.
- 91.26 Subd. 3. **Outreach and education.** (a) The council must advise state agencies and the  
 91.27 legislature on statewide outreach and education on wild rice. Activities may include:
- 91.28 (1) developing a statewide education and promotion campaign to raise awareness about  
 91.29 the ecological, nutritional, and cultural value of wild rice;
- 91.30 (2) coordinating an annual Wild Rice Week in which tribal chief executives and the  
 91.31 governor declare the first week of September Wild Rice Week; and
- 92.1 (3) recommending actions to raise awareness and increase enforcement of natural wild  
 92.2 rice labeling laws, including those that require specified labeling for natural wild rice.
- 92.3 (b) The council must develop and recommend to the commissioner of the Pollution  
 92.4 Control Agency a road map for protecting wild rice from harmful levels of pollutants and  
 92.5 other stressors through a holistic approach that addresses the water quality standard for  
 92.6 sulfate in conjunction with enhanced monitoring, management, and education efforts and  
 92.7 that leads to protecting wild rice and strategically using state and community resources.
- 92.8 (c) The council must develop and recommend to the commissioner of the Pollution  
 92.9 Control Agency a structured approach to listing wild-rice waters and potential implementation  
 92.10 of a water quality standard for sulfate to maximize protection of wild rice while limiting  
 92.11 the scope and extent of burdens to Minnesota communities caused by the difficulty of  
 92.12 treating sulfate.
- 92.13 Subd. 4. **Expiration.** This section expires January 1, 2029.
- 92.14 Sec. 16. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:
- 92.15 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other  
 92.16 licensed peace officer may issue a civil citation to a person who operates:
- 92.17 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause  
 92.18 (1); 84.777; 84.788 to 84.795; or 84.90;
- 92.19 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
 92.20 84.777; 84.798 to 84.804; or 84.90; or
- 92.21 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
 92.22 84.777; 84.90; or 84.922 to 84.928.

- 52.1 Sec. 9. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:
- 52.2 Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other  
 52.3 licensed peace officer may issue a civil citation to a person who operates:
- 52.4 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause  
 52.5 (1); 84.777; 84.788 to 84.795; or 84.90;
- 52.6 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
 52.7 84.777; 84.798 to 84.804; or 84.90; or
- 52.8 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
 52.9 84.777; 84.90; or 84.922 to 84.928.

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

92.25 (1) \$100 for the first offense;

92.26 (2) \$200 for the second offense; and

92.27 (3) \$500 for third and subsequent offenses.

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

93.1 (1) \$100 for the first offense;

93.2 (2) \$500 for the second offense; and

93.3 (3) \$1,000 for third and subsequent offenses.

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

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

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

93.12 Sec. 17. Minnesota Statutes 2018, section 84.788, subdivision 2, is amended to read:

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

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

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

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

93.20 ~~(4) used exclusively in organized track racing events;~~

93.21 ~~(5) (4)~~ operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
 93.22 off-highway motorcycle state trail pass;

93.23 ~~(6) (5)~~ operated by a person participating in an event for which the commissioner has  
 93.24 issued a special use permit; or

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

52.12 (1) \$100 for the first offense;

52.13 (2) \$200 for the second offense; and

52.14 (3) \$500 for third and subsequent offenses.

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

52.19 (1) \$100 for the first offense;

52.20 (2) \$500 for the second offense; and

52.21 (3) \$1,000 for third and subsequent offenses.

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

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

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

53.1 Sec. 10. Minnesota Statutes 2018, section 84.788, subdivision 2, is amended to read:

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

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

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

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

53.9 ~~(4) used exclusively in organized track racing events;~~

53.10 ~~(5) (4)~~ operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
 53.11 off-highway motorcycle state trail pass;

53.12 ~~(6) (5)~~ operated by a person participating in an event for which the commissioner has  
 53.13 issued a special use permit; or

93.25 ~~(7)~~ (6) operated on boundary trails and registered in another state or country providing  
93.26 equal reciprocal registration or licensing exemptions for registrants of this state.

93.27 Sec. 18. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

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

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

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

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

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

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

94.9 Sec. 19. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

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

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

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

94.25 (ii) make grant payments based on:

94.26 (A) successful completion of performance benchmarks;

94.27 (B) reimbursement of eligible expenditures; or

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

53.14 ~~(7)~~ (6) operated on boundary trails and registered in another state or country providing  
53.15 equal reciprocal registration or licensing exemptions for registrants of this state.

53.16 Sec. 11. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

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

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

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

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

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

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

54.1 Sec. 12. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

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

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

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

54.17 (ii) make grant payments based on:

54.18 (A) successful completion of performance benchmarks;

54.19 (B) reimbursement of eligible expenditures; or

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

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

95.1 ~~(2) for acquisition, development, and maintenance of~~ to acquire, develop, and maintain  
 95.2 state recreational snowmobile trails;

95.3 (3) for snowmobile safety programs; and

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

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

95.9 Sec. 20. Minnesota Statutes 2018, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

95.18 (5) Specifications relating to snowmobile mufflers.

95.19 (6) A comprehensive snowmobile information and safety education and training program,  
 95.20 including but not limited to the preparation and dissemination of snowmobile information  
 95.21 and safety advice to the public, the training of snowmobile operators, and the issuance of  
 95.22 snowmobile safety certificates to snowmobile operators who successfully complete the  
 95.23 snowmobile safety education and training course. For the purpose of administering such  
 95.24 program and to defray expenses of training and certifying snowmobile operators, the  
 95.25 commissioner shall collect a fee from each person who receives the youth or adult training.  
 95.26 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for  
 95.27 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both  
 95.28 fees in a manner that neither significantly overrecovers nor underrecovers costs, including  
 95.29 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
 95.30 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
 95.31 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing  
 95.32 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails  
 96.1 and enforcement account in the natural resources fund and the amount thereof, except for

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

54.24 ~~(2) for acquisition, development, and maintenance of~~ to acquire, develop, and maintain  
 54.25 state recreational snowmobile trails;

54.26 (3) for snowmobile safety programs; and

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

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

96.2 the electronic licensing system commission established by the commissioner under section  
 96.3 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated  
 96.4 annually to the Enforcement Division of the Department of Natural Resources for the  
 96.5 administration of such programs. In addition to the fee established by the commissioner,  
 96.6 instructors may charge each person any fee paid by the instructor for the person's online  
 96.7 training course and up to the established fee amount for class materials and expenses. The  
 96.8 commissioner shall cooperate with private organizations and associations, private and public  
 96.9 corporations, and local governmental units in furtherance of the program established under  
 96.10 this clause. School districts may cooperate with the commissioner and volunteer instructors  
 96.11 to provide space for the classroom portion of the training. The commissioner shall consult  
 96.12 with the commissioner of public safety in regard to training program subject matter and  
 96.13 performance testing that leads to the certification of snowmobile operators.

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

96.20 Sec. 21. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

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

96.23 (1) a comprehensive all-terrain vehicle environmental and safety education and training  
 96.24 certification program, including the preparation and dissemination of vehicle information  
 96.25 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance  
 96.26 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
 96.27 successfully complete the all-terrain vehicle environmental and safety education and training  
 96.28 course; and

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

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

97.1 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of  
 97.2 training and certifying vehicle operators, the commissioner shall collect a fee from each  
 97.3 person who receives the training for certification under paragraph (a), clause (1). The  
 97.4 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing  
 97.5 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees  
 97.6 in a manner that neither significantly overrecovers nor underrecovers costs, including  
 97.7 overhead costs, involved in providing the services. The fees are not subject to the rulemaking

55.1 Sec. 13. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

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

55.4 (1) a comprehensive all-terrain vehicle environmental and safety education and training  
 55.5 certification program, including the preparation and dissemination of vehicle information  
 55.6 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance  
 55.7 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
 55.8 successfully complete the all-terrain vehicle environmental and safety education and training  
 55.9 course; and

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

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

55.15 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of  
 55.16 training and certifying vehicle operators, the commissioner shall collect a fee from each  
 55.17 person who receives the training for certification under paragraph (a), clause (1). The  
 55.18 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing  
 55.19 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees  
 55.20 in a manner that neither significantly overrecovers nor underrecovers costs, including  
 55.21 overhead costs, involved in providing the services. The fees are not subject to the rulemaking

97.8 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
 97.9 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing  
 97.10 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle  
 97.11 account in the natural resources fund and the amount thereof, except for the electronic  
 97.12 licensing system commission established by the commissioner under section 84.027,  
 97.13 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to  
 97.14 the Enforcement Division of the Department of Natural Resources for the administration  
 97.15 of the programs. In addition to the fee established by the commissioner, instructors may  
 97.16 charge each person up to the established fee amount for class materials and expenses.

97.17 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,  
 97.18 private and public corporations, and local governmental units in furtherance of the ~~program~~  
 97.19 ~~programs~~ established under this section. School districts may cooperate with the  
 97.20 commissioner and volunteer instructors to provide space for the classroom portion of the  
 97.21 training. The commissioner shall consult with the commissioner of public safety in regard  
 97.22 to ~~training program~~ the subject matter of the training programs and performance testing that  
 97.23 leads to the certification of vehicle operators. The commissioner shall incorporate a riding  
 97.24 component in the ~~safety education and training program~~ certification programs established  
 97.25 under this section and may incorporate a riding component in the training program established  
 97.26 in paragraph (a), clause (2).

97.27 Sec. 22. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

55.22 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
 55.23 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing  
 55.24 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle  
 55.25 account in the natural resources fund and the amount thereof, except for the electronic  
 55.26 licensing system commission established by the commissioner under section 84.027,  
 55.27 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to  
 55.28 the Enforcement Division of the Department of Natural Resources for the administration  
 55.29 of the programs. In addition to the fee established by the commissioner, instructors may  
 55.30 charge each person up to the established fee amount for class materials and expenses.

55.31 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,  
 55.32 private and public corporations, and local governmental units in furtherance of the ~~program~~  
 55.33 ~~programs~~ established under this section. School districts may cooperate with the  
 55.34 commissioner and volunteer instructors to provide space for the classroom portion of the  
 56.1 training. The commissioner shall consult with the commissioner of public safety in regard  
 56.2 to ~~training program~~ the subject matter of the training programs and performance testing that  
 56.3 leads to the certification of vehicle operators. The commissioner shall incorporate a riding  
 56.4 component in the ~~safety education and training program~~ certification program established  
 56.5 under this section and may incorporate a riding component in the training program established  
 56.6 under paragraph (a), clause (2).

56.7 Sec. 14. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99.14 Sec. 23. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57.28 Sec. 15. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

- 99.15 Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:
- 99.16 (1) at a rate of speed greater than reasonable or proper under the surrounding
- 99.17 circumstances;
- 99.18 (2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or
- 99.19 damage to the person or property of another;
- 99.20 (3) without headlight and taillight lighted at all times if the vehicle is equipped with
- 99.21 headlight and taillight;
- 99.22 (4) without a functioning stoplight if so equipped;
- 99.23 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;
- 99.24 (6) without a brake operational by either hand or foot;
- 99.25 (7) with more than one person on the vehicle, except as allowed under section 84.9257;
- 99.26 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
- 99.27 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or
- 99.28 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
- 99.29 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~
- 100.1 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
- 100.2 ~~vehicle recreation areas; or~~
- 100.3 ~~(10) (9)~~ in a manner that violates operation rules adopted by the commissioner.
- 100.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 57.29 Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:
- 57.30 (1) at a rate of speed greater than reasonable or proper under the surrounding
- 57.31 circumstances;
- 58.1 (2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or
- 58.2 damage to the person or property of another;
- 58.3 (3) without headlight and taillight lighted at all times if the vehicle is equipped with
- 58.4 headlight and taillight;
- 58.5 (4) without a functioning stoplight if so equipped;
- 58.6 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;
- 58.7 (6) without a brake operational by either hand or foot;
- 58.8 (7) with more than one person on the vehicle, except as allowed under section 84.9257;
- 58.9 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within
- 58.10 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or
- 58.11 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~
- 58.12 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~
- 58.13 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~
- 58.14 ~~vehicle recreation areas; or~~
- 58.15 ~~(10) (9)~~ in a manner that violates operation rules adopted by the commissioner.
- 58.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 58.17 Sec. 16. [84.976] NO CHILD LEFT INSIDE GRANT PROGRAM.
- 58.18 Subdivision 1. Establishment. The commissioner of natural resources must establish
- 58.19 and administer a program to provide grants for outdoor environmental, ecological, and other
- 58.20 natural-resource-based education and recreation programs serving youth.
- 58.21 Subd. 2. Eligibility. The commissioner may award grants under this section to public
- 58.22 entities or private nonprofit organizations.
- 58.23 Subd. 3. Priorities. In awarding grants under this section, the commissioner must give
- 58.24 priority to programs that:
- 58.25 (1) provide students with opportunities to directly experience and understand nature and
- 58.26 the natural world;
- 58.27 (2) use a research-based, effective environmental, ecological, agricultural, or other
- 58.28 natural-resource-based educational curriculum;
- 58.29 (3) maximize the number of participants that can be served;

100.5 Sec. 24. Minnesota Statutes 2018, section 84D.03, subdivision 3, is amended to read:

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

100.9 (b) In waters that are listed as infested waters, except those listed as infested with  
100.10 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
100.11 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

59.1 (4) serve children with limited opportunities to participate in natural-resource-based  
59.2 outdoor activities;

59.3 (5) use public park and other natural resource venues and personnel as a resource; and

59.4 (6) commit matching funds or in-kind resources.

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

101.8 (f) In the Minnesota River downstream of Granite Falls, the Mississippi River downstream  
101.9 of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls,  
101.10 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,  
101.11 part 6266.0500, subpart 1, items A and B, harvesting gizzard shad by cast net for  
101.12 noncommercial personal use as bait for angling, as provided in a permit issued under section  
101.13 84D.11, is allowed as follows:

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

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

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

101.19 and

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

101.22 Sec. 25. Minnesota Statutes 2018, section 84D.03, subdivision 4, is amended to read:

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

102.1 This tagging requirement does not apply to commercial fishing equipment used in Lake  
102.2 Superior.

102.3 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,  
102.4 frog, or crayfish harvesting in an infested water that is listed solely because it contains  
102.5 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum  
102.6 of two days before they are used in any other waters, except as provided in this paragraph.  
102.7 Commercial licensees must notify the department's regional or area fisheries office or a  
102.8 conservation officer before removing nets or equipment from an infested water listed solely  
102.9 because it contains Eurasian watermilfoil and before resetting those nets or equipment in  
102.10 any other waters. Upon notification, the commissioner may authorize a commercial licensee

102.11 to move nets or equipment to another water without freezing or drying, if that water is listed  
 102.12 as infested solely because it contains Eurasian watermilfoil.

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

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

102.17 Sec. 26. Minnesota Statutes 2018, section 84D.108, subdivision 2b, is amended to read:

102.18 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
 102.19 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
 102.20 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~  
 102.21 ~~Gull East State Water Access Site~~ water access sites on Gull Lake (DNR Division of Waters  
 102.22 number 11-0305) in Cass and Crow Wing Counties using the same authorities, general  
 102.23 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision  
 102.24 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business  
 102.25 must be located in Cass or Crow Wing County.

102.26 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
 102.27 the report to the chairs and ranking minority members of the senate and house of  
 102.28 representatives committees having jurisdiction over natural resources required under Laws  
 102.29 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
 102.30 recommendations and assessments.

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

103.1 Sec. 27. Minnesota Statutes 2018, section 84D.108, subdivision 2c, is amended to read:

103.2 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
 103.3 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
 103.4 ~~Cross Lake #1 State Water Access Site~~ water access sites on Cross Lake (DNR Division of  
 103.5 Waters number 18-0312) in Crow Wing County using the same authorities, general  
 103.6 procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision  
 103.7 2a. The place of business of lake service providers participating in the Cross Lake targeted  
 103.8 pilot study must be located in Cass or Crow Wing County.

103.9 (b) If an additional targeted pilot project for Cross Lake is implemented under this  
 103.10 section, the report to the chairs and ranking minority members of the senate and house of  
 103.11 representatives committees having jurisdiction over natural resources required under Laws  
 103.12 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot  
 103.13 study recommendations and assessments.

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

103.15 Sec. 28. Minnesota Statutes 2018, section 85.054, subdivision 1, is amended to read:

103.16 Subdivision 1. **State Park Open House Day Days.** (a) A state park permit is not required  
 103.17 for a motor vehicle to enter a state park, state monument, state recreation area, or state  
 103.18 wayside; on one day each calendar year at each park, which the commissioner may designate  
 103.19 as Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans  
 103.20 Day, Christmas Eve, or New Year's Eve. These days are State Park Open House Days. The  
 103.21 commissioner may designate one additional day each calendar year at each park as a State  
 103.22 Park Open House Day. The commissioner and may designate two consecutive days as State

59.5 Sec. 17. Minnesota Statutes 2018, section 84D.15, is amended to read:  
 59.6 84D.15 INVASIVE SPECIES ACCOUNT ACCOUNTS.

59.7 Subdivision 1. **Creation.** The invasive species account ~~is~~ and the invasive species  
 59.8 research account are created in the state treasury in the natural resources fund.

59.9 Subd. 2. **Receipts.** (a) Money received from surcharges on watercraft licenses under  
 59.10 section 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider  
 59.11 permits under section 84D.108, shall must be deposited in the invasive species account.  
 59.12 Each year, the commissioner of management and budget ~~shall~~ must transfer from the game  
 59.13 and fish fund to the invasive species account; the annual surcharge collected on nonresident  
 59.14 fishing licenses under section 97A.475, subdivision 7, paragraph (b). Each fiscal year, the  
 59.15 commissioner of management and budget ~~shall~~ must transfer \$750,000 from the water  
 59.16 recreation account under section 86B.706 to the invasive species account.

59.17 (b) Money received from surcharges on watercraft licenses under section 86B.415,  
 59.18 subdivision 7, must be deposited as follows:

59.19 (1) 80 percent from each surcharge must be deposited in the invasive species account;  
 59.20 and

59.21 (2) 20 percent from each surcharge must be deposited in the invasive species research  
 59.22 account.

59.23 Subd. 3. **Use of money in invasive species account.** Money credited to the invasive  
 59.24 species account in subdivision 2 ~~shall~~ must be used for management of invasive species  
 59.25 and implementation of this chapter as it pertains to invasive species, including control,  
 59.26 public awareness, law enforcement, assessment and monitoring, management planning,  
 59.27 habitat improvements, and research. Of the money credited to the account, at least ten  
 59.28 percent from each surcharge on watercraft licenses under section 86B.415, subdivision 7,  
 59.29 must be used for grants to lake associations to manage aquatic invasive plant species.

59.30 Subd. 4. **Use of money in invasive species research account.** Money credited to the  
 59.31 invasive species research account in subdivision 2, paragraph (b), must be used for grants  
 60.1 to the Board of Regents of the University of Minnesota for the Minnesota Aquatic Invasive  
 60.2 Species Research Center to research aquatic invasive species.

103.23 Park Open House Day, if the open house is held in conjunction with a special pageant  
 103.24 described in section 85.052, subdivision 2.

103.25 (b) The commissioner shall announce the date of each State Park Open House Day at  
 103.26 least 30 days in advance of the date it occurs.

103.27 (c) The purpose of State Park Open House Day Days is to acquaint the public with state  
 103.28 parks, recreation areas, and waysides.

60.3 Sec. 18. Minnesota Statutes 2018, section 85.32, subdivision 1, is amended to read:

60.4 Subdivision 1. **Designation.** (a) The commissioner of natural resources is authorized in  
 60.5 cooperation with local units of government and private individuals and groups when feasible  
 60.6 to manage state water trails on the Lake Superior water trail under section 85.0155 and on  
 60.7 the following rivers, which have historic, recreational, and scenic values: Little Fork, Big  
 60.8 Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,  
 60.9 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within  
 60.10 Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County  
 60.11 to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail,  
 60.12 Redwood, Blue Earth, Cedar, Shell Rock, Vermilion in St. Louis County, north fork of the  
 60.13 Crow, and south fork of the Crow. The commissioner may map and sign points of interest,  
 60.14 public water access sites, portages, camp sites, and dams, rapids, waterfalls, and other serious  
 60.15 hazards that are dangerous to canoe, kayak, and watercraft travelers. The commissioner  
 60.16 may maintain passageway for watercraft on state water trails.

60.17 (b) The segment of the St. Croix River Water Trail between Wild River State Park and  
 60.18 William O'Brien State Park is designated as the Walter F. Mondale Scenic River Way.

60.19 Sec. 19. Minnesota Statutes 2018, section 85.42, is amended to read:  
 60.20 85.42 USER FEE; VALIDITY.

60.21 (a) The fee for an annual cross-country-ski pass is ~~\$19~~ \$24 for an individual age 16 and  
 60.22 over. The fee for a three-year pass is ~~\$54~~ \$69 for an individual age 16 and over. This fee  
 60.23 ~~shall~~ must be collected at the time the pass is purchased. Three-year passes are valid for  
 60.24 three years beginning the previous July 1. Annual passes are valid for one year beginning  
 60.25 the previous July 1.

60.26 (b) The cost for a daily cross-country skier pass is ~~\$5~~ \$9 for an individual age 16 and  
 60.27 over. This fee ~~shall~~ must be collected at the time the pass is purchased. The daily pass is  
 60.28 valid only for the date designated on the pass form.

60.29 (c) A pass must be signed by the skier across the front of the pass to be valid and ~~becomes~~  
 60.30 is nontransferable on signing when signed.

103.29 Sec. 29. Minnesota Statutes 2018, section 85.44, is amended to read:

103.30 85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.

103.31 The commissioner shall establish a grant-in-aid program for local units of government  
 103.32 and special park districts ~~for the acquisition, development, and maintenance of to acquire,~~  
 104.1 ~~develop, and maintain cross-country-ski trails that are determined by the commissioner to~~  
 104.2 ~~be part of the state's grant-in-aid system. Grants shall be~~ are available for acquisition of to  
 104.3 ~~acquire~~ trail easements but may not be used to acquire any lands in fee title. Local units of  
 104.4 government and special park districts applying for and receiving grants under this section  
 104.5 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration  
 104.6 of their last grant. The department shall reimburse all public sponsors of grants-in-aid  
 104.7 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~  
 104.8 ~~of Before using~~ any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must  
 104.9 be allocated on the basis of user fee sales location. The commissioner may establish a  
 104.10 performance-based funding formula for annual grants-in-aid. The procedures and criteria  
 104.11 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section  
 104.12 14.386 does not apply. In administering the performance-based grants-in-aid, the  
 104.13 commissioner must:

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

104.16 (2) make grant payments based on:

104.17 (i) successful completion of performance benchmarks;

104.18 (ii) reimbursement of eligible expenditures; or

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

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

104.23 Sec. 30. Minnesota Statutes 2018, section 85.47, is amended to read:

104.24 85.47 SPECIAL USE PERMITS; FEES.

104.25 Fees collected for special use permits to use state trails not on state forest, state park, or  
 104.26 state recreation area lands and for use of state water access sites must be deposited in the  
 104.27 natural resources fund and are appropriated to the commissioner of natural resources for  
 104.28 operating and maintaining state trails and water access sites.

104.29 Sec. 31. Minnesota Statutes 2018, section 85A.02, subdivision 17, is amended to read:

61.1 (d) The commissioner and agents ~~shall~~ must issue a duplicate pass to a person whose  
 61.2 pass is lost or destroyed; using the process established under section 97A.405, subdivision  
 61.3 3, and rules adopted thereunder. The fee for a duplicate cross-country-ski pass is \$2.

61.4 Sec. 20. Minnesota Statutes 2018, section 85.44, is amended to read:

61.5 85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.

61.6 The commissioner shall establish a grant-in-aid program for local units of government  
 61.7 and special park districts ~~for the acquisition, development, and maintenance of to acquire,~~  
 61.8 ~~develop, and maintain cross-country-ski trails that are determined by the commissioner to~~  
 61.9 ~~be part of the state's grant-in-aid system. Grants shall be~~ are available for acquisition of to  
 61.10 ~~acquire~~ trail easements but may not be used to acquire any lands in fee title. Local units of  
 61.11 government and special park districts applying for and receiving grants under this section  
 61.12 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration  
 61.13 of their last grant. The department shall reimburse all public sponsors of grants-in-aid  
 61.14 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~  
 61.15 ~~of Before using~~ any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must  
 61.16 be allocated on the basis of user fee sales location. The commissioner may establish a  
 61.17 performance-based funding formula for annual grants-in-aid. The procedures and criteria  
 61.18 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section  
 61.19 14.386 does not apply. In administering the performance-based grants-in-aid, the  
 61.20 commissioner must:

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

61.23 (2) make grant payments based on:

61.24 (i) successful completion of performance benchmarks;

61.25 (ii) reimbursement of eligible expenditures; or

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

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

62.1 Sec. 21. Minnesota Statutes 2018, section 85.47, is amended to read:

62.2 85.47 SPECIAL USE PERMITS; FEES.

62.3 Fees collected for special use permits to use state trails not on state forest, state park, or  
 62.4 state recreation area lands and for use of state water access sites must be deposited in the  
 62.5 natural resources fund and are appropriated to the commissioner of natural resources for  
 62.6 operating and maintaining state trails and water access sites.

- 104.30 Subd. 17. **Additional powers.** (a) The board may establish a schedule of charges for  
 104.31 admission to or for the use of the Minnesota Zoological Garden or any related facility.  
 105.1 Notwithstanding section 16A.1283, legislative approval is not required for the board to  
 105.2 establish a schedule of charges for admission or use of the Minnesota Zoological Garden  
 105.3 or related facilities. ~~The board shall have a policy admitting elementary school children at~~  
 105.4 ~~a reduced charge when they are part of an organized school activity.~~
- 105.5 (b) Notwithstanding paragraph (a), the Minnesota Zoological Garden will must offer  
 105.6 free admission:
- 105.7 (1) throughout the year to economically disadvantaged Minnesota citizens equal to ten  
 105.8 percent of the average annual attendance;
- 105.9 (2) to all visitors on Martin Luther King Jr. Day, Memorial Day, Independence Day,  
 105.10 Labor Day, or Veterans Day; and
- 105.11 (3) to elementary school children when they are part of an organized school activity.
- 105.12 ~~However,~~ (c) Except on the days specified in paragraph (b), clause (2), the zoo may  
 105.13 charge at any time for parking, special services, and for or admission to special facilities  
 105.14 for the education, entertainment, or convenience of visitors.
- 105.15 ~~(b)~~ (d) The board may provide for the purchase, reproduction, and sale of gifts, souvenirs,  
 105.16 publications, informational materials, food and beverages, and grant concessions for the  
 105.17 sale of these items. Notwithstanding subdivision 5b, section 16C.09 does not apply to  
 105.18 activities authorized under this paragraph.
- 105.19 Sec. 32. Minnesota Statutes 2018, section 86B.005, subdivision 18, is amended to read:
- 105.20 Subd. 18. **Watercraft.** "Watercraft" means any contrivance used or designed for  
 105.21 navigation on water, except:
- 105.22 (1) a waterfowl boat during the waterfowl-hunting seasons;
- 105.23 (2) a rice boat during the harvest season; ~~or~~
- 105.24 (3) a seaplane; or
- 105.25 (4) a paddleboard.

62.7 Sec. 22. Minnesota Statutes 2018, section 86B.415, subdivision 1, is amended to read:

62.8 Subdivision 1. **Watercraft 19 feet or less.** (a) Except as provided in paragraph (b) and  
 62.9 ~~subdivision subdivisions 1a and 4,~~ the fee for a watercraft license for watercraft 19 feet or  
 62.10 less in length is ~~\$27~~ \$39.25.

62.11 (b) The watercraft license ~~fee~~ fees for the specified watercraft are as follows:

105.26 Sec. 33. Minnesota Statutes 2018, section 86B.415, subdivision 1a, is amended to read:

105.27 Subd. 1a. **Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing**  
 105.28 **shells.** The fee for a watercraft license for a canoe, kayak, sailboard, ~~paddleboard,~~ paddleboat,  
 105.29 or rowing shell over ten feet in length is \$10.50.

62.12 (1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered  
 62.13 for rent or lease, ~~the fee is \$9~~ \$11.25;

62.14 (2) for a sailboat, 19 feet in length or less, ~~the fee is \$10.50~~ \$15.25;

62.15 (3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching  
 62.16 boat and water safety, ~~the fee is~~ as provided in subdivision 4;

62.17 (4) for a watercraft owned by a dealer under a dealer's license, ~~the fee is~~ as provided in  
 62.18 subdivision 5;

62.19 (5) for a personal watercraft, ~~the fee is \$37.50~~ \$54.50, except for a personal watercraft  
 62.20 that is offered for rent or lease according to section 86B.313, subdivision 4, \$47; and

62.21 (6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses  
 62.22 (1) to (5), ~~the fee is \$18~~ \$26.

62.23 Sec. 23. Minnesota Statutes 2018, section 86B.415, subdivision 1a, is amended to read:

62.24 Subd. 1a. **Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing**  
 62.25 **shells.** Except as provided under subdivision 4, the fee for a watercraft license for a canoe,  
 62.26 kayak, sailboard, paddleboard, paddleboat, or rowing shell over ten feet in length is ~~\$10.50~~  
 62.27 \$15.25.

62.28 Sec. 24. Minnesota Statutes 2018, section 86B.415, subdivision 2, is amended to read:

62.29 Subd. 2. **Watercraft over 19 feet.** Except as provided in subdivisions 1a, 3, 4, and 5,  
 62.30 the watercraft license fee:

63.1 (1) for a watercraft more than 19 feet but less than 26 feet in length is ~~\$45~~ \$65.25;

63.2 (2) for a watercraft 26 feet but less than 40 feet in length is ~~\$67.50~~ \$98; and

63.3 (3) for a watercraft 40 feet in length or longer is ~~\$90~~ \$130.50.

63.4 Sec. 25. Minnesota Statutes 2018, section 86B.415, subdivision 3, is amended to read:

63.5 Subd. 3. **Watercraft over 19 feet for hire.** Except as provided under subdivision 4, the  
 63.6 license fee for a watercraft more than 19 feet in length for hire with an operator is ~~\$75~~  
 63.7 \$108.75 each.

63.8 Sec. 26. Minnesota Statutes 2018, section 86B.415, subdivision 4, is amended to read:

63.9 Subd. 4. **Watercraft used by nonprofit corporation for teaching organization or**  
 63.10 **homestead resort.** (a) The watercraft license fee for a watercraft used by a nonprofit  
 63.11 organization for teaching boat and water safety is \$4.50 each.

63.12 (b) The following fees apply to watercraft owned and used by a homestead resort, as  
 63.13 defined under section 273.13, subdivision 22, paragraph (c), that contains ten rental units  
 63.14 or less, when the watercraft remains on a single water body:

- 63.15 (1) for a watercraft 40 feet in length or longer, \$90;
- 63.16 (2) for a watercraft 26 feet but less than 40 feet in length, \$67.50;
- 63.17 (3) for a watercraft more than 19 feet but less than 26 feet in length, \$45;
- 63.18 (4) for a watercraft more than 19 feet in length for hire with an operator, \$75;
- 63.19 (5) for a watercraft 17 to 19 feet in length, \$27, except as provided in clauses (6) to (10);
- 63.20 (6) for a watercraft, other than personal watercraft, 19 feet in length or less that is offered
- 63.21 for rent or lease, \$9;
- 63.22 (7) for a sailboat 19 feet in length or less, \$10.50;
- 63.23 (8) for a personal watercraft, \$37.50;
- 63.24 (9) for a canoe, kayak, sailboard, paddleboard, paddleboat, or rowing shell over ten feet
- 63.25 in length, \$10.50; and
- 63.26 (10) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses
- 63.27 (6) to (9), \$18.
- 64.1 Sec. 27. Minnesota Statutes 2018, section 86B.415, subdivision 5, is amended to read:
- 64.2 Subd. 5. **Dealer's license.** There is no separate fee for watercraft owned by a dealer
- 64.3 under a dealer's license. The fee for a dealer's license is ~~\$67.50~~ \$98.
- 64.4 Sec. 28. Minnesota Statutes 2018, section 86B.415, subdivision 7, is amended to read:
- 64.5 Subd. 7. **Watercraft surcharge.** A ~~\$5~~ \$20 surcharge is placed on each watercraft licensed
- 64.6 under subdivisions 1 to 3 and 5 and a \$5 surcharge is placed on each watercraft licensed
- 64.7 under subdivision 4 for control, public awareness, law enforcement, monitoring, and research
- 64.8 of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian watermilfoil
- 64.9 in public waters and public wetlands.
- 64.10 Sec. 29. Minnesota Statutes 2018, section 88.642, subdivision 1, is amended to read:
- 64.11 Subdivision 1. **Written consent.** No person shall cut, harvest, remove, transport, or
- 64.12 possess for decorative purposes or for sale more than three decorative trees, more than 100
- 64.13 pounds of decorative boughs, more than 50 spruce stems or branches greater than six inches
- 64.14 in length, more than 50 birch stems or branches greater than one-inch large-end diameter,
- 64.15 or more than 100 pounds of any other decorative materials without the written consent of
- 64.16 the owner or authorized agent of the private or public land on which the decorative materials
- 64.17 were cut or harvested. The written consent shall be on a form furnished or otherwise approved
- 64.18 by the commissioner of natural resources and shall must contain the legal description of the
- 64.19 land where the decorative materials were cut or harvested, as well as the name of the legal
- 64.20 owner of the land or the owner's authorized agent. The written consent must be carried by
- 64.21 every person cutting, harvesting, removing, possessing, or transporting any decorative

- 64.22 materials, or in any way aiding therein, and must be exhibited to any officer at the officer's  
64.23 request at any time.
- 64.24 Sec. 30. Minnesota Statutes 2018, section 88.642, subdivision 3, is amended to read:
- 64.25 Subd. 3. **Transportation requirements.** No person, common carrier, ~~bough~~ decorative  
64.26 materials buyer, or authorized agent shall purchase or otherwise receive for shipment or  
64.27 transportation any decorative materials without recording the seller's or consignor's name  
64.28 and address and the written consent on a form furnished or otherwise approved by the  
64.29 commissioner of natural resources.
- 65.1 Sec. 31. Minnesota Statutes 2018, section 88.6435, is amended to read:  
65.2 88.6435 ~~BOUGH~~ DECORATIVE MATERIALS BUYERS.
- 65.3 ~~Subdivision 1. **Permits.** A person may not buy more than 100 pounds of decorative~~  
65.4 ~~boughs in any calendar year without a bough buyer's permit issued by the commissioner of~~  
65.5 ~~natural resources. The annual fee for a permit for a resident or nonresident to buy decorative~~  
65.6 ~~boughs is \$25.~~
- 65.7 Subd. 1a. **License.** (a) A person must have a buyer's license for decorative materials to:  
65.8 (1) buy more than 100 pounds of decorative boughs in any calendar year;  
65.9 (2) buy more than 50 spruce stems or branches greater than six inches in length in any  
65.10 calendar year; or  
65.11 (3) buy more than 50 birch stems or branches greater than one-inch large-end diameter  
65.12 in any calendar year.
- 65.13 (b) The annual fee for a buyer's license for decorative materials for a resident or  
65.14 nonresident is \$25.
- 65.15 Subd. 2. **Record requirements.** (a) When buying or otherwise receiving decorative  
65.16 ~~boughs~~ materials, a person ~~permitted~~ licensed under this section must record:  
65.17 (1) the seller's name and address;  
65.18 (2) the form of written consent; and  
65.19 (3) the government permit number or legal description or property tax identification  
65.20 number of the land from which the ~~boughs~~ decorative materials were obtained.
- 65.21 (b) The information under paragraph (a) must be provided recorded on a form furnished  
65.22 or otherwise approved by the commissioner of natural resources in consultation with the  
65.23 balsam bough industry groups and must be exhibited to an officer upon request.
- 65.24 (b) ~~Boughs may not be purchased~~ (c) A licensed buyer may not purchase decorative  
65.25 materials if the seller fails to exhibit the written consent required under section 88.642,  
65.26 subdivision 1, or if the boughs do not conform to the standards specified on the consent.

- 65.27 ~~Decorative boughs cut from public lands materials~~ must conform to standards specified in  
65.28 the written consent.
- 65.29 ~~(e)~~ (d) Records ~~shall~~ must be maintained from July 1 until June 30 of the following  
65.30 calendar year and ~~shall~~ must be open to inspection to an officer during reasonable hours.
- 66.1 ~~(d)~~ (e) Customer name and address records created and maintained by ~~permitees~~ licensees  
66.2 under this section are classified as private or nonpublic government data.
- 66.3 Subd. 3. ~~Revocation of permits Penalties.~~ (a) The commissioner may deny, modify,  
66.4 suspend, or revoke a ~~permit~~ license issued under this section for cause, including ~~falsification~~  
66.5 ~~of for falsifying~~ records required under this section or ~~violation of any other provision of~~  
66.6 ~~for violating~~ sections 88.641 to 88.648.
- 66.7 (b) A person convicted of two or more violations of sections 88.641 to 88.648 within  
66.8 three years may not obtain a ~~bough~~ buyer's ~~permit~~ license for decorative materials for three  
66.9 years ~~from~~ after the date of the last conviction.
- 66.10 Subd. 4. ~~Forest bough Special forest products account; disposition of fees.~~ (a) The  
66.11 ~~forest bough special forest products~~ account is established in the state treasury ~~within~~ in the  
66.12 natural resources fund.
- 66.13 (b) Fees for ~~permits~~ licenses issued under this section must be deposited in the state  
66.14 treasury and credited to the ~~forest bough special forest products~~ account and, except for the  
66.15 electronic licensing system commission established by the commissioner under section  
66.16 84.027, subdivision 15, are annually appropriated to the commissioner of natural resources  
66.17 for costs associated with special forest product information and education programs for  
66.18 harvesters and buyers.
- 66.19 Sec. 32. Minnesota Statutes 2018, section 89.37, subdivision 3, is amended to read:
- 66.20 Subd. 3. **Private lands.** The commissioner may supply only bare root seedlings, woody  
66.21 cuttings, and transplant material for use on private land, provided that such material must  
66.22 be sold in lots of not less than ~~500~~ 250 for a sum determined by the commissioner to be  
66.23 equivalent to the cost of the materials and the expenses of their distribution. The  
66.24 commissioner may not directly or indirectly supply any other planting stock for use on  
66.25 private lands.
- 66.26 Sec. 33. [89.435] FOREST CARBON SEQUESTRATION GOAL.
- 66.27 It is the goal of the state to plant an additional 1,000,000 trees each year in fiscal years  
66.28 2020, 2021, 2022, and 2023, to provide additional carbon sequestration and improve forest  
66.29 health.

106.1 Sec. 34. Minnesota Statutes 2018, section 89.71, is amended by adding a subdivision to  
106.2 read:

106.3 Subd. 3a. **Snow removal.** The commissioner must remove snow from a state forest road,  
 106.4 including a minimum maintenance forest road, at the request of one or more residents who  
 106.5 use the road during winter. Nothing in this section is to be construed to amend or abrogate  
 106.6 section 160.095, subdivision 4.

67.1 Sec. 34. Minnesota Statutes 2018, section 90.01, is amended by adding a subdivision to  
 67.2 read:

67.3 Subd. 13. **Special forest products.** "Special forest products" means woody and  
 67.4 herbaceous plants, plant parts, seeds, fungus, soil, gravel, and forest substrate for  
 67.5 consumption, decoration, or medicine or for any other specialty use.

67.6 Sec. 35. Minnesota Statutes 2018, section 90.195, is amended to read:  
 67.7 90.195 SPECIAL USE AND PRODUCT PERMIT.

67.8 (a) The commissioner may issue a fuelwood permit to salvage or cut not to exceed 12  
 67.9 cords of fuelwood per year for personal use from either or both of the following sources:

67.10 (1) dead, down, and damaged trees; or

67.11 (2) other trees that are of negative value under good forest management practices.

67.12 (b) The fuelwood permits under paragraph (a) may be issued for a period not to exceed  
 67.13 one year. The commissioner shall must charge a fee for the permit as provided under section  
 67.14 90.041, subdivision 10. The fee shall must not exceed the current market value of fuelwood  
 67.15 of similar species, grade, and volume that is being sold in the area where the salvage or  
 67.16 cutting is authorized under the permit.

67.17 ~~(b) (c)~~ The commissioner may issue a special product permit under section 89.42 for  
 67.18 commercial use, which may include permit for harvesting or collecting incidental volumes  
 67.19 of boughs, gravel, hay, biomass, and other products derived from forest management activities  
 67.20 special forest products. The value of the products is the current market value of the products  
 67.21 that are being sold in the area. The permit may be issued for a period not to exceed one year,  
 67.22 and the commissioner shall must charge a fee for the permit as provided under section  
 67.23 90.041, subdivision 10.

67.24 ~~(c)~~ (d) The commissioner may issue a special use permit for incidental volumes of timber  
 67.25 from approved right-of-way road clearing across state land for the purpose of accessing to  
 67.26 access a state timber permit. The permit shall must include the volume and value of timber  
 67.27 to be cleared and may be issued for a period not to exceed one year. A presale conference  
 67.28 as required under section 90.151, subdivision 6, must be completed before the start of any  
 67.29 activities under the permit.

106.7 Sec. 35. Minnesota Statutes 2018, section 92.115, subdivision 1, is amended to read:

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

106.11 Sec. 36. [92.122] COMPENSATING PERMANENT SCHOOL FUND.

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

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

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

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

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

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

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

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

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

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

107.7 Sec. 37. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

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

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

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

68.1 Sec. 36. [92.122] COMPENSATING PERMANENT SCHOOL FUND.

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

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

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

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

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

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

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

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

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

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

68.27 Sec. 37. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

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

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

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

107.12 (3) for roads or railroads;

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

107.14 ~~(4)~~ (5) for other uses consistent with the interests of the state.

107.15 (b) The commissioner shall offer the lease at public or private sale for an amount and

107.16 under terms and conditions prescribed by the commissioner. Commercial leases for more

107.17 than ten years and leases for removal of peat that cover 320 or more acres must be approved

107.18 by the Executive Council.

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

107.20 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and

107.21 tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may

107.22 not exceed a term of 25 years; and

107.23 (2) leases for commercial purposes, including major resort, convention center, or

107.24 recreational area purposes, may not exceed a term of 40 years.

107.25 (d) Leases must be subject to sale and leasing of the land for mineral purposes and

107.26 contain a provision for cancellation for just cause at any time by the commissioner upon

107.27 six months' written notice. A longer notice period, not exceeding three years, may be provided

107.28 in leases for storing ore, waste materials from mines, or rock or tailings from ore milling

107.29 plants. The commissioner may determine the terms and conditions, including the notice

107.30 period, for cancellation of a lease for the removal of peat and commercial leases.

108.1 (e) Money received from leases under this section must be credited to the fund to which

108.2 the land belongs.

108.3 Sec. 38. Minnesota Statutes 2018, section 93.25, is amended to read:

108.4 93.25 ORES OTHER THAN IRON; LEASES.

108.5 Subdivision 1. **Leases.** The commissioner may issue leases to prospect for, mine, and

108.6 remove minerals and mineral commodities other than iron ore, including brines and nonfuel

108.7 gases, upon any lands owned by the state, including trust fund lands, lands forfeited for

108.8 nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, and

108.9 the beds of any waters belonging to the state. For purposes of this section, iron ore means

108.10 iron-bearing material where the primary product is iron metal.

108.11 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum

108.12 must be approved by the Executive Council, and any other mineral, mineral commodity,

108.13 brine, or nonfuel gas lease issued pursuant to this section that covers 160 or more acres

108.14 must be approved by the Executive Council. The rents, royalties, terms, conditions, and

108.15 covenants of all such leases shall be fixed by the commissioner according to rules adopted

108.16 by the commissioner, but no lease shall be for a longer term than 50 years, and all rents,

108.17 royalties, terms, conditions, and covenants shall be fully set forth in each lease issued. No

108.18 lease shall be canceled by the state for failure to meet production requirements prior to the

69.1 (3) for roads or railroads;

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

69.3 ~~(4)~~ (5) for other uses consistent with the interests of the state.

69.4 (b) The commissioner shall offer the lease at public or private sale for an amount and

69.5 under terms and conditions prescribed by the commissioner. Commercial leases for more

69.6 than ten years and leases for removal of peat that cover 320 or more acres must be approved

69.7 by the Executive Council.

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

69.9 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and

69.10 tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may

69.11 not exceed a term of 25 years; and

69.12 (2) leases for commercial purposes, including major resort, convention center, or

69.13 recreational area purposes, may not exceed a term of 40 years.

69.14 (d) Leases must be subject to sale and leasing of the land for mineral purposes and

69.15 contain a provision for cancellation for just cause at any time by the commissioner upon

69.16 six months' written notice. A longer notice period, not exceeding three years, may be provided

69.17 in leases for storing ore, waste materials from mines, or rock or tailings from ore milling

69.18 plants. The commissioner may determine the terms and conditions, including the notice

69.19 period, for cancellation of a lease for the removal of peat and commercial leases.

69.20 (e) Money received from leases under this section must be credited to the fund to which

69.21 the land belongs.

108.19 36th year of the lease. The rents and royalties shall be credited to the funds as provided in  
 108.20 section 93.22.

108.21 Subd. 3. **Effect.** The provisions of this section shall not be deemed to repeal or supersede  
 108.22 any other applicable provision of law, but shall be supplementary thereto.

108.23 Sec. 39. Minnesota Statutes 2018, section 94.09, subdivision 3, is amended to read:

108.24 Subd. 3. **Notice to agencies; determination of surplus.** The commissioner of natural  
 108.25 resources shall send written notice to ~~all state departments, agencies and the University of~~  
 108.26 ~~Minnesota~~ the Departments of Administration and Transportation, the Board of Water and  
 108.27 Soil Resources, the Office of School Trust Lands, the legal or land departments of the  
 108.28 University of Minnesota and Minnesota State Colleges and Universities, the Minnesota  
 108.29 Indian Affairs Council, and any other state department or agency that requests to receive  
 108.30 notices describing any lands or tracts which that may be declared surplus. If a department  
 108.31 or agency or the University of Minnesota recipient of the notice desires custody of the lands  
 108.32 or tracts, ~~it shall~~ the recipient must submit a written request to the commissioner; no later  
 108.33 than four calendar weeks after mailing of the notice; setting forth in detail ~~its~~ the reasons  
 109.1 for desiring to acquire; and ~~its~~ the intended use of; the land or tract. The commissioner shall  
 109.2 then determine whether any of the lands ~~described in the certifications of the heads of the~~  
 109.3 ~~departments or agencies so requested~~ should be declared surplus and offered for sale or  
 109.4 otherwise disposed of by transferring custodial control to other requesting state departments  
 109.5 or agencies or to the Board of Regents of the University of Minnesota for educational  
 109.6 purposes, provided however that transfer to the Board of Regents ~~shall~~ is not be determinative  
 109.7 of tax exemption or immunity. If the commissioner determines that any of the lands are no  
 109.8 longer needed for state purposes, the commissioner shall make findings of fact, describe  
 109.9 the lands, declare the lands to be surplus state land, and state the reasons for the sale or  
 109.10 disposition of the lands.

109.11 Sec. 40. Minnesota Statutes 2018, section 94.10, is amended to read:

109.12 94.10 SURVEYS, APPRAISALS, AND SALE.

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

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

109.22 (c) Before offering surplus state-owned lands for public sale, the lands ~~shall~~ must first  
 109.23 be offered to the city, county, town, school district, or other public body corporate or politic  
 109.24 in which the lands are situated for public purposes and the lands may be sold for public

109.25 purposes for not less than the appraised value of the lands. To determine whether a public  
 109.26 body desires to purchase the surplus land, the commissioner of natural resources shall give  
 109.27 a written notice to the governing body of each political subdivision whose jurisdictional  
 109.28 boundaries include or are adjacent to the surplus land. If a public body desires to purchase  
 109.29 the surplus land, ~~it shall~~ the public body must submit a written offer to the commissioner  
 109.30 no later than two weeks after receipt of notice setting forth in detail ~~its~~ the reasons for  
 109.31 desiring to acquire and ~~its~~ the intended use of the land. ~~In the event that~~ If more than one  
 109.32 public body tenders an offer, the commissioner shall determine which party shall receive  
 109.33 the property and shall submit written findings regarding the decision. If lands are offered  
 109.34 for sale for public purposes and if a public body notifies the commissioner of its desire to  
 110.1 acquire the lands, the public body may have up to two years from the date of the accepted  
 110.2 offer to ~~commence payment~~ begin paying for the lands in the manner provided by law.

110.3 (d) Before offering surplus state-owned lands that are located within the reservation  
 110.4 boundary of a federally recognized Indian tribe for public sale or before offering the lands  
 110.5 to an entity specified in paragraph (c), the lands must first be offered to the federally  
 110.6 recognized Indian tribe with governing authority over the reservation where the lands are  
 110.7 located. If the lands are located within the reservation boundary of a federally recognized  
 110.8 tribe that is one of the six constituent tribes of the Minnesota Chippewa tribe, then the lands  
 110.9 must be offered to both the Minnesota Chippewa tribe and the constituent tribe where the  
 110.10 lands are located. The lands may be sold for not less than the appraised value of the lands.  
 110.11 To determine whether an Indian tribe desires to purchase the lands, the commissioner of  
 110.12 natural resources must give a written notice to the governing body of the Indian tribe, and,  
 110.13 when applicable, if the tribe is a member of the Minnesota Chippewa tribe, the Minnesota  
 110.14 Chippewa tribe. If the Indian tribe desires to purchase the lands, the Indian tribe must notify  
 110.15 the commissioner, in writing, of the intent to purchase the lands no later than two weeks  
 110.16 after receiving the notice. If the Indian tribe notifies the commissioner of its intent to acquire  
 110.17 the lands, the Indian tribe has up to two years from the date that the notice of intent to  
 110.18 purchase the lands was submitted to begin paying for the lands in the manner provided by  
 110.19 law.

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

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

- 110.32 (c) The purchaser of state land must pay recording fees and the state deed tax.
- 110.33 (d) Except as provided under paragraph (e), parcels remaining unsold after the offering
- 110.34 may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale
- 111.1 ~~shall~~ must continue until all parcels are sold or until the commissioner orders a reappraisal
- 111.2 or withdraws the remaining parcels from sale.
- 111.3 (e) The commissioner may retain the services of a licensed real estate broker to find a
- 111.4 buyer for parcels remaining unsold after the offering. The sale price may be negotiated by
- 111.5 the broker, but must not be less than 90 percent of the appraised value as determined by the
- 111.6 commissioner. The broker's fee must be established by prior agreement between the
- 111.7 commissioner and the broker and must not exceed ten percent of the sale price for sales of
- 111.8 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.
- 111.9 (f) Public sales of surplus state-owned land may be conducted through online auctions.
- 111.10 Sec. 41. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:
- 111.11 Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish,~~
- 111.12 ~~flathead catfish; members of the pike family, Esocidae, including muskellunge and northern~~
- 111.13 ~~pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth~~
- 111.14 ~~bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,~~
- 111.15 ~~Pereichthyidae, including white bass and yellow bass; members of the salmon and trout~~
- 111.16 ~~subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink~~
- 111.17 ~~salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout,~~
- 111.18 ~~and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon~~
- 111.19 ~~family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. fish from the~~
- 111.20 ~~following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon),~~
- 111.21 ~~Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass;~~
- 111.22 ~~smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear~~
- 111.23 ~~sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and~~
- 111.24 ~~northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead~~
- 111.25 ~~catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow~~
- 111.26 ~~perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown~~
- 111.27 ~~trout, chinook salmon, cisco (tullibee), coho salmon, kokanee salmon, lake trout, lake~~
- 111.28 ~~whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.~~
- 111.29 Sec. 42. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:
- 111.30 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
- 111.31 ~~burbot, cisco,~~ gar, goldeye, and bullhead, except for any fish species listed as endangered,
- 111.32 threatened, or of special concern in Minnesota Rules, chapter 6134.
- 112.1 Sec. 43. Minnesota Statutes 2018, section 97A.051, subdivision 2, is amended to read:

- 69.22 Sec. 38. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:
- 69.23 Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish,~~
- 69.24 ~~flathead catfish; members of the pike family, Esocidae, including muskellunge and northern~~
- 69.25 ~~pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth~~
- 69.26 ~~bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,~~
- 69.27 ~~Pereichthyidae, including white bass and yellow bass; members of the salmon and trout~~
- 69.28 ~~subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink~~
- 69.29 ~~salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout,~~
- 69.30 ~~and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon~~
- 69.31 ~~family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. fish from the~~
- 69.32 ~~following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon),~~
- 70.1 ~~Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass;~~
- 70.2 ~~smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear~~
- 70.3 ~~sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and~~
- 70.4 ~~northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead~~
- 70.5 ~~catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow~~
- 70.6 ~~perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown~~
- 70.7 ~~trout, chinook salmon, cisco (tullibee), coho salmon, kokanee salmon, lake trout, lake~~
- 70.8 ~~whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.~~
- 70.9 Sec. 39. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:
- 70.10 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
- 70.11 ~~burbot, cisco,~~ gar, goldeye, and bullhead, except for any fish species listed as endangered,
- 70.12 threatened, or of special concern in Minnesota Rules, chapter 6134.

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

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

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

70.13 Sec. 40. Minnesota Statutes 2018, section 97A.055, subdivision 4, is amended to read:

70.14 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the  
 70.15 commissioner shall submit to the legislative committees having jurisdiction over  
 70.16 appropriations and the environment and natural resources reports on each of the following:

70.17 (1) the amount of revenue from the following and purposes for which expenditures were  
 70.18 made:

70.19 (i) the small-game license surcharge under section 97A.475, subdivision 4;

70.20 (ii) the Minnesota migratory-waterfowl stamp under section 97A.475, subdivision 5,  
 70.21 clause (1);

70.22 (iii) the trout-and-salmon stamp under section 97A.475, subdivision 10;

70.23 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

70.24 (v) the wild-turkey management account under section 97A.075, subdivision 5;

70.25 (vi) the deer license ~~donations and~~ surcharges under section 97A.475, subdivisions 3,  
 70.26 paragraph (b), and 3a; and

70.27 (vii) the walleye stamp under section 97A.475, subdivision 10a;

70.28 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c),  
 70.29 and the purposes for which these amounts were spent;

71.1 (3) money credited to the game and fish fund under this section and purposes for which  
 71.2 expenditures were made from the fund;

71.3 (4) outcome goals for the expenditures from the game and fish fund; and

71.4 (5) summary and comments of citizen oversight committee reviews under subdivision

71.5 4b.

112.12 Sec. 44. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

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

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

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

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

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

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

113.6 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
113.7 Committee shall be chosen by their respective committees. The chair of the Budgetary  
113.8 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
113.9 either of the other oversight committees.

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

113.13 (g) The committees authorized under this subdivision are not advisory councils or  
113.14 committees governed by section 15.059 and are not subject to section 15.059. Committee  
113.15 members appointed by the commissioner may request reimbursement for mileage expenses  
113.16 in the same manner and amount as authorized by the commissioner's plan adopted under

71.6 (b) The report must include the commissioner's recommendations, if any, for changes  
71.7 in the laws relating to the stamps and surcharge referenced in paragraph (a).

71.8 Sec. 41. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

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

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

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

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

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

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

72.1 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
72.2 Committee shall be chosen by their respective committees. The chair of the Budgetary  
72.3 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
72.4 either of the other oversight committees.

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

72.8 (g) The committees authorized under this subdivision are not advisory councils or  
72.9 committees governed by section 15.059 and are not subject to section 15.059. Committee  
72.10 members appointed by the commissioner may request reimbursement for mileage expenses  
72.11 in the same manner and amount as authorized by the commissioner's plan adopted under

113.17 section 43A.18, subdivision 2. Committee members must not receive daily compensation  
 113.18 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight  
 113.19 Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

113.20 Sec. 45. Minnesota Statutes 2018, section 97A.075, subdivision 1, is amended to read:

113.21 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
 113.22 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
 113.23 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
 113.24 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

113.25 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,  
 113.26 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2  
 113.27 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses  
 113.28 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,  
 113.29 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in  
 113.30 section 97A.4742, for each license issued to a person 18 years of age or older under section  
 113.31 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for  
 113.32 each license issued to a person under 18 years of age shall be credited to the deer management  
 113.33 account and is appropriated to the commissioner for deer habitat improvement or deer  
 113.34 management programs.

72.12 section 43A.18, subdivision 2. Committee members must not receive daily compensation  
 72.13 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight  
 72.14 Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

72.15 Sec. 42. Minnesota Statutes 2018, section 97A.065, subdivision 6, is amended to read:

72.16 Subd. 6. **Deer license donations and surcharges.** (a) The surcharges collected under  
 72.17 section 97A.475, subdivision 3a, ~~paragraph (b), shall~~ must be deposited in an account in  
 72.18 the special revenue fund and are appropriated to the commissioner for deer management,  
 72.19 including for grants or payments to agencies, organizations, or individuals for assisting with  
 72.20 the cost of processing deer taken for population management purposes for venison donation  
 72.21 programs. None of the additional license fees shall be transferred to any other agency for  
 72.22 administration of programs other than venison donation. If any money transferred by the  
 72.23 commissioner is not used for a venison donation program, it shall be returned to the  
 72.24 commissioner.

72.25 (b) The surcharges ~~and donations~~ under section 97A.475, ~~subdivisions~~ subdivision 3,  
 72.26 paragraph (b); 3a, paragraph (a); and 4, paragraph (b), shall, must be deposited in an account  
 72.27 in the special revenue fund and are appropriated to the commissioner for the walk-in access  
 72.28 program.

72.29 Sec. 43. Minnesota Statutes 2018, section 97A.075, subdivision 1, is amended to read:

72.30 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
 72.31 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
 72.32 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
 72.33 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

73.1 (b) ~~\$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife~~  
 73.2 ~~trust fund, established in section 97A.4742, for each license issued under section 97A.473,~~  
 73.3 ~~subdivision 4, shall~~ The deer management account is established as an account in the game  
 73.4 and fish fund and may be used only for deer habitat improvement or deer management  
 73.5 programs. The following amounts must be credited to the deer management account and is  
 73.6 appropriated to the commissioner for deer habitat improvement or deer management  
 73.7 programs.:

73.8 (1) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,  
 73.9 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b);

73.10 (2) \$2 from each annual deer license issued under sections 97A.475, subdivisions 2,  
 73.11 clauses (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,  
 73.12 subdivision 4; and

73.13 (3) \$16 annually from the lifetime fish and wildlife trust fund, established under section  
 73.14 97A.4742, for each license issued to a person 18 years of age or older under section 97A.473,

- 114.1 (c) \$1 from each annual deer license and each bear license and \$1 annually from the  
 114.2 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued  
 114.3 under section 97A.473, subdivision 4, shall be credited to the deer and bear management  
 114.4 account and is appropriated to the commissioner for deer- and bear-management programs,  
 114.5 including a computerized licensing system.
- 114.6 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
 114.7 Cervidae health-management account and is appropriated for emergency deer feeding and  
 114.8 wild Cervidae health management. Money appropriated for emergency deer feeding and  
 114.9 wild Cervidae health management is available until expended.
- 114.10 When the unencumbered balance in the appropriation for emergency deer feeding and  
 114.11 wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
 114.12 unencumbered balance in excess of \$2,500,000 is canceled and available for deer- and  
 114.13 bear-management programs and computerized licensing.
- 114.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

- 73.15 subdivision 4, and \$2 annually from the lifetime fish and wildlife trust fund for each license  
 73.16 issued to a person under 18 years of age.
- 73.17 (c) \$1 from each annual deer license and each bear license and \$1 annually from the  
 73.18 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued  
 73.19 under section 97A.473, subdivision 4, ~~shall~~ must be credited to the deer and bear management  
 73.20 account and is appropriated to the commissioner for deer- and bear-management programs,  
 73.21 including a computerized licensing system.
- 73.22 (d) Fifty cents from each deer license is credited to the ~~emergency deer feeding and wild~~  
 73.23 ~~Cervidae health-management account and is appropriated for emergency deer feeding and~~  
 73.24 ~~wild Cervidae health management. Money appropriated for emergency deer feeding and~~  
 73.25 ~~wild Cervidae health management is available until expended.~~
- 73.26 (e) When the unencumbered balance in the appropriation for ~~emergency deer feeding~~  
 73.27 ~~and wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the~~  
 73.28 ~~unencumbered balance in excess of over \$2,500,000 is canceled and is~~ available for deer-  
 73.29 and bear-management programs and computerized licensing.
- 73.30 Sec. 44. Minnesota Statutes 2018, section 97A.075, subdivision 5, is amended to read:
- 73.31 Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth licenses  
 73.32 under section 97A.475, subdivision 2, clause (4), and subdivision 3, paragraph (a), clause  
 74.1 (7), must be credited to the wild-turkey management account and is appropriated to the  
 74.2 commissioner only for:
- 74.3 (1) the development, restoration, and maintenance of suitable habitat for wild turkeys  
 74.4 on public and private land including forest stand improvement and establishment of nesting  
 74.5 cover, winter roost area, and reliable food sources;
- 74.6 (2) acquisitions of, or easements on, critical wild-turkey habitat;
- 74.7 (3) reimbursement of expenditures to provide wild-turkey habitat on public and private  
 74.8 land;
- 74.9 (4) trapping and transplantation of wild turkeys; and
- 74.10 (5) the promotion of turkey habitat development and maintenance, population surveys  
 74.11 and monitoring, and research.
- 74.12 (b) Money in the account may not be used for:

114.15 Sec. 46. Minnesota Statutes 2018, section 97A.126, is amended to read:

114.16 97A.126 WALK-IN ACCESS PROGRAM.

114.17 Subdivision 1. **Establishment.** A walk-in access program is established to provide public  
114.18 access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting,  
114.19 excluding trapping, as provided under this section. The commissioner may enter into  
114.20 agreements with other units of government and landowners to provide ~~private land~~ hunting  
114.21 access.

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

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

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

114.31 (d) The general provisions for use of wildlife management areas adopted under sections  
114.32 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,  
115.1 firearms and target shooting, hunting stands, abandonment of trash and property, destruction  
115.2 or removal of property, introduction of plants or animals, and animal trespass, apply to  
115.3 hunters on lands enrolled in the walk-in access program.

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

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

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

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

74.13 ~~(1)~~ costs unless they are directly related to a specific parcel of land under paragraph (a),  
74.14 clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or  
74.15 to specific promotional or evaluative activities under paragraph (a), clause (5); ~~or~~

74.16 ~~(2) any permanent personnel costs.~~

74.17 Sec. 45. Minnesota Statutes 2018, section 97A.126, is amended to read:

74.18 97A.126 WALK-IN ACCESS PROGRAM.

74.19 Subdivision 1. **Establishment.** A walk-in access program is established to provide public  
74.20 access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting,  
74.21 excluding trapping, as provided under this section. The commissioner may enter into  
74.22 agreements with other units of government and landowners to provide ~~private land~~ hunting  
74.23 access.

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

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

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

75.3 (d) The general provisions for use of wildlife management areas adopted under sections  
75.4 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,  
75.5 firearms and target shooting, hunting stands, abandonment of trash and property, destruction  
75.6 or removal of property, introduction of plants or animals, and animal trespass, apply to  
75.7 hunters on lands enrolled in the walk-in access program.

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

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

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

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

75.14 Sec. 46. Minnesota Statutes 2018, section 97A.137, subdivision 3, is amended to read:

75.15 Subd. 3. **Use of motorized vehicles by disabled hunters.** ~~The commissioner may issue~~  
75.16 ~~a special permit, without a fee, authorizing a hunter (a) A person with a permanent~~ physical  
75.17 disability ~~to~~ may use a snowmobile, highway-licensed vehicle, all-terrain vehicle, or motor

115.10 Sec. 47. [97A.138] INSECTICIDES IN WILDLIFE MANAGEMENT AREAS.

115.11 A person may not use a product containing an insecticide in a wildlife management area  
 115.12 if the insecticide is from the neonicotinoid class of insecticides. This section expires June  
 115.13 30, 2024.

115.14 Sec. 48. Minnesota Statutes 2018, section 97A.433, subdivision 4, is amended to read:

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

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

115.26 Sec. 49. Minnesota Statutes 2018, section 97A.433, subdivision 5, is amended to read:

75.18 boat in wildlife management areas. ~~To qualify for a permit under this subdivision, The~~  
 75.19 ~~disabled~~ person with a physical disability must possess:

75.20 (1) the required hunting licenses; and

75.21 (2) ~~a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3~~ a  
 75.22 valid disability parking certificate authorized by section 169.345 or valid license plates  
 75.23 issued under section 168.021.

75.24 Sec. 47. [97A.138] INSECTICIDES IN WILDLIFE MANAGEMENT AREAS.

75.25 A person may not use a product containing an insecticide in a wildlife management area  
 75.26 if the insecticide is from the neonicotinoid class of insecticides.

75.27 Sec. 48. Minnesota Statutes 2018, section 97A.321, subdivision 1, is amended to read:

75.28 Subdivision 1. **Owner responsibility; penalty amount.** (a) The owner of a dog that  
 75.29 pursues but does not kill or mortally wound a big game animal is subject to a civil penalty  
 76.1 of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game  
 76.2 animal is subject to a civil penalty of \$500 for each violation.

76.3 (b) Paragraph (a) does not apply to a person using a dog in compliance with section  
 76.4 97B.207.

76.5 Sec. 49. Minnesota Statutes 2018, section 97A.405, is amended by adding a subdivision  
 76.6 to read:

76.7 Subd. 6. **Application deadline.** When an application deadline is specified, including an  
 76.8 application deadline for determining the fee based on age for a lifetime license, an application  
 76.9 must be received no later than 4:30 p.m. on the day of the deadline or, if mailed, an  
 76.10 application must be postmarked on or before the deadline date.

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

116.1 Sec. 50. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

116.2 Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take  
 116.3 small game must be increased by a surcharge of \$6.50, except licenses under subdivisions  
 116.4 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional  
 116.5 commission may not be assessed on the surcharge and the following statement must be  
 116.6 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid  
 116.7 by hunters for the acquisition and development of wildlife lands."

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

116.13 Sec. 51. Minnesota Statutes 2018, section 97A.505, subdivision 8, is amended to read:

76.11 Sec. 50. Minnesota Statutes 2018, section 97A.475, subdivision 3a, is amended to read:

76.12 Subd. 3a. **Deer license donation and surcharge.** ~~(a) A person may agree to add a~~  
 76.13 ~~donation of \$1, \$3, or \$5 to the fees for annual resident and nonresident licenses to take~~  
 76.14 ~~deer by firearms or archery established under subdivisions 2, clauses (5), (6), (7), (13), (14),~~  
 76.15 ~~and (15), and 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12).~~

76.16 ~~(b)~~ (a) Beginning March 1, 2008, fees for bonus licenses to take deer by firearms or  
 76.17 archery established under section 97B.301, subdivision 4, must be increased by a surcharge  
 76.18 of \$1.

76.19 ~~(c)~~ (b) An additional commission may not be assessed on the ~~donation or~~ surcharge.

76.20 Sec. 51. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

76.21 Subd. 4. **Small-game surcharge and donation.** ~~(a) Fees for annual licenses to take~~  
 76.22 ~~small game must be increased by a surcharge of \$6.50, except licenses under subdivisions~~  
 76.23 ~~2, clauses (18) and (19); and 3, paragraph (a), clause~~ clauses (14) and (15). An additional  
 76.24 commission may not be assessed on the surcharge and the following statement must be  
 76.25 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid  
 76.26 by hunters for the acquisition and development of wildlife lands."

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

77.1 Sec. 52. Minnesota Statutes 2018, section 97A.475, subdivision 41, is amended to read:

77.2 Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles~~  
 77.3 ~~and to take, transport, buy, and possess turtles for sale is \$250.~~

77.4 ~~(b)~~ The fee for a recreational turtle license to take, transport, and possess turtles for  
 77.5 personal use is \$25.

77.6 ~~(c) The fee for a turtle seller's apprentice license is \$100.~~

116.14 Subd. 8. **Importing hunter-harvested Cervidae.** ~~Importation into Minnesota of~~  
 116.15 ~~Importing~~ hunter-harvested Cervidae carcasses ~~from known chronic wasting disease endemic~~  
 116.16 ~~areas, as determined by the Board of Animal Health,~~ into Minnesota is prohibited except  
 116.17 for cut and wrapped meat, quarters or other portions of meat with no part of the spinal  
 116.18 column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached  
 116.19 to skull caps that are cleaned of all brain tissue. Hunter-harvested Cervidae carcasses taken  
 116.20 ~~from chronic wasting disease endemic areas~~ outside of Minnesota may be transported on a  
 116.21 direct route through the state by nonresidents.

77.7 Sec. 53. Minnesota Statutes 2018, section 97B.011, is amended to read:

77.8 97B.011 DOGS PURSUING BIG GAME.

77.9 (a) A person who observes a dog wounding, killing, or pursuing in a manner that  
 77.10 endangers big game may kill the dog:

77.11 (1) at any time, if the person is a peace officer or conservation officer; or

77.12 (2) between January 1 and July 14, if the person is not a peace officer or conservation  
 77.13 officer and the discharge of firearms is allowed.

77.14 The officer or person is not liable for damages for killing the dog.

77.15 (b) Paragraph (a) does not apply to a dog used in compliance with section 97B.207.

77.16 Sec. 54. Minnesota Statutes 2018, section 97B.015, subdivision 6, is amended to read:

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

77.24 Sec. 55. Minnesota Statutes 2018, section 97B.081, subdivision 3, is amended to read:

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

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

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

78.1 (i) on foot;

78.2 (ii) using a shotgun;

- 78.3 (iii) not within a public road right-of-way;
- 78.4 (iv) using a handheld or electronic calling device; and
- 78.5 (v) not within 200 feet of a motor vehicle; or
- 78.6 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
- 78.7 animals, provided that the person is:
- 78.8 (i) on foot; and
- 78.9 (ii) not in possession of a firearm or bow.
- 78.10 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
- 78.11 headlight, or other artificial light to:
- 78.12 (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or
- 78.13 occupation-related activities that do not involve taking wild animals; or
- 78.14 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
- 78.15 spotting, locating, or taking a wild animal.
- 78.16 (c) Except as otherwise provided by the game and fish laws, it is not a violation of this
- 78.17 section for a person to use an electronic range finder device from one-half hour before
- 78.18 sunrise until one-half hour after sunset while lawfully hunting wild animals.
- 78.19 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a
- 78.20 handheld artificial light to track or retrieve a wounded or dead bear while possessing a
- 78.21 firearm, ~~provided that:~~
- 78.22 (1) if the person:
- 78.23 ~~(i)~~ (i) has the person's valid bear-hunting license in possession;
- 78.24 ~~(ii)~~ (ii) is on foot; and
- 78.25 ~~(iii)~~ (iii) is following the blood trail of a bear that was shot during legal shooting hours;
- 78.26 or
- 78.27 (2) as provided in section 97B.207.
- 78.28 (e) It is not a violation of this section for a licensed deer hunter to cast the rays of a
- 78.29 handheld artificial light to track or retrieve a wounded deer as provided in section 97B.207.
- 79.1 (f) For purposes of this subdivision, "handheld artificial light" means an artificial light
- 79.2 that is carried in the hand or attached to the person.

116.22 Sec. 52. Minnesota Statutes 2018, section 97B.086, is amended to read:  
 116.23 97B.086 POSSESSING NIGHT VISION OR THERMAL IMAGING EQUIPMENT.

- 116.24 (a) A person may not possess night vision or thermal imaging equipment while taking  
 116.25 wild animals or while having in possession, either individually or as one of a group of  
 116.26 persons, a firearm, bow, or other implement that could be used to take wild animals.
- 116.27 (b) This section does not apply to a firearm that is:
- 116.28 (1) unloaded;
- 116.29 (2) in a gun case expressly made to contain a firearm that fully encloses the firearm by  
 116.30 being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the  
 116.31 firearm exposed; and
- 117.1 (3) in the closed trunk of a motor vehicle.
- 117.2 (c) This section does not apply to a bow that is:
- 117.3 (1) completely encased or unstrung; and
- 117.4 (2) in the closed trunk of a motor vehicle.
- 117.5 (d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or  
 117.6 bow must be placed in the rearmost location of the vehicle.
- 117.7 (e) This section does not apply to night vision or thermal imaging equipment possessed  
 117.8 by:
- 117.9 (1) peace officers or military personnel while exercising their duties; or
- 117.10 (2) a person taking coyote or fox as provided under section 97B.075 and rules adopted  
 117.11 under section 97B.605.

79.3 Sec. 56. Minnesota Statutes 2018, section 97B.1055, is amended to read:  
 79.4 97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR  
 79.5 DEVELOPMENTAL DISABILITY.

79.6 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision  
 79.7 6:

79.8 (1) ~~"person with developmental disability" means a person who has been diagnosed as~~  
 79.9 ~~diagnosis of~~ having substantial limitations in present functioning, manifested as significantly  
 79.10 subaverage intellectual functioning, existing concurrently with demonstrated deficits in  
 79.11 adaptive behavior, ~~and who manifests when~~ these conditions manifest before the person's  
 79.12 22nd birthday. ~~A person with a related condition means a person who meets the diagnostic~~  
 79.13 ~~definition under section 252.27, subdivision 1a; and~~

117.12 Sec. 53. Minnesota Statutes 2018, section 97B.106, subdivision 2, is amended to read:

117.13 Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions  
117.14 of this section must:

- 117.15 (1) be fired from the shoulder;
- 117.16 (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- 117.17 (3) ~~have a stock at least 30 inches long;~~
- 117.18 ~~(4)~~ have a working safety; and
- 117.19 ~~(5)~~ (4) be used with arrows or bolts at least ten inches long.

117.20 (b) An arrow or bolt used to take big game or turkey under the provisions of this section  
117.21 must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

117.22 (c) An arrow or bolt used to take rough fish with a crossbow under the provisions of this  
117.23 section must be tethered or controlled by an attached line.

79.14 (2) "permanent physical disability" means a physical disability that prevents a person  
79.15 from being able to navigate natural terrain or hold a firearm for a required field component  
79.16 for the firearms safety training program under section 97B.020.

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

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

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

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

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

- 80.4 Sec. 57. Minnesota Statutes 2018, section 97B.1115, is amended to read:  
 80.5 97B.1115 USE OF MECHANICAL OR ELECTRONIC ASSISTANCE TO HOLD  
 80.6 AND DISCHARGE FIREARMS OR BOWS BY ~~PHYSICALLY DISABLED A~~  
 80.7 PERSON WITH A PHYSICAL DISABILITY.
- 80.8 (a) Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701, subdivision  
 80.9 2, the commissioner may ~~authorize a physically disabled hunter~~ issue a special permit to  
 80.10 take big game and small game, without a fee, to a person with a physical disability who has  
 80.11 a verified statement of the disability from a licensed physician or a certified nurse practitioner  
 80.12 or certified physician assistant acting under the direction of a licensed physician to use a  
 80.13 swivel or otherwise mounted firearm or bow or any electronic or mechanical device to  
 80.14 discharge a firearm or bow as long as the participant is physically present at the site.
- 80.15 (b) A person using mechanical or electronic assistance under this section may be assisted  
 80.16 by another person. The person assisting may take a wounded animal shot by the person  
 80.17 using mechanical or electronic assistance under this section if the person with the disability  
 80.18 is physically incapable of doing so. The person assisting must be licensed to take the animal.
- 80.19 Sec. 58. Minnesota Statutes 2018, section 97B.205, is amended to read:  
 80.20 97B.205 ~~USE OF~~ USING DOGS AND HORSES TO TAKE BIG GAME  
 80.21 PROHIBITED.
- 80.22 A person may not use a dog or horse to take big game, except as provided under section  
 80.23 97B.207.
- 80.24 Sec. 59. ~~[97B.207]~~ USING DOGS TO LOCATE WOUNDED DEER OR BEAR.
- 80.25 Subdivision 1. Using dogs allowed. A person may use a dog to locate and retrieve a  
 80.26 wounded deer or bear only as provided in this section.
- 80.27 Subd. 2. Requirements for hunters and handlers. (a) A person attempting to locate  
 80.28 and retrieve a wounded deer or bear using a dog must have a valid license to take the deer  
 80.29 or bear and have the license in possession. If the person is a dog handler that does not have  
 80.30 a valid hunting license, the person must be accompanied by a licensed hunter with the license  
 80.31 in possession.
- 81.1 (b) The licensed hunter, and any accompanying dog handler, must be on foot and must  
 81.2 wear blaze orange or blaze pink as provided in section 97B.071, paragraph (a).
- 81.3 (c) Any light used must be a handheld artificial light, as defined under section 97B.081,  
 81.4 subdivision 3, paragraph (f).
- 81.5 Subd. 3. Requirements for dogs. (a) A dog used to locate a wounded deer or bear must  
 81.6 be accompanied by a licensed hunter and any dog handler until the wounded deer or bear  
 81.7 is located. The dog must be leashed and the licensed hunter or dog handler must be in  
 81.8 physical control of the leash at all times. The leash must not exceed 30 feet in length.

117.24 Sec. 54. Minnesota Statutes 2018, section 97B.426, is amended to read:

117.25 97B.426 BAITING BEAR; USE OF DRUM.

117.26 (a) Notwithstanding section 97B.425,:

117.27 (1) a private landowner or person authorized by the private landowner may use a drum  
117.28 to bait bear on the person's private land; and

118.1 (2) a resident may use a drum to bait bear on public land after paying a \$5 drum surcharge.

118.2 (b) The drum must be securely chained or cabled to a tree so that it cannot be moved  
118.3 from the site by a bear and the drum may not include a mechanical device for dispensing  
118.4 feed. The drum must be marked as provided in section 97B.425.

118.5 (c) For purposes of this section, "drum" means a 30 gallon or larger drum.

118.6 Sec. 55. Minnesota Statutes 2018, section 97B.516, is amended to read:

118.7 97B.516 PLAN FOR ELK MANAGEMENT.

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

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

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

118.12 (3) affords optimum recreational opportunities.

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

81.9 (b) The dog owner's information, including the owner's name and telephone number,  
81.10 must be on the dog while the dog is used to locate a wounded deer or bear under this section.

81.11 (c) The licensed hunter and any accompanying dog handler are jointly and severally  
81.12 responsible for a dog under this section. A violation of this subdivision is a misdemeanor  
81.13 under section 97A.301, subdivision 1, and section 97A.421 applies.

81.14 **Subd. 4. Additional requirements.** (a) The trespass provisions in section 97B.001 apply  
81.15 to activities under this section, including all requirements to gain permission to enter private  
81.16 or public property.

81.17 (b) Activities under this section may occur during legal shooting hours or outside legal  
81.18 shooting hours of the open season for the location and species. Any activity occurring under  
81.19 this section outside the open season for the location and species must be reported to the  
81.20 local conservation officer before locating or retrieving the wounded deer or bear.

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

118.24 (d) When the estimated size of a herd exceeds the range identified in an elk management  
 118.25 plan, the commissioner must provide hunting opportunities designed to bring the size of  
 118.26 the herd back into its planned size, including providing sufficient hunting tags and additional  
 118.27 opportunities for unsuccessful hunters.

81.21 Sec. 60. Minnesota Statutes 2018, section 97B.645, subdivision 9, is amended to read:

81.22 Subd. 9. **No open season.** There ~~shall be~~ is no open season for wolves ~~until after the~~  
 81.23 ~~wolf is delisted under the federal Endangered Species Act of 1973. After that time, the~~  
 81.24 ~~commissioner may prescribe open seasons and restrictions for taking wolves but must~~  
 81.25 ~~provide opportunity for public comment.~~

81.26 Sec. 61. Minnesota Statutes 2018, section 97B.655, is amended to read:

81.27 97B.655 TAKING ANIMALS CAUSING DAMAGE.

81.28 Subdivision 1. **Owners and occupants may take certain animals.** (a) A person or the  
 81.29 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,  
 81.30 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the  
 81.31 person where the animal is causing damage. The person or the person's agent may take the  
 82.1 animal without a license and in any manner except by artificial lights in the closed season  
 82.2 or by poison. Raccoons may be taken under this subdivision with artificial lights during  
 82.3 open season.

82.4 (b) Any traps used under this subdivision must be tagged as required under section  
 82.5 97B.928 if placed by an agent of the landowner or occupant.

82.6 (c) A person or the person's agent who kills mink, raccoon, bobcat, fox, opossum,  
 82.7 muskrat, or beaver under this subdivision must notify a conservation officer or employee  
 82.8 of the Fish and Wildlife Division within 24 hours after the animal is killed.

82.9 Subd. 2. **Special permit for taking protected wild animals.** (a) The commissioner may  
 82.10 issue special permits under section 97A.401, subdivision 5, to take protected wild animals  
 82.11 that are damaging property or to remove or destroy their dens, nests, ~~or dams.~~

82.12 (b) Removing or destroying a beaver dam associated with beavers causing damage must  
 82.13 be according to section 97B.665.

82.14 Sec. 62. Minnesota Statutes 2018, section 97B.665, is amended by adding a subdivision  
 82.15 to read:

- 82.16 Subd. 1a. **Removing beaver dams; agreement by landowner.** (a) Except as provided  
 82.17 in paragraph (b), a beaver dam that is causing damage to property may be removed or  
 82.18 destroyed by a person or the person's agent from property that is owned, occupied, or  
 82.19 otherwise managed by the person.
- 82.20 (b) A person or a person's agent may not remove or destroy a beaver dam under this  
 82.21 subdivision when a permit is required under section 103G.245 if removing or destroying  
 82.22 the dam would change or diminish the historical water levels, course, current, or cross  
 82.23 section of public waters.
- 82.24 (c) A person or a person's agent may not remove or destroy a beaver dam under this  
 82.25 subdivision if the dam is on public property or another person's private property unless the  
 82.26 person obtains the approval or permission of the landowner of the property where the beaver  
 82.27 dam is located.
- 82.28 (d) If unable to obtain the approval or permission of the landowner under paragraph (c),  
 82.29 a person may petition to district court for relief as provided in subdivision 2.
- 82.30 (e) For purposes of this subdivision:
- 82.31 (1) "landowner" means:
- 82.32 (i) the owner, lessee, or occupant of private property; or
- 83.1 (ii) an authorized manager of public property; and
- 83.2 (2) "person" includes a governmental entity in addition to the entities described under  
 83.3 section 97A.015, subdivision 35.
- 83.4 Sec. 63. Minnesota Statutes 2018, section 97B.667, subdivision 2, is amended to read:
- 83.5 Subd. 2. ~~Local Government units.~~ (a) ~~Local~~ Government units may, as provided in this  
 83.6 section, kill or arrange to have killed beaver that are causing damage, including damage to  
 83.7 silvicultural projects and drainage ditches, on property owned or managed by the ~~local~~  
 83.8 government unit. ~~Removal or destruction of~~ Removing or destroying any associated beaver  
 83.9 lodge is subject to section 97A.401, subdivision 5; and removing or destroying any associated  
 83.10 beaver dam is subject to section 97B.665.
- 83.11 (b) The ~~local~~ government unit may kill beaver associated with the lodge or damage in  
 83.12 any manner, except by poison or artificial lights.
- 83.13 (c) The ~~local~~ government unit may arrange to have killed any beaver associated with  
 83.14 the lodge or damage by trapping through a third-party contract or under subdivision 4.
- 83.15 Sec. 64. Minnesota Statutes 2018, section 97B.667, subdivision 3, is amended to read:
- 83.16 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a  
 83.17 beaver under this section, the road authority or ~~local~~ government unit must contact a  
 83.18 conservation officer for a special beaver permit: if the beaver will be killed within two weeks

- 83.19 before or after the trapping season for beaver, and the conservation officer must issue the  
 83.20 permit for any beaver subject to this section. A permit is not required:
- 83.21 (1) for a licensed trapper during the open trapping season for beaver; or
- 83.22 (2) when the trapping season for beaver is closed and it is not within two weeks before  
 83.23 or after the trapping season for beaver.
- 83.24 (b) A road authority or ~~local~~ government unit that kills or arranges to have killed a beaver  
 83.25 under this section must notify a conservation officer or employee of the Fish and Wildlife  
 83.26 Division within ten days after the animal is killed.
- 83.27 Sec. 65. Minnesota Statutes 2018, section 97B.667, subdivision 4, is amended to read:
- 83.28 Subd. 4. **Local Beaver control programs.** A road authority or ~~local~~ government unit  
 83.29 may, after consultation with the Fish and Wildlife Division, implement a ~~local~~ beaver control  
 83.30 program designed to reduce the number of incidents of beaver:
- 84.1 (1) interfering with or damaging a public road; or
- 84.2 (2) causing damage, including damage to silvicultural projects and drainage ditches, on  
 84.3 property owned or managed by the ~~local~~ government unit.
- 84.4 The ~~local~~ control program may include the offering of a bounty for the lawful taking of  
 84.5 to lawfully take beaver.
- 84.6 Sec. 66. Minnesota Statutes 2018, section 97B.667, is amended by adding a subdivision  
 84.7 to read:
- 84.8 Subd. 5. **Tagging requirements for traps.** Traps used under subdivision 1 or 2 must  
 84.9 be identified with the name and telephone number of the government unit. Traps used for  
 84.10 trapping under a third-party contract must be tagged with the contractor's information as  
 84.11 provided in section 97B.928.
- 84.12 Sec. 67. [97B.673] **NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME**  
 84.13 IN CERTAIN AREAS.
- 84.14 Subdivision 1. **Nontoxic shot on wildlife management areas in farmland zone.** After  
 84.15 July 1, 2020, a person may not take small game, rails, or common snipe on any wildlife  
 84.16 management area within the farmland zone with shot other than:
- 84.17 (1) steel shot;
- 84.18 (2) copper-plated, nickel-plated, or zinc-plated steel shot; or
- 84.19 (3) shot made of other nontoxic material approved by the director of the United States  
 84.20 Fish and Wildlife Service.
- 84.21 Subd. 2. **Farmland zone.** For the purposes of this section, the farmland zone is the  
 84.22 portion of the state that falls south and west of Minnesota Highway 70 westward from the

118.28 Sec. 56. Minnesota Statutes 2018, section 97B.722, is amended to read:  
 118.29 97B.722 POSSESSING FIREARMS; HUNTING TURKEY.

118.30 (a) While afield hunting turkeys, licensees may not have in possession or control:

119.1 (1) any firearm that is not a legal firearm as defined in paragraph (c); or

119.2 (2) any bow and arrow except those defined as legal for taking turkeys in rules adopted  
 119.3 by the commissioner.

119.4 (b) Paragraph (a) does not apply to a person carrying a handgun in compliance with  
 119.5 section 624.714.

119.6 (c) For hunting turkeys, "legal firearm" means a shotgun or muzzleloading shotgun 10  
 119.7 gauge or smaller using fine shot size No. 4 or smaller diameter shot.

119.8 Sec. 57. Minnesota Statutes 2018, section 97B.731, subdivision 3, is amended to read:

119.9 Subd. 3. **Crow season.** ~~The commissioner shall prescribe a 124-day open season and~~  
 119.10 ~~restrictions seasons for taking crows are January 1 through January 15, March 15 through~~  
 119.11 ~~March 31, and August 1 through October 31. The open season may not be shorter than the~~  
 119.12 ~~maximum season allowed under federal law.~~ The remainder of the year, crows may be taken  
 119.13 as allowed by federal law.

119.14 Sec. 58. Minnesota Statutes 2018, section 97C.315, subdivision 1, is amended to read:

119.15 Subdivision 1. **Lines.** An angler may not use more than one line except:

119.16 (1) two lines may be used to take fish through the ice; ~~and~~

119.17 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by  
 119.18 the commissioner in Lake Superior; and

119.19 (3) two lines may be used on waters not subject to special regulations to take fish during  
 119.20 the open-water season by a resident or nonresident angler who purchases a second-line  
 119.21 endorsement for \$5. The proceeds collected from the purchases of second-line endorsements  
 119.22 must be deposited in the Walleye Stamp Account described in section 97A.075, subdivision  
 119.23 6, and must be spent on walleye stocking.

119.24 **EFFECTIVE DATE.** This section is effective March 1, 2020.

119.25 Sec. 59. Minnesota Statutes 2018, section 97C.345, is amended by adding a subdivision  
 119.26 to read:

84.23 Wisconsin border to Minnesota Highway 65 to Minnesota Highway 23 to U.S. Highway  
 84.24 169 at Milaca to Minnesota Highway 18 at Garrison to Minnesota Highway 210 at Brainerd  
 84.25 to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the  
 84.26 Canadian border.

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

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

120.4 Sec. 60. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

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

120.7 (1) minnows;

120.8 (2) rough fish ~~excluding ciscoes~~;

120.9 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

120.10 (4) fish taken under licensed commercial fishing operations;

120.11 (5) fish that are private aquatic life; and

120.12 (6) fish lawfully taken and subject to sale from other states and countries.

120.13 Sec. 61. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

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

120.17 Sec. 62. Minnesota Statutes 2018, section 97C.605, subdivision 2, is amended to read:

120.18 Subd. 2. **Turtle seller's license.** (a) A person may not take, possess, buy, or transport  
 120.19 turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a  
 120.20 turtle seller's license, except as provided in subdivision 2c.

120.21 (b) Except for renewals, no new turtle seller's licenses may be issued after August 1,  
 120.22 2002.

120.23 (c) A turtle seller's license is transferable by the turtle seller licensee by making  
 120.24 application to the commissioner. A turtle seller's license may be transferred ~~only once under~~

84.27 Sec. 68. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

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

84.30 (1) minnows;

85.1 (2) rough fish ~~excluding ciscoes~~;

85.2 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

85.3 (4) fish taken under licensed commercial fishing operations;

85.4 (5) fish that are private aquatic life; and

85.5 (6) fish lawfully taken and subject to sale from other states and countries.

85.6 Sec. 69. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

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

85.10 Sec. 70. Minnesota Statutes 2018, section 97C.605, subdivision 1, is amended to read:

85.11 Subdivision 1. ~~Resident angling license required~~ **Taking turtles; requirements.** (a)  
 85.12 ~~In addition to any other license required in this section,~~ A person may not take, possess, or  
 85.13 transport turtles without a resident angling license, ~~except as provided in subdivision 2c~~  
 85.14 and a recreational turtle license.

85.15 (b) Turtles taken from the wild are for personal use only and may not be resold.

120.25 this paragraph and the transfer must be to a child of the person holding the turtle seller's  
 120.26 license.

85.16 Sec. 71. Minnesota Statutes 2018, section 97C.605, subdivision 2c, is amended to read:

85.17 Subd. 2c. **License exemptions.** (a) A person does not need a turtle seller's license or an  
 85.18 angling license the licenses specified under subdivision 1:

85.19 ~~(1) when buying turtles for resale at a retail outlet;~~

85.20 ~~(2) (1) when buying a turtle at a retail outlet; or~~

85.21 ~~(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export~~  
 85.22 ~~out of state. Shipping documents provided by the turtle seller must accompany each shipment~~  
 85.23 ~~exported out of state by a nonresident. Shipping documents must include: name, address,~~  
 85.24 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~  
 85.25 ~~number of the turtle seller; or~~

85.26 ~~(4) (2) to take, possess, and rent or sell up to 25 turtles greater than four inches in length~~  
 85.27 ~~for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person~~  
 85.28 ~~is a resident under age 18. The person is responsible for the well-being of the turtles.~~

86.1 (b) A person with an aquatic farm license with a turtle endorsement or a private fish  
 86.2 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate  
 86.3 turtles and turtle eggs according to Minnesota Rules, part 6256.0900, without the licenses  
 86.4 specified under subdivision 1.

86.5 Sec. 72. Minnesota Statutes 2018, section 97C.605, subdivision 3, is amended to read:

86.6 Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may take turtles in any manner,  
 86.7 except by the use of:

86.8 (1) explosives, drugs, poisons, lime, and other harmful substances;

86.9 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~

86.10 (3) nets other than anglers' fish landing nets; or

86.11 (4) commercial equipment, ~~except as provided in rules adopted under this section.~~

86.12 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~  
 86.13 ~~may take turtles with a floating turtle trap that:~~

86.14 (1) has one or more openings above the water surface that measure at least ten inches  
 86.15 by four inches; and

86.16 (2) has a mesh size of not less than one-half inch, bar measure.

120.27 Sec. 63. Minnesota Statutes 2018, section 97C.815, subdivision 2, is amended to read:

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

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

121.10 Sec. 64. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

121.11 Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides~~  
 121.12 ~~a match utilizing a water implementation tax or other local source. A water implementation~~  
 121.13 ~~tax that a county intends to use as a match to the base grant must be levied at a rate sufficient~~  
 121.14 ~~to generate a minimum amount determined by the board. The board may award~~  
 121.15 performance-based, watershed-based, or program-based grants or other financial assistance  
 121.16 to local units of government that are responsible for implementing elements of applicable  
 121.17 portions of watershed management plans, comprehensive plans, local water management  
 121.18 plans, or comprehensive watershed management plans, developed or amended, adopted and  
 121.19 approved, according to chapter 103B, 103C, or 103D. Upon request by a local government  
 121.20 unit, the board may also award performance-based grants to local units of government to  
 121.21 carry out TMDL implementation plans as provided in chapter 114D, if the TMDL  
 121.22 implementation plan has been incorporated into the local water management plan according  
 121.23 to the procedures for approving comprehensive plans, watershed management plans, local  
 121.24 water management plans, or comprehensive watershed management plans under chapter  
 121.25 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review  
 121.26 process. Notwithstanding section 16A.41, the board may award performance-based,  
 121.27 watershed-based, or program-based grants or other financial assistance on an advanced  
 121.28 basis and may prescribe the amount of local match required. The fee authorized in section  
 121.29 40A.152 may be used as a local match or as a supplement to state funding to accomplish  
 121.30 implementation of comprehensive plans, watershed management plans, local water  
 121.31 management plans, or comprehensive watershed management plans under this chapter and  
 121.32 chapter 103C or 103D. The board may enter into intergovernmental agreements to provide  
 121.33 funding for water management to local governments.

122.1 Sec. 65. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

122.2 Subd. 9. **Performance-based Criteria.** (a) The board ~~shall~~ must develop and utilize use  
 122.3 performance-based criteria for local water resources restoration, protection, and management

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56.21 Section 1. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

56.22 Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides~~  
 56.23 ~~a match utilizing a water implementation tax or other local source. A water implementation~~  
 56.24 ~~tax that a county intends to use as a match to the base grant must be levied at a rate sufficient~~  
 56.25 ~~to generate a minimum amount determined by the board. The board may award~~  
 56.26 performance-based, watershed-based, or program-based grants or other financial assistance  
 56.27 to local units of government that are responsible for implementing elements of applicable  
 56.28 portions of watershed management plans, comprehensive plans, local water management  
 56.29 plans, or comprehensive watershed management plans, developed or amended, adopted and  
 56.30 approved, according to chapter 103B, 103C, or 103D. Upon request by a local government  
 56.31 unit, the board may also award performance-based grants to local units of government to  
 56.32 carry out TMDL implementation plans as provided in chapter 114D, if the TMDL  
 56.33 implementation plan has been incorporated into the local water management plan according  
 57.1 to the procedures for approving comprehensive plans, watershed management plans, local  
 57.2 water management plans, or comprehensive watershed management plans under chapter  
 57.3 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review  
 57.4 process. Notwithstanding section 16A.41, the board may award performance-based,  
 57.5 watershed-based, or program-based grants or other financial assistance on an advanced  
 57.6 basis and may prescribe the amount of local match required. The fee authorized in section  
 57.7 40A.152 may be used as a local match or as a supplement to state funding to accomplish  
 57.8 implementation of comprehensive plans, watershed management plans, local water  
 57.9 management plans, or comprehensive watershed management plans under this chapter and  
 57.10 chapter 103C or 103D. Performance measures must be included in grant work plans. The  
 57.11 board may enter into intergovernmental agreements to provide funding for water management  
 57.12 to local governments.

57.13 Sec. 2. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

57.14 Subd. 9. **Performance-based Criteria.** (a) The board ~~shall~~ must develop and utilize use  
 57.15 performance-based criteria for local water resources restoration, protection, and management

122.4 programs and projects. The criteria may include but are not limited to science-based  
 122.5 assessments, organizational capacity, priority resource issues, community outreach and  
 122.6 support, partnership potential, potential for multiple benefits, and program and project  
 122.7 delivery efficiency and effectiveness.

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

122.10 Sec. 66. Minnesota Statutes 2018, section 103B.611, subdivision 3, is amended to read:

122.11 Subd. 3. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and  
 122.12 115, and the rules and regulations of the respective agencies and governing bodies vested  
 122.13 with jurisdiction and authority under those chapters, the district has the following powers  
 122.14 on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected  
 122.15 to the lake:

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

122.17 (2) to regulate, maintain, and police public beaches, public docks, and other public  
 122.18 facilities for access to the lake within the territory of the municipalities, provided that a  
 122.19 municipality may supersede the district's action under this clause by adopting an ordinance  
 122.20 specifically referring to the district's action by one year after the district's action;

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

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

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

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

122.28 (7) to regulate the construction and use of mechanical and chemical means of deicing  
 122.29 the lake and to regulate mechanical and chemical means of removal of weeds and algae  
 122.30 from the lake;

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

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

57.16 programs and projects. The criteria may include but are not limited to science-based  
 57.17 assessments, organizational capacity, priority resource issues, community outreach and  
 57.18 support, partnership potential, potential for multiple benefits, and program and project  
 57.19 delivery efficiency and effectiveness.

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

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

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

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

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

123.18 Sec. 67. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

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

123.21 (1) align local water planning purposes and procedures under this chapter and chapters  
 123.22 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
 123.23 science-based approach to watershed management;

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

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

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

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

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

124.4 Sec. 68. Minnesota Statutes 2018, section 103B.801, subdivision 5, is amended to read:

124.5 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
 124.6 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
 124.7 consistent with section 103A.212. The transition plan must include a goal of completing

57.22 Sec. 3. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

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

57.25 (1) align local water planning purposes and procedures under this chapter and chapters  
 57.26 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
 57.27 science-based approach to watershed management;

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

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

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

58.2 (5) focus on implementation of prioritized and targeted actions capable of achieving  
 58.3 measurable progress; ~~and~~

58.4 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
 58.5 watershed management plan developed or amended, approved, and adopted, according to  
 58.6 this chapter or chapter 103C or 103D; and

58.7 (7) protect sensitive groundwater areas as defined in section 103F.511, subdivision 9,  
 58.8 and be considered and acknowledged by the commissioner of health as providing wellhead  
 58.9 protection measures and supporting wellhead protection planning where relevant.

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

59.11 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
 59.12 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
 59.13 consistent with section 103A.212. The transition plan must include a goal of completing

124.8 statewide transition to comprehensive watershed management plans by 2025. The  
 124.9 metropolitan area may be considered for inclusion in the transition plan. The board may  
 124.10 amend the transition plan no more than once every two years.

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

124.14 Sec. 69. [103C.332] SOIL AND WATER CONSERVATION DISTRICTS; DUTIES  
 124.15 AND SERVICES.

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

124.18 (1) respond to and provide technical and financial assistance to landowners to maintain  
 124.19 and improve the quality, quantity, distribution, and sustainability of natural resources,  
 124.20 including surface water, groundwater, soil, and ecological resources;

124.21 (2) provide technical assistance in implementing the soil erosion law under sections  
 124.22 103F.401 to 103F.48;

124.23 (3) arrange for employees to serve on technical evaluation panels to implement the  
 124.24 wetland laws as required under section 103G.2242;

124.25 (4) locally administer the reinvest in Minnesota reserve program under section 103F.515  
 124.26 and rules adopted thereunder, using knowledge of local resources to manage each easement  
 124.27 to maximize environmental benefits;

124.28 (5) participate in administering the Wetland Conservation Act as provided under sections  
 124.29 103G.221 to 103G.2375, either in an advisory capacity or as the designated local government  
 124.30 unit administering the program;

125.1 (6) participate in the local water management program under chapter 103B, either in an  
 125.2 advisory capacity or as the designated local government unit administering the program;

125.3 (7) participate, as appropriate, in the comprehensive watershed management planning  
 125.4 program under section 103B.801;

125.5 (8) participate in disaster response efforts as provided in chapter 12A;

125.6 (9) provide technical recommendations to the Department of Natural Resources on  
 125.7 general permit applications under section 103G.301;

125.8 (10) provide technical assistance and local administration of the agricultural water quality  
 125.9 certification program under sections 17.9891 to 17.993;

125.10 (11) provide technical assistance for the agricultural land preservation program under  
 125.11 chapter 40A, where applicable;

59.14 statewide transition to comprehensive watershed management plans by 2025. The  
 59.15 metropolitan area may be considered for inclusion in the transition plan. The board may  
 59.16 amend the transition plan no more than once every two years.

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

- 125.12 (12) maintain compliance with section 15.99 for deadlines for agency action;
- 125.13 (13) coordinate with appropriate county officials on matters related to electing soil and  
 125.14 water conservation district supervisors; and
- 125.15 (14) cooperate to the extent possible with federal, state, and local agencies and with  
 125.16 private organizations to avoid duplicating and to enhance implementing public and private  
 125.17 conservation initiatives within the jurisdiction of the district.
- 125.18 Subd. 2. **Services provided.** To carry out the duties under subdivision 1 and implement  
 125.19 the soil and water conservation policy of the state as stated in section 103A.206, soil and  
 125.20 water conservation districts provide a range of services, including but not limited to:
- 125.21 (1) performing administrative services, including comprehensive and annual work  
 125.22 planning, administering grants, leveraging outside funding, establishing fiscal accountability  
 125.23 measures, reporting accomplishments, human resources management, and staff and supervisor  
 125.24 development;
- 125.25 (2) enter into cooperative agreements with the United States Department of Agriculture,  
 125.26 Natural Resources Conservation Service, and other United States Department of Agriculture  
 125.27 agencies to leverage federal technical and financial assistance;
- 125.28 (3) providing technical expertise, including knowledge of local resources, performing  
 125.29 technical evaluations and certifications, assessing concerns, and providing oversight in  
 125.30 surveying, designing, and constructing conservation practices;
- 125.31 (4) providing information and education outreach, including increasing landowner  
 125.32 awareness and knowledge of soil and water conservation program opportunities to protect  
 126.1 soil and water resources and publicizing the benefits of soil and water conservation to the  
 126.2 general public;
- 126.3 (5) facilitating regulatory processes for impacted landowners and providing technical  
 126.4 review and comment on regulatory permits and development plans for regulations relating  
 126.5 to soil and water conservation;
- 126.6 (6) administering projects and programs, including but not limited to the nonpoint source  
 126.7 pollution abatement program; reinvest in Minnesota reserve conservation easements program;  
 126.8 disaster response; local water management and comprehensive watershed management  
 126.9 planning programs; and projects related to floodplains, lakes, streams and ditches, wetlands,  
 126.10 upland resources, and groundwater resources, to maintain and improve the quality, quantity,  
 126.11 distribution, and sustainability of natural resources, including surface water, groundwater,  
 126.12 soil, and ecological resources;
- 126.13 (7) monitoring and inventorying to collect data that provide a baseline understanding of  
 126.14 resource conditions and changes to the resources over time and analyzing and interpreting  
 126.15 the data to support program implementation; and

126.16 (8) maintaining a modern technology infrastructure that facilitates planning and projects,  
 126.17 including geographic information systems, modeling software, mobile workstations, survey  
 126.18 and design equipment and software, and other technology for linking landowners with  
 126.19 conservation plans.

126.20 Sec. 70. Minnesota Statutes 2018, section 103D.315, subdivision 8, is amended to read:

126.21 Subd. 8. **Compensation.** The compensation of managers for meetings and for  
 126.22 performance of other necessary duties may not exceed ~~\$75~~ \$125 a day. Managers are entitled  
 126.23 to reimbursement for traveling and other necessary expenses incurred in the performance  
 126.24 of official duties.

126.25 Sec. 71. Minnesota Statutes 2018, section 103F.361, subdivision 2, is amended to read:

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

127.1 Sec. 72. Minnesota Statutes 2018, section 103F.363, subdivision 1, is amended to read:

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

127.5 Sec. 73. Minnesota Statutes 2018, section 103F.365, is amended by adding a subdivision  
 127.6 to read:

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

127.11 Sec. 74. Minnesota Statutes 2018, section 103F.371, is amended to read:

127.12 103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.

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

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

127.23 Sec. 75. Minnesota Statutes 2018, section 103F.373, subdivision 1, is amended to read:

127.24 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified  
 127.25 exceptions in particular cases and to promote uniformity in the treatment of applications  
 127.26 for exceptions, a review and certification procedure is established for the following categories  
 127.27 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting  
 127.28 land use within the area covered by the plan:

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

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

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

128.2 Sec. 76. Minnesota Statutes 2018, section 103F.373, subdivision 3, is amended to read:

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

128.11 Sec. 77. Minnesota Statutes 2018, section 103F.373, subdivision 4, is amended to read:

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

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

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

128.20 (2) certify approval of the proposed action.

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86.17 Sec. 73. [103F.49] CONSERVATION MATERIALS CONTAINING PLASTICS.

86.18 Subdivision 1. **Identifying and listing.** By January 1, 2021, the Board of Water and

86.19 Soil Resources must:

128.21 Sec. 78. Minnesota Statutes 2018, section 103G.2242, subdivision 14, is amended to read:

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

128.24 (1) account maintenance annual fee: one percent of the value of credits not to exceed  
128.25 \$500;

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

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

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

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

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

129.8 Sec. 79. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

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

86.20 (1) identify materials used in conservation and bioengineering projects that contain  
86.21 plastic that are used or are likely to be used in state-funded stream bank stabilization projects;

86.22 (2) determine whether feasible alternatives for the materials identified are available that  
86.23 do not contain plastic; and

86.24 (3) post a list of the materials with feasible alternatives on the board's website stating  
86.25 that the materials are ineligible for state funding beginning January 1, 2022.

86.26 Subd. 2. **Prohibition.** Beginning January 1, 2022, a person may not:

86.27 (1) purchase a material listed under subdivision 1, in whole or in part, with state funds;  
86.28 or

87.1 (2) use a material listed under subdivision 1 as part of a project funded in whole or in  
87.2 part with state funds.

87.3 Sec. 74. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

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

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

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

129.17 Sec. 80. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

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

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

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

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

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

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

130.1 Sec. 81. Minnesota Statutes 2018, section 103G.271, subdivision 7, is amended to read:

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

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

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

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

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

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

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

130.15 Sec. 82. Minnesota Statutes 2018, section 103G.271, is amended by adding a subdivision  
130.16 to read:

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

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

87.12 Sec. 75. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

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

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

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

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

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

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

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

130.22 Sec. 83. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

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

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

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

131.1 (3) information on groundwater quality in terms of the measures of quality commonly  
 131.2 specified for the proposed water use and details on water treatment necessary for the proposed  
 131.3 use;

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

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

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

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

87.25 Sec. 76. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

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

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

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

88.4 (3) information on groundwater quality in terms of the measures of quality commonly  
 88.5 specified for the proposed water use and details on water treatment necessary for the proposed  
 88.6 use;

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

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

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

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

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

131.29 Sec. 84. Minnesota Statutes 2018, section 103G.287, subdivision 4, is amended to read:

131.30 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate  
 131.31 groundwater management areas and limit total annual water appropriations and uses within  
 131.32 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
 131.33 quality, and the ability of future generations to meet their own needs. Water appropriations  
 132.1 and uses within a designated management area must be consistent with a groundwater  
 132.2 management area plan approved by the commissioner that addresses water conservation  
 132.3 requirements and water allocation priorities established in section 103G.261. During the  
 132.4 development of a groundwater management plan, the commissioner and employees and  
 132.5 agents of the department may disseminate information related to the timing, location, and  
 132.6 agendas of meetings related to the plan, but shall otherwise limit public information  
 132.7 disseminated related to the groundwater management area to direct factual responses to  
 132.8 public and media inquires. At least 30 days prior to implementing or modifying a groundwater  
 132.9 management area plan under this subdivision, the commissioner shall consult with the  
 132.10 advisory team established in paragraph (c).

132.11 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota  
 132.12 Rules, within designated groundwater management areas, the commissioner may require  
 132.13 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water  
 132.14 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers  
 132.15 serving less than 25 persons for domestic purposes. The commissioner may waive the  
 132.16 requirements under section 103G.281 for general permits issued under this paragraph, and  
 132.17 the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general  
 132.18 permits issued under this paragraph.

132.19 (c) When designating a groundwater management area, the commissioner shall assemble  
 132.20 an advisory team to assist in developing a groundwater management area plan for the area.  
 132.21 The advisory team members shall be selected from public and private entities that have an  
 132.22 interest in the water resources affected by the groundwater management area. A majority  
 132.23 of the advisory team members shall be public and private entities that currently hold water-use  
 132.24 permits for water appropriations from the affected water resources. The commissioner shall  
 132.25 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the  
 132.26 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships  
 132.27 in appointing the local government representatives to the advisory team. The advisory team  
 132.28 may also include representatives from the University of Minnesota, the Minnesota State  
 132.29 Colleges and Universities, other institutions of higher learning in Minnesota, political  
 132.30 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and  
 132.31 federal agencies.

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

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

133.1 Sec. 85. Minnesota Statutes 2018, section 103G.287, subdivision 5, is amended to read:

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

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

133.9 Sec. 86. Minnesota Statutes 2018, section 103G.289, is amended to read:

133.10 103G.289 WELL INTERFERENCE; ~~WELL SEALING VALIDATION;~~  
 133.11 CONTESTED CASE.

133.12 (a) The commissioner shall not validate a claim for well interference claim if the affected  
 133.13 well has been sealed prior to the completion of the commissioner's investigation of the  
 133.14 complaint. If the well is sealed prior to completion of the investigation, the commissioner  
 133.15 must dismiss the complaint.

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

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

89.1 Sec. 77. Minnesota Statutes 2018, section 103G.301, subdivision 2, is amended to read:

89.2 Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of  
 89.3 receiving, recording, and processing must be paid for a permit application authorized under  
 89.4 this chapter, except for a general permit application, for each request to amend or transfer  
 89.5 an existing permit, and for a notification to request authorization to conduct a project under  
 89.6 a general permit. Fees established under this subdivision, unless specified in paragraph (c),  
 89.7 ~~shall be compliant~~ must comply with section 16A.1285.

89.8 (b) Proposed projects that require water in excess of 100 million gallons per year must  
 89.9 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred  
 89.10 for environmental review. Fees collected under this paragraph must be credited to an account  
 89.11 in the natural resources fund and are appropriated to the commissioner.

133.22 Sec. 87. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

134.7 Sec. 88. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

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

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

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

89.12 (c) The fee to apply for a permit to appropriate water, in addition to any fee under  
89.13 paragraph (b), ~~and for a permit to construct or repair a dam that is subject to dam safety~~  
89.14 ~~inspection~~ is \$150. The application fee for a permit to construct or repair a dam that is  
89.15 subject to a dam safety inspection, to work in public waters, or to divert waters for mining  
89.16 must be at least ~~\$150~~ \$300, but not more than ~~\$1,000~~ \$3,000. The fee for a notification to  
89.17 request authorization to conduct a project under a general permit is \$100.

89.18 Sec. 78. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

90.1 Sec. 79. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

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

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

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

- 134.21 (1) the commissioner waives a hearing and a demand for a hearing is not made; or  
 134.22 (2) a hearing is demanded but a bond is not filed as required by subdivision 6.  
 134.23 Sec. 89. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:  
 134.24 Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by  
 134.25 publication of the order once a week for two successive weeks in a legal newspaper in the  
 134.26 county where the hearing was held and by mailing or electronically transmitting copies of  
 134.27 the order to parties who entered an appearance at the hearing.  
 135.1 Sec. 90. Minnesota Statutes 2018, section 103G.408, is amended to read:  
 135.2 103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.  
 135.3 (a) The commissioner, upon consideration of recommendations and objections as provided  
 135.4 in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the  
 135.5 temporary drawdown of a public water when:  
 135.6 (1) the public water is a shallow lake to be managed for fish, wildlife, or ecological  
 135.7 purposes by the commissioner and the commissioner has conducted a public hearing  
 135.8 presenting a comprehensive management plan outlining how and when temporary drawdowns  
 135.9 under this section will be conducted; or  
 135.10 (2) the permit applicant is a public entity and:  
 135.11 (i) the commissioner deems the project to be beneficial and makes findings of fact that  
 135.12 the drawdown is in the public interest;  
 135.13 (ii) the permit applicant has obtained permission from at least 75 percent of the riparian  
 135.14 landowners; and  
 135.15 (iii) the permit applicant has conducted a public hearing according to paragraph (d).  
 135.16 (b) In addition to the requirements in section 103G.301, subdivision 6, the permit  
 135.17 applicant shall serve a copy of the application on each county, municipality, and watershed  
 135.18 management organization, if one exists, within which any portion of the public water is  
 135.19 located and on the lake improvement district, if one exists.  
 135.20 (c) A county, municipality, watershed district, watershed management organization, or  
 135.21 lake improvement district required to be served under paragraph (b) or section 103G.301,  
 135.22 subdivision 6, may file a written recommendation for the issuance of a permit or an objection  
 135.23 to the issuance of a permit with the commissioner within 30 days after receiving a copy of  
 135.24 the application.  
 135.25 (d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii),  
 135.26 must:  
 135.27 (1) include the date, place, and time for the hearing;  
 135.28 (2) include the waters affected and a description of the proposed project;

- 90.15 (1) the commissioner waives a hearing and a demand for a hearing is not made; or  
 90.16 (2) a hearing is demanded but a bond is not filed as required by subdivision 6.  
 90.17 Sec. 80. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:  
 90.18 Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by  
 90.19 publication of the order once a week for two successive weeks in a legal newspaper in the  
 90.20 county where the hearing was held and by mailing or electronically transmitting copies of  
 90.21 the order to parties who entered an appearance at the hearing.  
 90.22 Sec. 81. Minnesota Statutes 2018, section 103G.408, is amended to read:  
 90.23 103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.  
 90.24 (a) The commissioner, upon consideration of recommendations and objections as provided  
 90.25 in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the  
 90.26 temporary drawdown of a public water when:  
 90.27 (1) the public water is a shallow lake to be managed for fish, wildlife, or ecological  
 90.28 purposes by the commissioner and the commissioner has conducted a public hearing  
 90.29 presenting a comprehensive management plan outlining how and when temporary drawdowns  
 90.30 under this section will be conducted; or  
 90.31 (2) the permit applicant is a public entity and:  
 91.1 (i) the commissioner deems the project to be beneficial and makes findings of fact that  
 91.2 the drawdown is in the public interest;  
 91.3 (ii) the permit applicant has obtained permission from at least 75 percent of the riparian  
 91.4 landowners; and  
 91.5 (iii) the permit applicant has conducted a public hearing according to paragraph (d).  
 91.6 (b) In addition to the requirements in section 103G.301, subdivision 6, the permit  
 91.7 applicant shall serve a copy of the application on each county, municipality, and watershed  
 91.8 management organization, if one exists, within which any portion of the public water is  
 91.9 located and on the lake improvement district, if one exists.  
 91.10 (c) A county, municipality, watershed district, watershed management organization, or  
 91.11 lake improvement district required to be served under paragraph (b) or section 103G.301,  
 91.12 subdivision 6, may file a written recommendation for the issuance of a permit or an objection  
 91.13 to the issuance of a permit with the commissioner within 30 days after receiving a copy of  
 91.14 the application.  
 91.15 (d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii),  
 91.16 must:  
 91.17 (1) include the date, place, and time for the hearing;  
 91.18 (2) include the waters affected and a description of the proposed project;

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

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

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

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

136.6 Sec. 91. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

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

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

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

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

136.26 Sec. 92. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision  
 136.27 to read:

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

137.1 Sec. 93. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision  
 137.2 to read:

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

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

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

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

91.28 Sec. 82. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

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

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

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

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

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59.20 Sec. 6. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision  
 59.21 to read:

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

59.24 Sec. 7. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision  
 59.25 to read:

- 137.3 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
137.4 management plan" has the meaning given under section 103B.3363, subdivision 3a.
- 137.5 Sec. 94. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:
- 137.6 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
137.7 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
137.8 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
137.9 ~~Protection Agency under federal TMDL requirements.~~
- 137.10 Sec. 95. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:
- 137.11 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a  
137.12 document detailing restoration strategies or activities needed to meet ~~the approved TMDL's~~  
137.13 TMDL pollutant load allocations for point and nonpoint sources. This could include a  
137.14 WRAPS, a comprehensive watershed management plan, a comprehensive local water  
137.15 management plan, or another document or strategy that the commissioner of the Pollution  
137.16 Control Agency determines to be, in whole or in part, sufficient to provide reasonable  
137.17 assurance of achieving applicable water quality standards.
- 137.18 Sec. 96. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:
- 137.19 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
137.20 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
137.21 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8  
137.22 including the physical, chemical, and biological assessment of the water quality of the  
137.23 watershed; identification of impairments and water bodies in need of protection; identification  
137.24 of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the  
137.25 impairments; and an implementation table containing scale with strategies and actions  
137.26 designed to achieve and maintain water quality standards and goals.
- 137.27 Sec. 97. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:
- 137.28 Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
137.29 of this chapter:
- 138.1 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
138.2 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
138.3 waters for impairments;
- 138.4 (2) to submit TMDLs to the United States Environmental Protection Agency ~~for all~~  
138.5 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;
- 138.6 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
138.7 ~~of each identified impaired water~~ and protection activities in a reasonable time period;

- 59.26 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
59.27 management plan" has the meaning given under section 103B.3363, subdivision 3a.
- 59.28 Sec. 8. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:
- 59.29 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
59.30 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
60.1 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
60.2 ~~Protection Agency under federal TMDL requirements.~~
- 60.3 Sec. 9. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:
- 60.4 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a  
60.5 document detailing restoration strategies or activities needed to meet ~~the approved TMDL's~~  
60.6 TMDL pollutant load allocations for point and nonpoint sources. This could include a  
60.7 WRAPS, a comprehensive watershed management plan, a comprehensive local water  
60.8 management plan, or another document or strategy that the commissioner of the Pollution  
60.9 Control Agency determines to be, in whole or in part, sufficient to provide reasonable  
60.10 assurance of achieving applicable water quality standards.
- 60.11 Sec. 10. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:
- 60.12 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
60.13 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
60.14 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8  
60.15 including the physical, chemical, and biological assessment of the water quality of the  
60.16 watershed; identification of impairments and water bodies in need of protection; identification  
60.17 of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the  
60.18 impairments; and an implementation table containing scale with strategies and actions  
60.19 designed to achieve and maintain water quality standards and goals.
- 60.20 Sec. 11. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:
- 60.21 Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
60.22 of this chapter:
- 60.23 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
60.24 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
60.25 waters for impairments;
- 60.26 (2) to submit TMDLs to the United States Environmental Protection Agency ~~for all~~  
60.27 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;
- 60.28 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
60.29 ~~of each identified impaired water~~ and protection activities with the goal that all waters will  
60.30 have achieved the designated uses applicable to those waters by 2040;

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

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

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

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

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

138.17 Sec. 98. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

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

138.20 (1) develop regional ~~and, multiple pollutant, or watershed TMDLs and TMDL~~  
 138.21 ~~implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants,~~  
 138.22 ~~or WRAPs,~~ where reasonable and feasible;

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

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

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

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

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

139.10 (7) identify and encourage implementation of measures to prevent surface waters from  
 139.11 becoming impaired and to improve the quality of waters that are listed as impaired but have  
 139.12 no approved TMDL addressing the impairment using the best available data and technology,

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

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

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

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

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

61.10 Sec. 12. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

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

61.13 (1) develop regional ~~and, multiple pollutant, or watershed TMDLs and TMDL~~  
 61.14 ~~implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants,~~  
 61.15 ~~or WRAPs,~~ where reasonable and feasible;

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

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

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

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

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

62.3 (7) identify and encourage implementation of measures to prevent surface waters from  
 62.4 becoming impaired and to improve the quality of waters that are listed as impaired but have  
 62.5 no approved TMDL addressing the impairment using the best available data and technology,

139.13 and establish and report outcome-based performance measures that monitor the progress  
 139.14 and effectiveness of protection and restoration measures;

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

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

139.19 Sec. 99. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

139.20 Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs.** The  
 139.21 commissioner of the Pollution Control Agency must seek recommendations from the Clean  
 139.22 Water Council ~~shall recommend~~, the commissioners of natural resources, health and  
 139.23 agriculture, and the Board of Water and Soil Resources regarding priorities for scheduling  
 139.24 and preparing WRAPs and TMDLs ~~and TMDL implementation plans, taking into account~~  
 139.25 ~~the severity.~~ Recommendations must consider the causes of the ~~impairment~~ impairments,  
 139.26 the designated uses of ~~those the~~ waters, ~~and other~~ applicable federal TMDL requirements.  
 139.27 ~~In recommending priorities, the council shall also give consideration to, surface water and~~  
 139.28 ~~groundwater interactions, protection of high-quality waters, waters and watersheds with~~  
 139.29 ~~declining water quality trends, and waters used as drinking water sources. Furthermore,~~  
 139.30 ~~consideration must be given to waters and watersheds:~~

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

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

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

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

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

140.10 Sec. 100. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

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

62.6 and establish and report outcome-based performance measures that monitor the progress  
 62.7 and effectiveness of protection and restoration measures;

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

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

62.12 Sec. 13. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

62.13 Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs.** The  
 62.14 commissioner of the Pollution Control Agency must seek recommendations from the Clean  
 62.15 Water Council ~~shall recommend~~, the commissioners of natural resources, health, and  
 62.16 agriculture, and the Board of Water and Soil Resources regarding priorities for scheduling  
 62.17 and preparing WRAPs and TMDLs ~~and TMDL implementation plans, taking into account~~  
 62.18 ~~the severity.~~ Recommendations must consider the causes of the ~~impairment~~ impairments,  
 62.19 the designated uses of ~~those the~~ waters, ~~and other~~ applicable federal TMDL requirements.  
 62.20 ~~In recommending priorities, the council shall also give consideration to, surface water and~~  
 62.21 ~~groundwater interactions, protection of high-quality waters, waters and watersheds with~~  
 62.22 ~~declining water quality trends, and waters used as drinking water sources. Furthermore,~~  
 62.23 ~~consideration must be given to waters and watersheds:~~

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

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

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

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

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

63.4 Sec. 14. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

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

140.16 Sec. 101. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
140.17 to read:

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

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

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

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

141.6 Sec. 102. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
141.7 to read:

141.8 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,  
141.9 or program for water quality improvement or protection that is conducted by a watershed  
141.10 management organization or a local government unit with a comprehensive watershed  
141.11 management plan or other water management plan approved according to chapter 103B,  
141.12 103C, or 103D may be considered by the commissioner of the Pollution Control Agency  
141.13 as contributing to the requirements of a storm water pollution prevention plan (SWPPP) for  
141.14 a municipal separate storm sewer systems (MS4) permit unless the project, practice, or  
141.15 program was previously documented as contributing to a different SWPPP for an MS4  
141.16 permit.

141.17 Sec. 103. Minnesota Statutes 2018, section 114D.26, is amended to read:  
141.18 114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.

63.10 Sec. 15. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
63.11 to read:

63.12 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the  
63.13 commissioner of the Pollution Control Agency determines that a comprehensive watershed  
63.14 management plan or comprehensive local water management plan contains information that  
63.15 is sufficient and consistent with guidance from the United States Environmental Protection  
63.16 Agency under section 303(d) of the federal Clean Water Act, the commissioner may submit  
63.17 the plan to the Environmental Protection Agency according to federal TMDL requirements  
63.18 as an alternative to developing a TMDL after consultation with affected national pollutant  
63.19 discharge elimination system (NPDES) permit holders.

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

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

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

64.1 Sec. 16. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
64.2 to read:

64.3 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,  
64.4 or program for water quality improvement or protection that is conducted by a watershed  
64.5 management organization or a local government unit with a comprehensive watershed  
64.6 management plan or other water management plan approved according to chapter 103B,  
64.7 103C, or 103D may be considered by the commissioner of the Pollution Control Agency  
64.8 as contributing to the requirements of a storm water pollution prevention program (SWPPP)  
64.9 for a municipal separate storm sewer systems (MS4) permit unless the project, practice, or  
64.10 program was previously documented as contributing to a different SWPPP for an MS4  
64.11 permit. The commissioner of health may determine that a comprehensive watershed  
64.12 management plan or a comprehensive local water management plan, in whole or in part, is  
64.13 sufficient to fulfill the requirements of wellhead protection plans.

64.14 Sec. 17. Minnesota Statutes 2018, section 114D.26, is amended to read:  
64.15 114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.

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

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

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

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

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

141.27 (5) informing comprehensive local water management plans and comprehensive  
 141.28 watershed management plans.

141.29 (b) Each WRAPS shall must:

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

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

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

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

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

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

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

142.16 (8) (5) contain an implementation table of strategies and actions that are capable of  
 142.17 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
 142.18 including identifying:

142.19 (i) water quality parameters of concern;

142.20 (ii) current water quality conditions;

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

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

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

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

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

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

64.24 (5) informing comprehensive local water management plans and comprehensive  
 64.25 watershed management plans.

64.26 (b) Each WRAPS shall must:

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

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

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

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

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

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

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

65.12 (8) (5) contain an implementation table of strategies and actions that are capable of  
 65.13 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
 65.14 including identifying:

65.15 (i) water quality parameters of concern;

65.16 (ii) current water quality conditions;

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

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

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

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

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

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

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

143.8 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~  
 143.9 ~~Control Agency must complete WRAPSs for at least ten percent of watershed restoration~~  
 143.10 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~  
 143.11 ~~2023, unless the commissioner determines that a comprehensive watershed management~~  
 143.12 ~~plan or comprehensive local water management plan, in whole or in part, meets the definition~~  
 143.13 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~  
 143.14 ~~strategies, in whole or in part, after consulting with the Board of Water and Soil Resources~~  
 143.15 ~~and local government units.~~

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

143.19 Sec. 104. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

66.3 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~  
 66.4 ~~Control Agency must complete WRAPSs for at least ten percent of watershed restoration~~  
 66.5 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~  
 66.6 ~~2023, unless the commissioner determines that a comprehensive watershed management~~  
 66.7 ~~plan or comprehensive local water management plan, in whole or in part, meets the definition~~  
 66.8 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~  
 66.9 ~~strategies, in whole or in part, after consulting with the Board of Water and Soil Resources~~  
 66.10 ~~and local government units.~~

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

66.14 Sec. 18. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

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

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

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

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

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

144.10 Sec. 105. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

144.11 Subd. 3. **Education.** The Clean Water Council ~~shall~~ must develop strategies for  
 144.12 informing, educating, and encouraging the participation of citizens, stakeholders, and others  
 144.13 regarding ~~the identification of impaired waters, development of TMDLs, development of~~  
 144.14 ~~TMDL implementation plans, implementation of restoration for impaired waters,~~  
 144.15 ~~identification of degraded groundwater, and protection and restoration of groundwater~~  
 144.16 ~~resources this chapter.~~ Public agencies ~~shall be~~ are responsible for implementing the  
 144.17 strategies.

144.18 Sec. 106. [114D.47] NONPOINT FUNDING ALTERNATIVE.

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

144.24 Sec. 107. Minnesota Statutes 2018, section 115.03, subdivision 1, is amended to read:

144.25 Subdivision 1. **Generally.** (a) The agency is hereby given and charged with the following  
 144.26 powers and duties:

144.27 ~~(a)~~ (1) to administer and enforce all laws relating to the pollution of any of the waters  
 144.28 of the state;

144.29 ~~(b)~~ (2) to investigate the extent, character, and effect of the pollution of the waters of  
 144.30 this state and to gather data and information necessary or desirable in the administration or  
 144.31 enforcement of pollution laws, and to make such classification of the waters of the state as  
 144.32 it may deem advisable;

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

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

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

67.4 Sec. 19. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

67.5 Subd. 3. **Education.** The Clean Water Council ~~shall~~ must develop strategies for  
 67.6 informing, educating, and encouraging the participation of citizens, stakeholders, and others  
 67.7 regarding ~~the identification of impaired waters, development of TMDLs, development of~~  
 67.8 ~~TMDL implementation plans, implementation of restoration for impaired waters,~~  
 67.9 ~~identification of degraded groundwater, and protection and restoration of groundwater~~  
 67.10 ~~resources this chapter.~~ Public agencies ~~shall be~~ are responsible for implementing the  
 67.11 strategies.

67.12 Sec. 20. [114D.47] NONPOINT FUNDING ALTERNATIVE.

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

- 145.1 ~~(3)~~ (3) to establish and alter such reasonable pollution standards for any waters of the  
 145.2 state in relation to the public use to which they are or may be put as it shall deem necessary  
 145.3 for the purposes of this chapter and, with respect to the pollution of waters of the state,  
 145.4 chapter 116;
- 145.5 ~~(4)~~ (4) to encourage waste treatment, including advanced waste treatment, instead of  
 145.6 stream low-flow augmentation for dilution purposes to control and prevent pollution;
- 145.7 ~~(5)~~ (5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable  
 145.8 orders, permits, variances, standards, rules, schedules of compliance, and stipulation  
 145.9 agreements, under such conditions as it may prescribe, in order to prevent, control or abate  
 145.10 water pollution, or for the installation or operation of disposal systems or parts thereof, or  
 145.11 for other equipment and facilities:
- 145.12 ~~(i)~~ (i) requiring the discontinuance of the discharge of sewage, industrial waste or other  
 145.13 wastes into any waters of the state resulting in pollution in excess of the applicable pollution  
 145.14 standard established under this chapter;
- 145.15 ~~(ii)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial  
 145.16 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge  
 145.17 into any municipal disposal system where the same is likely to get into any waters of the  
 145.18 state in violation of this chapter and, with respect to the pollution of waters of the state,  
 145.19 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and  
 145.20 specifying the schedule of compliance within which such prohibition or abatement must be  
 145.21 accomplished;
- 145.22 ~~(iii)~~ (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a  
 145.23 manner which does not reasonably assure proper retention against entry into any waters of  
 145.24 the state that would be likely to pollute any waters of the state;
- 145.25 ~~(iv)~~ (iv) requiring the construction, installation, maintenance, and operation by any person  
 145.26 of any disposal system or any part thereof, or other equipment and facilities, or the  
 145.27 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,  
 145.28 or the adoption of other remedial measures to prevent, control or abate any discharge or  
 145.29 deposit of sewage, industrial waste or other wastes by any person;
- 145.30 ~~(v)~~ (v) establishing, and from time to time revising, standards of performance for new  
 145.31 sources taking into consideration, among other things, classes, types, sizes, and categories  
 145.32 of sources, processes, pollution control technology, cost of achieving such effluent reduction,  
 145.33 and any nonwater quality environmental impact and energy requirements. Said standards  
 145.34 of performance for new sources shall encompass those standards for the control of the  
 146.1 discharge of pollutants which reflect the greatest degree of effluent reduction which the  
 146.2 agency determines to be achievable through application of the best available demonstrated  
 146.3 control technology, processes, operating methods, or other alternatives, including, where  
 146.4 practicable, a standard permitting no discharge of pollutants. New sources shall encompass  
 146.5 buildings, structures, facilities, or installations from which there is or may be the discharge

146.6 of pollutants, the construction of which is commenced after the publication by the agency  
 146.7 of proposed rules prescribing a standard of performance which will be applicable to such  
 146.8 source. Notwithstanding any other provision of the law of this state, any point source the  
 146.9 construction of which is commenced after May 20, 1973, and which is so constructed as to  
 146.10 meet all applicable standards of performance for new sources shall, consistent with and  
 146.11 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water  
 146.12 Pollution Control Act, not be subject to any more stringent standard of performance for new  
 146.13 sources during a ten-year period beginning on the date of completion of such construction  
 146.14 or during the period of depreciation or amortization of such facility for the purposes of  
 146.15 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period  
 146.16 ends first. Construction shall encompass any placement, assembly, or installation of facilities  
 146.17 or equipment, including contractual obligations to purchase such facilities or equipment, at  
 146.18 the premises where such equipment will be used, including preparation work at such  
 146.19 premises;

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

146.23 ~~(7)~~ (vii) requiring the owner or operator of any disposal system or any point source to  
 146.24 establish and maintain such records, make such reports, install, use, and maintain such  
 146.25 monitoring equipment or methods, including where appropriate biological monitoring  
 146.26 methods, sample such effluents in accordance with such methods, at such locations, at such  
 146.27 intervals, and in such a manner as the agency shall prescribe, and providing such other  
 146.28 information as the agency may reasonably require;

146.29 ~~(8)~~ (viii) notwithstanding any other provision of this chapter, and with respect to the  
 146.30 pollution of waters of the state, chapter 116, requiring the achievement of more stringent  
 146.31 limitations than otherwise imposed by effluent limitations in order to meet any applicable  
 146.32 water quality standard by establishing new effluent limitations, based upon section 115.01,  
 146.33 subdivision 13, clause (b), including alternative effluent control strategies for any point  
 146.34 source or group of point sources to insure the integrity of water quality classifications,  
 146.35 whenever the agency determines that discharges of pollutants from such point source or  
 147.1 sources, with the application of effluent limitations required to comply with any standard  
 147.2 of best available technology, would interfere with the attainment or maintenance of the  
 147.3 water quality classification in a specific portion of the waters of the state. Prior to  
 147.4 establishment of any such effluent limitation, the agency shall hold a public hearing to  
 147.5 determine the relationship of the economic and social costs of achieving such limitation or  
 147.6 limitations, including any economic or social dislocation in the affected community or  
 147.7 communities, to the social and economic benefits to be obtained and to determine whether  
 147.8 or not such effluent limitation can be implemented with available technology or other  
 147.9 alternative control strategies. If a person affected by such limitation demonstrates at such  
 147.10 hearing that, whether or not such technology or other alternative control strategies are  
 147.11 available, there is no reasonable relationship between the economic and social costs and

- 147.12 the benefits to be obtained, such limitation shall not become effective and shall be adjusted  
 147.13 as it applies to such person;
- 147.14 ~~(ix)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best  
 147.15 available technology with respect to any point source for which a permit application is filed  
 147.16 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory  
 147.17 to the agency that such modified requirements will represent the maximum use of technology  
 147.18 within the economic capability of the owner or operator and will result in reasonable further  
 147.19 progress toward the elimination of the discharge of pollutants; and
- 147.20 ~~(x)~~ (x) requiring that applicants for wastewater discharge permits evaluate in their  
 147.21 applications the potential reuses of the discharged wastewater;
- 147.22 ~~(6)~~ (6) to require to be submitted and to approve plans and specifications for disposal  
 147.23 systems or point sources, or any part thereof and to inspect the construction thereof for  
 147.24 compliance with the approved plans and specifications thereof;
- 147.25 ~~(7)~~ (7) to prescribe and alter rules, not inconsistent with law, for the conduct of the  
 147.26 agency and other matters within the scope of the powers granted to and imposed upon it by  
 147.27 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided  
 147.28 that every rule affecting any other department or agency of the state or any person other  
 147.29 than a member or employee of the agency shall be filed with the secretary of state;
- 147.30 ~~(8)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold  
 147.31 such hearings as are necessary or which it may deem advisable for the discharge of its duties  
 147.32 under this chapter and, with respect to the pollution of waters of the state, under chapter  
 147.33 116, including, but not limited to, the issuance of permits, and to authorize any member,  
 148.1 employee, or agent appointed by it to conduct such investigations or, issue such notices and  
 148.2 hold such hearings;
- 148.3 ~~(9)~~ (9) for the purpose of water pollution control planning by the state and pursuant to  
 148.4 the Federal Water Pollution Control Act, as amended, to establish and revise planning areas,  
 148.5 adopt plans and programs and continuing planning processes, including, but not limited to,  
 148.6 basin plans and areawide waste treatment management plans, and to provide for the  
 148.7 implementation of any such plans by means of, including, but not limited to, standards, plan  
 148.8 elements, procedures for revision, intergovernmental cooperation, residual treatment process  
 148.9 waste controls, and needs inventory and ranking for construction of disposal systems;
- 148.10 ~~(10)~~ (10) to train water pollution control personnel; and charge such fees therefor as are  
 148.11 for the training as necessary to cover the agency's costs. The fees under this clause are  
 148.12 subject to legislative approval under section 16A.1283. All such fees received shall be paid  
 148.13 into the state treasury and credited to the Pollution Control Agency training account;
- 148.14 ~~(11)~~ (11) to impose as additional conditions in permits to publicly owned disposal systems  
 148.15 appropriate measures to insure compliance by industrial and other users with any pretreatment  
 148.16 standard, including, but not limited to, those related to toxic pollutants, and any system of

148.17 user charges ratably as is hereby required under state law or said Federal Water Pollution  
 148.18 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

148.19 ~~(11)~~ (12) to set a period not to exceed five years for the duration of any national pollutant  
 148.20 discharge elimination system permit or not to exceed ten years for any permit issued as a  
 148.21 state disposal system permit only;

148.22 ~~(11)~~ (13) to require each governmental subdivision identified as a permittee for a  
 148.23 wastewater treatment works to evaluate in every odd-numbered year the condition of its  
 148.24 existing system and identify future capital improvements that will be needed to attain or  
 148.25 maintain compliance with a national pollutant discharge elimination system or state disposal  
 148.26 system permit; and

148.27 ~~(11)~~ (14) to train subsurface sewage treatment system personnel, including persons who  
 148.28 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,  
 148.29 and charge fees for the training as necessary to pay the agency's costs. The fees under this  
 148.30 clause are subject to legislative approval under section 16A.1283. All fees received must  
 148.31 be paid into the state treasury and credited to the agency's training account. Money in the  
 148.32 account is appropriated to the agency to pay expenses related to training.

148.33 (b) The information required in paragraph (a), clause ~~(11)~~ (13), must be submitted in  
 148.34 every odd-numbered year to the commissioner on a form provided by the commissioner.

149.1 The commissioner shall provide technical assistance if requested by the governmental  
 149.2 subdivision.

149.3 (c) The powers and duties given the agency in this subdivision also apply to permits  
 149.4 issued under chapter 114C.

149.5 Sec. 108. Minnesota Statutes 2018, section 115.03, subdivision 5, is amended to read:

149.6 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)  
 149.7 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with  
 149.8 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall  
 149.9 have the authority to perform any and all acts minimally necessary including, but not limited  
 149.10 to, the establishment and application of standards, procedures, rules, orders, variances,  
 149.11 stipulation agreements, schedules of compliance, and permit conditions, consistent with  
 149.12 and, therefore not less stringent than the provisions of the Federal Water Pollution Control  
 149.13 Act, as amended, applicable to the participation by the state of Minnesota in the national  
 149.14 pollutant discharge elimination system (NPDES); provided that this provision shall not be  
 149.15 construed as a limitation on any powers or duties otherwise residing with the agency pursuant  
 149.16 to any provision of law.

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

- 149.21 Sec. 109. Minnesota Statutes 2018, section 115.03, is amended by adding a subdivision  
149.22 to read:
- 149.23 Subd. 5e. **Sugar beet storage.** The commissioner must not require a sugar beet company  
149.24 that has a current national pollutant discharge elimination system permit or state disposal  
149.25 system permit to install an engineered liner for a storm water runoff pond at a remote storage  
149.26 site for sugar beets unless a risk assessment confirms that there is significant impact on  
149.27 groundwater and that an engineered liner is necessary to prevent, control, or abate water  
149.28 pollution. For purposes of this subdivision, "remote storage site for sugar beets" means an  
149.29 area where sugar beets are temporarily stored before delivery to a sugar beet processing  
149.30 facility and that is not located on land adjacent to the processing facility.
- 149.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 150.1 Sec. 110. Minnesota Statutes 2018, section 115.035, is amended to read:  
150.2 115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.
- 150.3 (a) When the commissioner convenes an external peer review panel during the  
150.4 promulgation or amendment of water quality standards, the commissioner must provide  
150.5 notice and take public comment on the charge questions for the external peer review panel  
150.6 and must allow written and oral public comment as part of the external peer review panel  
150.7 process. Every new or revised numeric water quality standard must be supported by a  
150.8 technical support document that provides the scientific basis for the proposed standard and  
150.9 that has undergone external, scientific peer review. Numeric water quality standards in  
150.10 which the agency is adopting, without change, a United States Environmental Protection  
150.11 Agency criterion that has been through peer review are not subject to this paragraph.  
150.12 Documentation of the external peer review panel, including the name or names of the peer  
150.13 reviewer or reviewers, must be included in the statement of need and reasonableness for  
150.14 the water quality standard. If the commissioner does not convene an external peer review  
150.15 panel during the promulgation or amendment of water quality standards, the commissioner  
150.16 must state the reason an external peer review panel will not be convened in the statement  
150.17 of need and reasonableness.
- 150.18 (b) Every technical support document developed by the agency must be released in draft  
150.19 form for public comment before peer review and before finalizing the technical support  
150.20 document.
- 150.21 (c) The commissioner must provide public notice and information about the external  
150.22 peer review through the request for comments published at the beginning of the rulemaking  
150.23 process for the numeric water quality standard, and:
- 150.24 (1) the request for comments must identify the draft technical support document and  
150.25 where the document can be found;

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- 92.18 Sec. 83. Minnesota Statutes 2018, section 115.03, is amended by adding a subdivision to  
92.19 read:
- 92.20 Subd. 5e. **Sugar beet storage.** The commissioner must not require a sugar beet company  
92.21 that has a current national pollutant discharge elimination system permit or state disposal  
92.22 system permit to install an engineered liner for a storm water runoff pond at a remote storage  
92.23 site for sugar beets unless a risk assessment confirms that there is significant impact on  
92.24 groundwater and that an engineered liner is necessary to prevent, control, or abate water  
92.25 pollution. For purposes of this subdivision, "remote storage site for sugar beets" means an  
92.26 area where sugar beets are temporarily stored before delivery to a sugar beet processing  
92.27 facility and that is not located on land adjacent to the processing facility.
- 92.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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

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

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

151.1 (d) The purpose of the external peer review is to evaluate whether the technical support  
 151.2 document and proposed standard are based on sound scientific knowledge, methods, and  
 151.3 practices. The external peer review must be conducted according to the guidance in the  
 151.4 most recent edition of the United States Environmental Protection Agency's Peer Review  
 151.5 Handbook. Peer reviewers must not have participated in developing the scientific basis of  
 151.6 the standard. Peer reviewers must disclose any activities or circumstances that could pose  
 151.7 a conflict of interest or create an appearance of a loss of impartiality that could interfere  
 151.8 with an objective review.

151.9 (e) The type of review and the number of peer reviewers depends on the nature of the  
 151.10 science underlying the standard. A panel review must be used when the agency is developing  
 151.11 significant new science or science that expands significantly beyond current documented  
 151.12 scientific practices or principles.

151.13 (f) In response to the findings of the external peer review, the agency must revise the  
 151.14 draft technical support document as appropriate. The findings of the external peer review  
 151.15 must be documented and attached to the final technical support document, which must be  
 151.16 an exhibit as part of the statement of need and reasonableness in the rulemaking to adopt  
 151.17 the new or revised water quality standard. The agency must note changes in the final technical  
 151.18 support document made in response to the external peer review.

151.19 ~~(b)~~ (g) By December 15 each year, the commissioner shall must post on the agency's  
 151.20 website a report identifying the water quality standards development work in progress or  
 151.21 completed in the past year, the lead agency scientist for each development effort, and  
 151.22 opportunities for public input.

151.23 Sec. 111. Minnesota Statutes 2018, section 115.44, subdivision 6, is amended to read:

151.24 Subd. 6. **Adopting and modifying standards.** The adoption, alteration, or modification  
 151.25 of the standards of quality and purity in subdivision 4 shall must be made by the agency in  
 151.26 accordance with chapter 14. Additionally, the adoption of a new standard or the alteration  
 151.27 or modification of an existing standard that makes the standard more stringent does not take  
 151.28 effect until the Pollution Control Agency obtains a social permit to adopt the standard,  
 151.29 alteration, or modification. For purposes of this subdivision, the Pollution Control Agency  
 151.30 obtains a social permit when a resolution in support of the new or modified standard is  
 151.31 adopted by the board of county commissioners of every county in Minnesota.

152.1 Sec. 112. Minnesota Statutes 2018, section 115.455, is amended to read:  
 152.2 115.455 EFFLUENT LIMITATIONS; COMPLIANCE.

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

152.9 Sec. 113. Minnesota Statutes 2018, section 115.77, subdivision 1, is amended to read:

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

152.14 Sec. 114. Minnesota Statutes 2018, section 115.84, subdivision 2, is amended to read:

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

152.18 Sec. 115. Minnesota Statutes 2018, section 115.84, subdivision 3, is amended to read:

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

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

152.27 (c) Revenue from fees charged by the agency for certification ~~shall~~ must be credited to  
 152.28 the environmental fund.

92.29 Sec. 84. [115A.141] CARPET PRODUCTS; STEWARDSHIP PROGRAM;  
 92.30 STEWARDSHIP PLAN.

92.31 Subdivision 1. Definitions. For purposes of this section, the following terms have the  
 92.32 meanings given:

93.1 (1) "blended carpet" means carpet with a nonuniform face fiber, which is manufactured  
 93.2 with multiple polymer types, fiber types, or both, in the face of the constructed material;

- 93.3 (2) "brand" means a name, symbol, word, or mark that identifies carpet, rather than its  
 93.4 components, and attributes the carpet to the owner or licensee of the brand as the producer;
- 93.5 (3) "carpet" means a manufactured article that is affixed or placed on the floor or building  
 93.6 walking surface or used as a decorative or functional building interior or exterior feature,  
 93.7 and is primarily constructed of a top visible surface of synthetic face fibers or yarns or tufts  
 93.8 attached to a backing system derived from synthetic or natural materials. Carpet includes,  
 93.9 but is not limited to, blended carpet, nylon carpet, PET carpet, polypropylene carpet, PTT  
 93.10 carpet, wool carpet, commercial or residential broadloom carpet, modular carpet tiles, and  
 93.11 artificial turf. Carpet includes a pad or underlayment used in conjunction with a carpet.  
 93.12 Carpet does not include handmade rugs, area rugs, or mats;
- 93.13 (4) "discarded carpet" means carpet that is no longer used for its manufactured purpose,  
 93.14 and may include carpet that is being evaluated for reuse and directed to reuse, as defined  
 93.15 in this section;
- 93.16 (5) "distributor" means a person who buys or otherwise acquires carpet from another  
 93.17 source and sells or offers to sell that carpet to retailers and installers in this state;
- 93.18 (6) "nylon carpet" means carpet made with a uniform face fiber made with either nylon  
 93.19 6 or nylon 6,6;
- 93.20 (7) "PET carpet" means carpet made from polyethylene terephthalate;
- 93.21 (8) "producer" means a person that:
- 93.22 (i) has legal ownership of the brand, brand name, or cobrand of carpet sold in the state;  
 93.23 (ii) imports carpet branded by a producer that meets the specifications of item (i) when  
 93.24 the producer has no physical presence in the United States;  
 93.25 (iii) if items (i) and (ii) do not apply, makes unbranded carpet that is sold in the state;  
 93.26 or
- 93.27 (iv) sells carpet at wholesale or retail, does not have legal ownership of the brand, and  
 93.28 elects to fulfill the responsibilities of the producer for the carpet;
- 93.29 (9) "polypropylene carpet" means carpet made from polypropylene;
- 93.30 (10) "program year" means a calendar year;
- 93.31 (11) "PTT carpet" means carpet made from polytrimethylene terephthalate;
- 94.1 (12) "recycling" means the process by which discarded carpet is collected and processed  
 94.2 into raw materials or products. Recycling includes only discarded carpet that is an output  
 94.3 of a recycling facility destined for an end market or reuse and does not include all discarded  
 94.4 carpet accepted by a recycling facility. Recycling does not include:
- 94.5 (i) energy recovery or energy generation by means of combusting discarded carpet; and

- 94.6 (ii) any disposal or use of discarded carpet within the permitted boundaries of a disposal  
94.7 facility;
- 94.8 (13) "recycling rate" means the percentage of discarded carpet that is managed through  
94.9 recycling or reuse, as defined in this section, and is calculated by dividing the amount of  
94.10 discarded carpet that is collected and recycled or reused by the total amount of discarded  
94.11 carpet generated over a program year. To determine the annual recycling rates required by  
94.12 this section, the amount of discarded carpet generated must be calculated using a standard  
94.13 recognized methodology based on annual sales, replacement rate, and the average weight  
94.14 of carpet and must be approved by the agency;
- 94.15 (14) "retailer" means any person who sells or offers carpet for sale at retail in the state  
94.16 that generates sales tax revenue;
- 94.17 (15) "reuse" means donating or selling discarded carpet back into the market for its  
94.18 original intended use, when the carpet retains its original purpose and performance  
94.19 characteristics;
- 94.20 (16) "sale" or "sell" means the transfer of title of carpet for consideration, including:
- 94.21 (i) a remote sale conducted through a sales outlet, catalog, website, or similar electronic  
94.22 means; or
- 94.23 (ii) a lease through which carpet is provided to a consumer by a producer or retailer;
- 94.24 (17) "stewardship assessment" means the amount added to the purchase price of carpet  
94.25 sold in the state that is necessary to cover the cost of collecting, transporting, processing,  
94.26 and marketing discarded carpet by the stewardship organization operating under a product  
94.27 stewardship plan;
- 94.28 (18) "stewardship organization" means a single organization exempt from taxation under  
94.29 Section 501(c)(3) of the federal Internal Revenue Code of 1986 (United States Code, title  
94.30 21, section 501(c)(3)) that is established by producers in accordance with this section to  
94.31 develop, implement, and administer a product stewardship program under this section;
- 95.1 (19) "stewardship plan" means a detailed plan describing the manner in which a product  
95.2 stewardship program under subdivision 2 will be implemented; and
- 95.3 (20) "wool carpet" means carpet made from wool.
- 95.4 **Subd. 2. Product stewardship program.** A producer of carpet sold in the state must  
95.5 participate in the stewardship organization to implement and finance a statewide product  
95.6 stewardship program operated under an agency-approved product stewardship plan that  
95.7 manages carpet by reducing carpet's waste generation, promoting its reuse and recycling,  
95.8 and providing for negotiation and execution of agreements to collect, transport, and process  
95.9 carpet for recycling and reuse.

95.10 Subd. 3. **Requirement for sale.** On and after January 1, 2022, no producer, distributor,  
 95.11 or retailer may sell carpet or offer carpet for sale in the state unless the carpet's producer  
 95.12 participates in the product stewardship organization to implement and finance a statewide  
 95.13 product stewardship program operated under a stewardship plan approved by the agency.

95.14 Subd. 4. **Requirements for stewardship plan.** (a) On or before January 1, 2021, initially  
 95.15 and on or before each July 1 in a year when the stewardship plan is required to be updated  
 95.16 under paragraph (b), the stewardship organization must submit a stewardship plan to the  
 95.17 agency and receive agency approval of the plan. A stewardship plan must include all elements  
 95.18 required under subdivision 5.

95.19 (b) At least every three years, the stewardship organization operating a product  
 95.20 stewardship program must update the stewardship plan and submit the updated plan to the  
 95.21 agency for review and approval.

95.22 (c) It is the responsibility of the stewardship organization to notify the agency within  
 95.23 30 days of any significant changes or modifications to the plan or its implementation. Within  
 95.24 30 days of the notification, a written plan revision must be submitted to the agency for  
 95.25 review and approval.

95.26 (d) Upon agency approval of the stewardship plan, the stewardship organization must  
 95.27 comply with and implement the contents of the approved plan.

95.28 Subd. 5. **Stewardship plan content.** The stewardship plan must contain:

95.29 (1) certification that the product stewardship program will accept all discarded carpet  
 95.30 regardless of which producer produced the carpet and its individual components;

95.31 (2) contact information for the individual and the entity submitting the plan and for all  
 95.32 producers participating in the product stewardship program;

96.1 (3) a description of the methods by which discarded carpet will be collected in all areas  
 96.2 in the state without relying on end-of-life fees, including an explanation of how the collection  
 96.3 system will be convenient and adequate to serve the needs of small businesses and residents.  
 96.4 The stewardship program must include an operating collection site located in each county  
 96.5 of the state by January 1, 2023. Subject to approval by the agency, the stewardship program  
 96.6 may propose an alternative to a collection site location in each county that is convenient  
 96.7 and adequate to collect discarded carpet generated in each county;

96.8 (4) a description of how the adequacy of the collection program will be monitored and  
 96.9 maintained;

96.10 (5) the names and locations of collectors, transporters, and recycling facilities that will  
 96.11 manage discarded carpet;

- 96.12 (6) a description of how the discarded carpet and the carpet's components will be safely  
 96.13 and securely transported, tracked, and handled from collection through final recycling and  
 96.14 processing;
- 96.15 (7) a description of the method that will be used to reuse, deconstruct, or recycle the  
 96.16 discarded carpet to ensure that the product's components, to the extent feasible, are  
 96.17 transformed or remanufactured into raw materials or finished products for use;
- 96.18 (8) a description of the promotion and outreach activities that will be used to encourage  
 96.19 participation in the collection and recycling programs and how the activities' effectiveness  
 96.20 will be evaluated and the program modified, if necessary;
- 96.21 (9) evidence of adequate insurance and financial assurance that may be required for  
 96.22 collection, handling, and disposal operations;
- 96.23 (10) performance goals, including an estimate of the percentage of discarded carpet that  
 96.24 will be collected, reused, recycled, and disposed during each of the three years of each  
 96.25 stewardship plan. The program must achieve at a minimum, a 15 percent recycling rate in  
 96.26 program year 2023 and must include and meet escalating performance goals for each  
 96.27 subsequent year. The performance goals must be based on:
- 96.28 (i) the most recent collection data available for the state;
- 96.29 (ii) the amount of carpet disposed of annually;
- 96.30 (iii) the weight of the carpet that is expected to be available for collection annually; and
- 96.31 (iv) actual collection data from other existing stewardship programs.
- 97.1 A stewardship plan must state the methodology used to determine these goals. The agency  
 97.2 must review and may adjust the recycling rate and performance goals, based on information  
 97.3 included in the stewardship plan and annual reports, other information provided by the  
 97.4 stewardship organization, and economic and any other relevant information;
- 97.5 (11) a discussion of the status of statewide collection infrastructure, processor capacity,  
 97.6 and end markets for discarded carpet and what, if any, additional statewide collection  
 97.7 infrastructure, processor capacity, and end markets are needed to improve the functioning  
 97.8 of the program and meet increasing performance goals;
- 97.9 (12) carpet design changes that will be considered to reduce toxicity, water use, or energy  
 97.10 use or to increase recycled content, recyclability, or carpet longevity;
- 97.11 (13) a discussion of market development opportunities to expand the use of recovered  
 97.12 carpet, with consideration of expanding processing activity near areas of collection;
- 97.13 (14) a financial plan that demonstrates sufficient funding to carry out the stewardship  
 97.14 plan, including the administrative, operational, and capital costs of the plan, and payment

- 97.15 of incentive payments to carpet collectors, processors, and end use markets to assist with  
 97.16 the implementation of this section;
- 97.17 (15) annual budgets showing revenue and expenditure projections for the current program  
 97.18 year and for the next three years of the program;
- 97.19 (16) a process by which the financial activities of the stewardship organization related  
 97.20 to the implementation of the plan are subject to an annual independent audit, which shall  
 97.21 be reviewed by the agency;
- 97.22 (17) baseline information, for the most recent three-year period for which data is available,  
 97.23 on the number of square feet and pounds of carpet sold in this state, by type of carpet pursuant  
 97.24 to subdivision 1, clause (3);
- 97.25 (18) a discussion of the feasibility, cost, and effectiveness of labeling the backside of  
 97.26 new carpet with the polymer type or nonpolymer material used to manufacture the carpet  
 97.27 to assist processors in more easily identifying the type of discarded carpet collected for  
 97.28 processing;
- 97.29 (19) a description of a mandatory program to train carpet installers on properly managing  
 97.30 discarded carpet so that it can be reused or recycled under this section; and
- 97.31 (20) a summary of the consultation process that identifies the consulted stakeholders,  
 97.32 the stakeholder comments raised in the consultation process, and the stewardship  
 97.33 organization's responses to those comments as required under subdivision 7.
- 98.1 Subd. 6. **Stewardship assessment.** (a) On and after July 1, 2021, a producer must add  
 98.2 a stewardship assessment fee of four cents per square foot to the purchase price of nylon  
 98.3 carpet, polypropylene carpet, and wool carpet, and six cents per square foot to the purchase  
 98.4 price of PET carpet, PTT carpet, blended carpet, and any other types of carpet sold by the  
 98.5 producer in this state. The assessment added under this section must be remitted by the  
 98.6 producer on a quarterly basis to the stewardship organization.
- 98.7 (b) The assessment must be added by the producer to the purchase price of all carpet  
 98.8 sold by producers to a Minnesota retailer or distributor or otherwise sold for use in this  
 98.9 state. The assessment must be clearly visible on all invoices or functionally equivalent  
 98.10 billing documents as a separate line item and must be accompanied by a brief description  
 98.11 of the assessment.
- 98.12 (c) If the amount of the assessment is too low to properly fund the stewardship program,  
 98.13 the stewardship organization must submit a plan update to the agency to increase the  
 98.14 assessment, subject to agency review and approval in accordance with this section before  
 98.15 the assessment is increased.
- 98.16 (d) On and after January 1, 2025, if a fund balance greater than one-half of the program's  
 98.17 annual operating cost is reached, the stewardship organization must submit a plan update

- 98.18 to the agency to reduce the assessment, subject to agency review and approval in accordance  
 98.19 with this section before the assessment is reduced.
- 98.20 (e) The assessment fee must be deposited by the stewardship organization into a Federal  
 98.21 Deposit Insurance Corporation (FDIC) insured financial institution, and, if for any reason  
 98.22 this section is repealed, the entire assessment fund balance must be transferred by the  
 98.23 stewardship organization to the state to be deposited into the environmental fund.
- 98.24 (f) A stewardship assessment must not be used to pay for any penalties assessed under  
 98.25 this section or for the final disposal or incineration of discarded carpet.
- 98.26 **Subd. 7. Consultation required.** (a) The stewardship organization must consult with  
 98.27 stakeholders, including retailers, installers, collectors, recyclers, local government, customers,  
 98.28 and citizens, during development of the stewardship plan; solicit stakeholder comments;  
 98.29 and incorporate stakeholder comments regarding the plan to the extent feasible before  
 98.30 submitting a plan to the agency for review.
- 98.31 (b) The stewardship organization must invite comments from local governments,  
 98.32 communities, and citizens to report their satisfaction with services, including education and  
 98.33 outreach, provided by the product stewardship program. The information must be submitted  
 99.1 to the agency and used by the agency in reviewing proposed updates or changes to the  
 99.2 stewardship plan.
- 99.3 **Subd. 8. Agency review and approval.** (a) Within 90 days after receiving a proposed  
 99.4 stewardship plan, the agency must determine whether the plan complies with subdivision  
 99.5 5 and is sufficient to achieve the goals and requirements of this section. If the agency  
 99.6 approves a plan, the agency must notify the applicant of the plan approval in writing. If the  
 99.7 agency rejects a plan, the agency must notify the applicant in writing of the reasons for  
 99.8 rejecting the plan. An applicant whose plan is rejected by the agency must submit a revised  
 99.9 plan to the agency within 60 days after receiving notice of rejection.
- 99.10 (b) Any proposed changes to a stewardship plan must be approved by the agency in  
 99.11 writing.
- 99.12 **Subd. 9. Plan availability.** All draft stewardship plans must be placed on the agency's  
 99.13 website for at least 30 days before agency approval and made available at the agency's  
 99.14 headquarters for public review and comment. All approved stewardship plans must be placed  
 99.15 on the agency's website while the plan is in effect.
- 99.16 **Subd. 10. Conduct authorized.** The stewardship organization that organizes collection,  
 99.17 transport, and processing of carpet under this section is immune from liability for the conduct  
 99.18 under state laws relating to antitrust, restraint of trade, unfair trade practices, and other  
 99.19 regulation of trade or commerce only to the extent that the conduct is necessary to plan and  
 99.20 implement the organization's chosen organized collection or recycling system.
- 99.21 **Subd. 11. Education materials.** (a) Producers of carpet or the stewardship organization  
 99.22 must provide retailers, installers, and consumers with educational materials regarding the

- 99.23 stewardship assessment and product stewardship program. The materials must include, but  
 99.24 are not limited to, information regarding available end-of-life management options for carpet  
 99.25 offered through the product stewardship program and information that notifies consumers  
 99.26 that a charge for operating the product stewardship program is included in the purchase  
 99.27 price of carpet sold in the state.
- 99.28 (b) Each distributor or retailer must provide the educational materials referenced in this  
 99.29 subdivision to carpet installation contractors and consumers at the time of purchase or  
 99.30 delivery or both.
- 99.31 **Subd. 12. Retailer and distributor responsibilities.** (a) On and after January 1, 2022,  
 99.32 no carpet may be sold in the state unless the carpet's producer is participating in an approved  
 99.33 stewardship plan.
- 100.1 (b) Any retailer or distributor may participate, on a voluntary basis, as a designated  
 100.2 collection point pursuant to a product stewardship program under this section and in  
 100.3 accordance with applicable law.
- 100.4 (c) No retailer or distributor shall be found to be in violation of this section if, on the  
 100.5 date the carpet was ordered from the producer or its agent, the producer was listed as  
 100.6 compliant on the agency's website, as provided in subdivision 15.
- 100.7 (d) Nothing in this section prohibits a retailer or distributor from selling their inventory  
 100.8 of carpet existing prior to January 1, 2022.
- 100.9 **Subd. 13. Stewardship reports.** Beginning March 31, 2023, and each March 31  
 100.10 thereafter, the stewardship organization must submit an annual report to the agency describing  
 100.11 the product stewardship program. At a minimum, the report must contain:
- 100.12 (1) a description of the methods used to collect, transport, and process carpet in all  
 100.13 regions of the state;
- 100.14 (2) the weight of all carpet collected in the seven-county metropolitan area and in the  
 100.15 remainder of the state and a comparison to the performance goals, recycling rates, and  
 100.16 collection infrastructure established in the stewardship plan and, if appropriate, an explanation  
 100.17 stating the reason or reasons performance goals were not met;
- 100.18 (3) the amount of discarded carpet collected in the state by method of disposition,  
 100.19 including reuse, recycling, and other methods of processing, including the amount collected  
 100.20 but not reused or recycled, and its methods of ultimate disposition;
- 100.21 (4) identification of the facilities processing carpet and the weight processed by type of  
 100.22 carpet listed in subdivision 1, clause (3), at each facility;
- 100.23 (5) an evaluation of the program's funding mechanism and budget for each program  
 100.24 year, including a copy of the independent audit;

- 100.25 (6) samples of educational materials provided to consumers and an evaluation of the  
 100.26 effectiveness of the materials and the methods used to disseminate the materials;
- 100.27 (7) a description of progress made toward achieving carpet design changes in order to  
 100.28 achieve the goals listed in subdivision 5, clause (12);
- 100.29 (8) an assessment of how the stewardship organization is achieving the goals of this  
 100.30 section and the goals established in the stewardship plan, including a discussion of each of  
 100.31 the required elements of the stewardship plan under subdivision 5;
- 101.1 (9) data necessary to determine whether the amount of the stewardship assessment will  
 101.2 be sufficient to achieve the goals of this section and the goals established in the stewardship  
 101.3 plan and will properly fund the stewardship program; and
- 101.4 (10) other information that the agency may request for the purposes of determining  
 101.5 compliance under this section.
- 101.6 Subd. 14. **Sales information.** Sales information provided to the commissioner under  
 101.7 this section is classified as private or nonpublic data, as specified in section 115A.06,  
 101.8 subdivision 13.
- 101.9 Subd. 15. **Agency responsibilities.** The agency must provide on its website a list of all  
 101.10 compliant producers and brands participating in stewardship plans that the agency has  
 101.11 approved and a list of all producers and brands the agency has identified as noncompliant  
 101.12 with this section.
- 101.13 Subd. 16. **Local government responsibilities.** A city, county, or other public agency  
 101.14 may voluntarily participate by serving as a designated collection point by providing education  
 101.15 and outreach, or by using other strategies to assist in meeting product stewardship program  
 101.16 recycling obligations. A city, county, or other public agency providing voluntary assistance  
 101.17 must be reimbursed for all of its expenses by the stewardship organization.
- 101.18 Subd. 17. **Administrative fee.** (a) The stewardship organization submitting a stewardship  
 101.19 plan must pay the agency an annual administrative fee. The agency must set the fee at an  
 101.20 amount that is adequate to cover the agency's full costs of administering and enforcing this  
 101.21 section.
- 101.22 (b) Fees collected under this subdivision are subject to section 16A.1285.
- 101.23 (c) The agency must identify the direct program development or regulatory costs it incurs  
 101.24 under this section before the first stewardship plan is submitted and must establish a fee in  
 101.25 an amount adequate to cover those costs, which must be paid by the stewardship organization.
- 101.26 (d) The stewardship organization must pay the agency's administrative fee under  
 101.27 paragraph (a) on or before July 1, 2021, and annually thereafter, and the agency's onetime  
 101.28 development fee under paragraph (c) on or before July 1, 2021. Each year after the initial  
 101.29 payment, and notwithstanding paragraph (b), the annual administrative fee may not exceed

- 153.1 Sec. 116. Minnesota Statutes 2018, section 115A.51, is amended to read:  
 153.2 115A.51 APPLICATION REQUIREMENTS.
- 153.3 (a) Applications for assistance under the program ~~shall~~ must demonstrate:
- 153.4 ~~(a)~~ (1) that the project is conceptually and technically feasible;
- 153.5 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to  
 153.6 provide necessary local financing, and to accept and exercise the government powers  
 153.7 necessary to the project;
- 153.8 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security  
 153.9 of sources of solid waste and of markets for recovered resources, together with any proposed  
 153.10 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected  
 153.11 life of the project;
- 153.12 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,  
 153.13 including using existing solid waste management facilities with reasonably available capacity  
 153.14 sufficient to accomplish the goals of the proposed project, and has compared and evaluated  
 153.15 the costs of the alternatives, including capital and operating costs, and the effects of the  
 153.16 alternatives on the cost to generators;
- 153.17 (5) that the applicant has identified:

- 101.30 five percent of the aggregate stewardship assessment collected under subdivision 6 for the  
 101.31 preceding calendar year.
- 101.32 Subd. 18. **Account created.** A carpet stewardship account is created as an account in  
 101.33 the special revenue fund. All fees collected by the agency from the stewardship organization  
 102.1 under this section must be deposited in the account. Any earnings from assets of the account  
 102.2 must be credited to the account. Money in the account is appropriated to the commissioner  
 102.3 for the purposes of this section.
- 102.4 Subd. 19. **Duty to provide information.** Any producer, distributor, retailer, stewardship  
 102.5 organization, or other person must furnish to the agency any information which that person  
 102.6 may have or may reasonably obtain that the agency requests for the purposes of determining  
 102.7 compliance under this section.
- 102.8 Sec. 85. Minnesota Statutes 2018, section 115A.142, is amended to read:  
 102.9 115A.142 REPORT TO LEGISLATURE AND GOVERNOR.
- 102.10 As part of the report required under section 115A.121, the commissioner of the Pollution  
 102.11 Control Agency ~~shall~~ must provide a report to the governor and the legislature on the  
 102.12 implementation of ~~section~~ sections 115A.141 and 115A.1415.
- 102.13 Sec. 86. Minnesota Statutes 2018, section 115A.51, is amended to read:  
 102.14 115A.51 APPLICATION REQUIREMENTS.
- 102.15 (a) Applications for assistance under the program ~~shall~~ must demonstrate:
- 102.16 ~~(a)~~ (1) that the project is conceptually and technically feasible;
- 102.17 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to  
 102.18 provide necessary local financing, and to accept and exercise the government powers  
 102.19 necessary to the project;
- 102.20 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security  
 102.21 of sources of solid waste and of markets for recovered resources, together with any proposed  
 102.22 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected  
 102.23 life of the project;
- 102.24 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,  
 102.25 including using existing solid waste management facilities with reasonably available capacity  
 102.26 sufficient to accomplish the goals of the proposed project, and has compared and evaluated  
 102.27 the costs of the alternatives, including capital and operating costs, and the effects of the  
 102.28 alternatives on the cost to generators;
- 102.29 (5) that the applicant has identified:

- 153.18 (i) waste management objectives in applicable county and regional solid waste  
 153.19 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),  
 153.20 or 473.149, subdivision 1; and
- 153.21 (ii) other solid waste facilities identified in the county and regional plans; and
- 153.22 (6) that the applicant has conducted a comparative analysis of the project against existing  
 153.23 public and private solid waste facilities, including an analysis of potential displacement of  
 153.24 those facilities, to determine whether the project is the most appropriate alternative to achieve  
 153.25 the identified waste management objectives that considers:
- 153.26 (i) conformity with approved county or regional solid waste management plans;
- 153.27 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision  
 153.28 2, paragraphs (e) and (f), or 473.149, subdivision 1; and
- 153.29 (iii) environmental standards related to public health, air, surface water, and groundwater.
- 153.30 (b) The commissioner may require completion of a comprehensive solid waste  
 153.31 management plan conforming to the requirements of section 115A.46, before accepting an  
 154.1 application. Within five days of filing an application with the agency, the applicant must  
 154.2 submit a copy of the application to each solid waste management facility mentioned in the  
 154.3 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).
- 154.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 103.1 (i) waste management objectives in applicable county and regional solid waste  
 103.2 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),  
 103.3 or 473.149, subdivision 1; and
- 103.4 (ii) other solid waste facilities identified in the county and regional plans; and
- 103.5 (6) that the applicant has conducted a comparative analysis of the project against existing  
 103.6 public and private solid waste facilities, including an analysis of potential displacement of  
 103.7 those facilities, to determine whether the project is the most appropriate alternative to achieve  
 103.8 the identified waste management objectives that considers:
- 103.9 (i) conformity with approved county or regional solid waste management plans;
- 103.10 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision  
 103.11 2, paragraphs (e) and (f), or 473.149, subdivision 1; and
- 103.12 (iii) environmental standards related to public health, air, surface water, and groundwater.
- 103.13 (b) The commissioner may require completion of a comprehensive solid waste  
 103.14 management plan conforming to the requirements of section 115A.46, before accepting an  
 103.15 application. Within five days of filing an application with the agency, the applicant must  
 103.16 submit a copy of the application to each solid waste management facility mentioned in the  
 103.17 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).
- 103.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 103.19 Sec. 87. [115A.903] WASTE TIRE FACILITIES OPERATING OUTDOORS;  
 103.20 FINANCIAL QUALIFICATIONS.
- 103.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
 103.22 the meanings given.
- 103.23 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.
- 103.24 (c) "Financial qualification" means the ability of an applicant or permit holder to pay  
 103.25 the costs to properly design, construct, operate, maintain, and close a waste tire facility.
- 103.26 (d) "Waste tire facility" means a permitted facility operated by a tire collector or tire  
 103.27 processor at which waste tires are stored or processed outdoors.
- 103.28 Subd. 2. **Application; financial qualification.** (a) An applicant for a permit for a waste  
 103.29 tire facility must submit in an application to the commissioner:
- 103.30 (1) information demonstrating the applicant's financial qualification to design, construct,  
 103.31 operate, maintain, and close a waste tire facility; and
- 104.1 (2) cost estimates for:
- 104.2 (i) site investigation;

- 104.3 (ii) land acquisition costs, including financing terms and costs;
- 104.4 (iii) project design;
- 104.5 (iv) construction;
- 104.6 (v) operations;
- 104.7 (vi) maintenance; and
- 104.8 (vii) facility closing.
- 104.9 (b) As part of the financial qualification review, an applicant must:
- 104.10 (1) provide a copy of its most recent audited or reviewed financial statements prepared
- 104.11 by a certified public accountant according to generally accepted accounting principles, if
- 104.12 the applicant is an operating business prior to application;
- 104.13 (2) provide a copy of its owners' personal financial statements, if the applicant is not an
- 104.14 operating business prior to application; and
- 104.15 (3) demonstrate its financial viability through one or a combination of assets including
- 104.16 cash, marketable securities or bonds, or letters of credit or loan commitments from a financial
- 104.17 institution that is a member of the Federal Deposit Insurance Corporation (FDIC) or the
- 104.18 National Credit Union Administration (NCUA) and is authorized to do business in the
- 104.19 United States.
- 104.20 (c) Any person whose assets are used as part of the financial qualification review must
- 104.21 be designated as a joint permittee with the applicant on the permit for the facility.
- 104.22 Subd. 3. **Financial qualification review.** The commissioner may provide to the state
- 104.23 auditor a copy of any filing that an applicant for a permit or a permit holder submits to the
- 104.24 commissioner to meet the financial qualification requirement under this section. The state
- 104.25 auditor must review the filing and provide the commissioner with a written opinion as to
- 104.26 the adequacy of the filing to meet the purposes of this section, including any recommended
- 104.27 changes.
- 104.28 Subd. 4. **Changes affecting financial qualification.** (a) To continue to hold a permit
- 104.29 for a waste tire facility, a permit holder must maintain financial qualification and must
- 104.30 provide any information requested by the commissioner to establish that the permit holder
- 105.1 continues to maintain financial qualification. A permit holder must notify the commissioner
- 105.2 within 30 days of any significant change in:
- 105.3 (1) the identity of any person or structure of the business entity that holds the permit for
- 105.4 the facility;
- 105.5 (2) the identity of any person or structure of the business entity that owns or operates
- 105.6 the facility; or

- 105.7 (3) assets of the permit holder, owner, or operator of the facility.
- 105.8 (b) A change is significant under paragraph (a) if the change:
- 105.9 (1) has the potential to affect the financial qualification of the permit holder, owner, or
- 105.10 operator; or
- 105.11 (2) would result in a change in the identity of the permit holder, owner, or operator for
- 105.12 purposes of financial qualification.
- 105.13 The commissioner may, after reviewing the changes, require the permit holder to reestablish
- 105.14 financial qualification and may modify or revoke a permit or require issuance of a new
- 105.15 permit.
- 105.16 Subd. 5. **Application.** (a) The financial qualification requirements of this section apply
- 105.17 only in the first ten years of operation of a waste tire facility permitted in the state.
- 105.18 (b) This section does not apply to political subdivisions operating a waste tire facility.
- 105.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
- 105.20 applies to waste tire facilities issued a permit on or after that date.
- 105.21 Sec. 88. [115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.
- 105.22 Subdivision 1. **Establishment.** The natural resources damages account is established as
- 105.23 an account in the remediation fund.
- 105.24 Subd. 2. **Revenues.** The account consists of money from the following sources:
- 105.25 (1) revenue from actions taken to recover natural resources damages under section
- 105.26 115B.17, subdivision 7, or any other law, unless otherwise specified in the settlement
- 105.27 agreement;
- 105.28 (2) appropriations and transfers to the account as provided by law;
- 105.29 (3) interest earned on the account; and
- 106.1 (4) money received by the commissioner of the Pollution Control Agency or the
- 106.2 commissioner of natural resources for deposit in the account in the form of a gift or grant.
- 106.3 Subd. 3. **Expenditures.** (a) Money in the account is appropriated to the commissioner
- 106.4 of natural resources for the purposes authorized in section 115B.20, subdivision 2, clause
- 106.5 (4).
- 106.6 (b) The commissioner of management and budget must allocate the amounts available
- 106.7 in any biennium to the commissioner of natural resources for the purposes of this section
- 106.8 based upon work plans submitted by the commissioner of natural resources and may adjust
- 106.9 those allocations if revised work plans are submitted. Copies of the work plans must be

154.5 Sec. 117. Minnesota Statutes 2018, section 115B.421, is amended to read:  
 154.6 115B.421 CLOSED LANDFILL INVESTMENT FUND.

154.7 The closed landfill investment fund is established in the state treasury. The fund consists  
 154.8 of money credited to the fund, and interest and other earnings on money in the fund.  
 154.9 ~~Beginning July 1, 2003, Funds must be deposited as described in section 115B.445, and if~~  
 154.10 ~~land enrolled in the closed landfill program is leased for the purpose of locating solar~~  
 154.11 ~~photovoltaic devices on the land, the lease proceeds must be deposited in the fund. The fund~~  
 154.12 ~~shall be managed to maximize long-term gain through the State Board of Investment. Money~~  
 154.13 ~~in the fund may only be spent by the commissioner after fiscal year 2020 in accordance~~  
 154.14 ~~with sections 115B.39 to 115B.444 as appropriated by law.~~

154.15 Sec. 118. [115B.55] TCE EMISSION RESPONSE ACCOUNT.

154.16 Subdivision 1. Definitions. (a) For purposes of this section and section 115B.56, the  
 154.17 terms in this subdivision have the meanings given.

154.18 (b) "Settlement" means the stipulation agreement entered into on March 1, 2019, to  
 154.19 resolve alleged unlawful TCE emissions by Water Gremlin Company.

154.20 (c) "TCE" means trichloroethylene.

154.21 (d) "TCE area of concern" includes the area in and near White Bear Township affected  
 154.22 by unlawful emissions of TCE, as determined by the commissioner of the Pollution Control  
 154.23 Agency.

154.24 Subd. 2. Establishment. The TCE emission response account is established as an account  
 154.25 in the environmental fund. The account consists of the net proceeds of the civil penalty paid  
 154.26 to the Pollution Control Agency as part of the settlement and earnings on the investment of  
 154.27 money in the account. Money in the account may be invested through the State Board of  
 154.28 Investment.

106.10 submitted to the chairs of the house of representatives and senate committees and divisions  
 106.11 having jurisdiction over environment and natural resources finance.

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

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

106.18 Sec. 89. Minnesota Statutes 2018, section 115B.421, is amended to read:  
 106.19 115B.421 CLOSED LANDFILL INVESTMENT FUND.

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

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

- 154.29 Subd. 3. **Expenditures.** Subject to appropriation by the legislature, money in the account  
 154.30 may be spent to assess and address the effects of unlawful emissions of TCE in the TCE  
 154.31 area of concern.
- 155.1 Sec. 119. [115B.56] TCE EMISSION STAKEHOLDERS.
- 155.2 The commissioner must work with the following stakeholders to identify and recommend  
 155.3 to the legislature projects to receive funding from the TCE emission response account: a  
 155.4 representative of the Minnesota Department of Health; a representative of the Minnesota  
 155.5 Pollution Control Agency; an elected official from the city of Gem Lake; an elected official  
 155.6 from the city of White Bear Lake; an elected official from White Bear Township; three  
 155.7 individuals appointed by the Neighborhood Concerned Citizens Group serving the White  
 155.8 Bear Township, White Bear Lake, and Gem Lake areas; an individual who is appointed by  
 155.9 the Neighborhood Concerned Citizens Group who lives within half of one mile of the Water  
 155.10 Gremlin facility that was the source of the TCE emissions described in the settlement; and  
 155.11 a representative of Ramsey County, who shall be a nonvoting member. Stakeholder  
 155.12 recommendations may include recommendations regarding:
- 155.13 (1) the broad purposes or specific projects for which money in the TCE emission response  
 155.14 account should be appropriated;
- 155.15 (2) the need for additional testing, investigations, or research;
- 155.16 (3) ways to improve communication between state and federal officials and local  
 155.17 governments, citizens, and businesses when hazardous chemicals are actually or potentially  
 155.18 released into a community;
- 155.19 (4) policy or law changes that would facilitate a better response to future releases of  
 155.20 hazardous chemicals; and
- 155.21 (5) any other matter the stakeholders deem relevant.

- 106.27 Sec. 90. Minnesota Statutes 2018, section 116.02, is amended to read:  
 106.28 116.02 POLLUTION CONTROL AGENCY; CREATION AND POWERS.

- 106.29 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
 106.30 Pollution Control Agency, is hereby created. The agency consists of the commissioner and  
 106.31 eight members appointed by the governor, by and with the advice and consent of the senate.  
 107.1 One member must be a person knowledgeable in the field of agriculture, and one must be  
 107.2 a representative of organized labor.

- 107.3 Subd. 2a. **Terms, compensation, removal, vacancies.** The membership terms,  
 107.4 compensation, removal of members, and filling of vacancies on the agency is as provided  
 107.5 in section 15.0575.

107.6 Subd. 3a. **Membership.** The membership of the Pollution Control Agency must be  
 107.7 broadly representative of the skills and experience necessary to effectuate the policy of  
 107.8 sections 116.01 to 116.075, except that no member other than the commissioner may be an  
 107.9 officer or employee of the state or federal government. Only two members at one time may  
 107.10 be officials or employees of a municipality or any governmental subdivision, but neither  
 107.11 may be a member ex officio or otherwise on the management board of a municipal sanitary  
 107.12 sewage disposal system.

107.13 Subd. 4a. **Chair.** The commissioner serves as chair of the agency. The agency elects  
 107.14 other officers as the agency deems necessary.

107.15 Subd. 5. **Agency successor to commission.** The Pollution Control Agency is the  
 107.16 successor of the Water Pollution Control Commission, and all powers and duties now vested  
 107.17 in or imposed upon said commission by chapter 115, or any act amendatory thereof or  
 107.18 supplementary thereto, are hereby transferred to, imposed upon, and vested in the  
 107.19 commissioner of the Minnesota Pollution Control Agency.

107.20 Subd. 6a. **Required decisions.** The agency must make final decisions on the following  
 107.21 matters:

107.22 (1) a petition for preparing an environmental assessment worksheet, if the project proposer  
 107.23 or a person commenting on the proposal requests that the decision be made by the agency  
 107.24 and the agency requests that it make the decision under subdivision 8a;

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

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

107.28 (ii) the project proposer or a person commenting on the proposal requests that the  
 107.29 declaration be made by the agency and the agency requests that it make the decision under  
 107.30 subdivision 8a; or

107.31 (iii) the commissioner is recommending preparation of an environmental impact  
 107.32 statement;

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

108.2 (4) issuing, reissuing, modifying, or revoking a permit if:

108.3 (i) a variance is sought in the permit application or a contested case hearing request is  
 108.4 pending; or

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

- 108.8 (5) final adoption or amendment of agency rules for which a public hearing is required  
 108.9 under section 14.25 or for which the commissioner decides to proceed directly to a public  
 108.10 hearing under section 14.14, subdivision 1;
- 108.11 (6) approving or denying an application for a variance from an agency rule if:
- 108.12 (i) granting the variance request would change an air, soil, or water quality standard;
- 108.13 (ii) the commissioner determines that granting the variance would have a significant  
 108.14 environmental impact; or
- 108.15 (iii) the applicant or a person commenting on the variance request requests that the  
 108.16 decision be made by the agency and the agency requests that it make the decision under  
 108.17 subdivision 8a; and
- 108.18 (7) whether to reopen, rescind, or reverse a decision of the agency.
- 108.19 Subd. 7a. **Additional decisions.** The commissioner may request that the agency make  
 108.20 additional decisions or provide advice to the commissioner.
- 108.21 Subd. 8a. **Other actions.** (a) Any other action not specifically within the authority of  
 108.22 the commissioner must be made by the agency if:
- 108.23 (1) before the commissioner's final decision on the action, one or more members of the  
 108.24 agency notify the commissioner of their request that the decision be made by the agency;  
 108.25 or
- 108.26 (2) any person submits a petition to the commissioner requesting that the decision be  
 108.27 made by the agency and the commissioner grants the petition.
- 108.28 (b) If the commissioner denies a petition submitted under paragraph (a), clause (2), the  
 108.29 commissioner must advise the agency and the petitioner of the reasons for the denial.
- 108.30 Subd. 9a. **Informing public.** The commissioner must inform interested persons as  
 108.31 appropriate in public notices and other public documents of their right to request the agency  
 109.1 to make decisions in specific matters according to subdivision 6a and the right of agency  
 109.2 members to request that decisions be made by the agency according to subdivision 8a. The  
 109.3 commissioner must regularly inform the agency of activities that have broad policy  
 109.4 implications or potential environmental significance and of activities in which the public  
 109.5 has exhibited substantial interest.
- 109.6 Subd. 11. **Changing decisions.** (a) The agency must not reopen, rescind, or reverse a  
 109.7 decision of the agency except upon:
- 109.8 (1) the affirmative vote of two-thirds of the agency; or
- 109.9 (2) a finding that there was an irregularity in a hearing related to the decision, an error  
 109.10 of law, or a newly discovered material issue of fact.

155.22 Sec. 120. Minnesota Statutes 2018, section 116.03, subdivision 1, is amended to read:

155.23 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control Agency  
155.24 is created and is under the supervision and control of the commissioner, who is appointed  
155.25 by the governor under the provisions of section 15.06.

155.26 (b) The commissioner may appoint a deputy commissioner and up to three assistant  
155.27 commissioners who ~~shall be~~ are in the unclassified service.

155.28 (c) The commissioner shall make all decisions on behalf of the agency.

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

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

109.13 (1) applying the requirement in paragraph (a), clause (1) or (2), to certain decisions of  
109.14 the agency; or

109.15 (2) establishing additional or more stringent requirements for reopening, rescinding, or  
109.16 reversing decisions of the agency.

109.17 Sec. 91. Minnesota Statutes 2018, section 116.03, subdivision 1, is amended to read:

109.18 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control Agency  
109.19 is created and is under the supervision and control of the commissioner, who is appointed  
109.20 by the governor under the provisions of section 15.06.

109.21 (b) The commissioner may appoint a deputy commissioner and assistant commissioners  
109.22 who ~~shall be~~ are in the unclassified service.

109.23 (c) The commissioner shall make all decisions on behalf of the agency that are not  
109.24 required to be made by the agency under section 116.02.

109.25 Sec. 92. Minnesota Statutes 2018, section 116.03, subdivision 2a, is amended to read:

109.26 Subd. 2a. **Mission; efficiency.** It is part of the agency's mission that, within the agency's  
109.27 resources, the commissioner and the members of the agency shall endeavor to:

109.28 (1) prevent the waste or unnecessary spending of public money;

109.29 (2) use innovative fiscal and human resource practices to manage the state's resources  
109.30 and operate the agency as efficiently as possible;

110.1 (3) coordinate the agency's activities wherever appropriate with the activities of other  
110.2 governmental agencies;

110.3 (4) use technology where appropriate to increase agency productivity, improve customer  
110.4 service, increase public access to information about government, and increase public  
110.5 participation in the business of government;

110.6 (5) ~~utilize~~ use constructive and cooperative labor-management practices to the extent  
110.7 otherwise required by chapters 43A and 179A;

110.8 (6) report to the legislature on the performance of agency operations and the  
110.9 accomplishment of agency goals in the agency's biennial budget according to section 16A.10,  
110.10 subdivision 1; and

110.11 (7) recommend to the legislature appropriate changes in law necessary to carry out the  
110.12 mission and improve the performance of the agency.

156.1 Sec. 121. Minnesota Statutes 2018, section 116.03, is amended by adding a subdivision  
156.2 to read:

156.3 Subd. 3a. **Grant administrative costs.** The commissioner of the Pollution Control  
156.4 Agency shall use no more than three percent of any grant money for administering grant  
156.5 programs, delivering technical services, providing fiscal oversight, and ensuring  
156.6 accountability. For purposes of this subdivision, "grant money" means any money to be  
156.7 disbursed as a grant or administered as a grant by the Pollution Control Agency, regardless  
156.8 of its source.

156.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
156.10 applies to grants disbursed on or after that date.

156.11 Sec. 122. Minnesota Statutes 2018, section 116.07, subdivision 2, is amended to read:

156.12 Subd. 2. **Adopting standards.** (a) The Pollution Control Agency shall improve air  
156.13 quality by promoting, in the most practicable way possible, the use of energy sources and  
156.14 waste disposal methods ~~which~~ that produce or emit the least air contaminants consistent  
156.15 with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt  
156.16 standards of air quality, including maximum allowable standards of emission of air  
156.17 contaminants from motor vehicles, recognizing that ~~due to~~ because of variable factors, no  
156.18 single standard of purity of air is applicable to all areas of the state. In adopting standards,  
156.19 the Pollution Control Agency shall give due recognition to the fact that the quantity or  
156.20 characteristics of air contaminants or the duration of their presence in the atmosphere, which  
156.21 may cause air pollution in one area of the state, may cause less or not cause any air pollution  
156.22 in another area of the state, and it shall take into consideration in this connection such factors,  
156.23 including others ~~which~~ that it may deem proper, as existing physical conditions, zoning  
156.24 classifications, topography, prevailing wind directions and velocities, and the fact that a  
156.25 standard of air quality ~~which~~ that may be proper as to an essentially residential area of the  
156.26 state, may not be proper as to a highly developed industrial area of the state. Such standards  
156.27 of air quality ~~shall~~ must be premised upon scientific knowledge of causes as well as effects  
156.28 based on technically substantiated criteria and commonly accepted practices. No local  
156.29 government unit shall set standards of air quality ~~which~~ that are more stringent than those  
156.30 set by the Pollution Control Agency. Consistent with this recognition of the variability of  
156.31 air contamination levels and conditions across the state, the agency must not apply or enforce  
156.32 a national or state ambient air quality standard as an applicable standard for an individual  
156.33 source under an individual facility permit issued according to Code of Federal Regulations,  
157.1 title 40, part 70, unless the permittee is a temporary source issued a permit under United  
157.2 States Code, title 42, section 7661c, paragraph (e).

157.3 (b) The Pollution Control Agency shall promote solid waste disposal control by  
157.4 encouraging the updating of collection systems, elimination of open dumps, and  
157.5 improvements in incinerator practices. The agency shall also adopt standards for the control  
157.6 of the collection, transportation, storage, processing, and disposal of solid waste and sewage  
157.7 sludge for the prevention and abatement of water, air, and land pollution, recognizing that  
157.8 ~~due to~~ because of variable factors, no single standard of control is applicable to all areas of

157.9 the state. In adopting standards, the Pollution Control Agency shall give due recognition to  
 157.10 the fact that elements of control ~~which that~~ may be reasonable and proper in densely  
 157.11 populated areas of the state may be unreasonable and improper in sparsely populated or  
 157.12 remote areas of the state, and it shall take into consideration in this connection such factors,  
 157.13 including others ~~which that~~ it may deem proper, as existing physical conditions, topography,  
 157.14 soils and geology, climate, transportation, and land use. Such standards of control ~~shall~~  
 157.15 must be premised on technical criteria and commonly accepted practices.

157.16 (c) The Pollution Control Agency shall also adopt standards describing the maximum  
 157.17 levels of noise in terms of sound pressure level ~~which that~~ may occur in the outdoor  
 157.18 atmosphere, recognizing that ~~due to~~ because of variable factors no single standard of sound  
 157.19 pressure is applicable to all areas of the state. Such standards ~~shall~~ must give due  
 157.20 consideration to such factors as the intensity of noises, the types of noises, the frequency  
 157.21 with which noises recur, the time period for which noises continue, the times of day during  
 157.22 which noises occur, and such other factors as could affect the extent to which noises may  
 157.23 be injurious to human health or welfare, animal or plant life, or property, or could interfere  
 157.24 unreasonably with the enjoyment of life or property. In adopting standards, the Pollution  
 157.25 Control Agency shall give due recognition to the fact that the quantity or characteristics of  
 157.26 noise or the duration of its presence in the outdoor atmosphere, which may cause noise  
 157.27 pollution in one area of the state, may cause less or not cause any noise pollution in another  
 157.28 area of the state, and it shall take into consideration in this connection such factors, including  
 157.29 others ~~which that~~ it may deem proper, as existing physical conditions, zoning classifications,  
 157.30 topography, meteorological conditions, and the fact that a standard ~~which that~~ may be proper  
 157.31 in an essentially residential area of the state; may not be proper ~~as to~~ in a highly developed  
 157.32 industrial area of the state. Such noise standards ~~shall~~ must be premised upon scientific  
 157.33 knowledge as well as effects based on technically substantiated criteria and commonly  
 157.34 accepted practices. No local governing unit shall set standards describing the maximum  
 158.1 levels of sound pressure ~~which that~~ are more stringent than those set by the Pollution Control  
 158.2 Agency.

158.3 (d) The Pollution Control Agency shall adopt standards for the identification of hazardous  
 158.4 waste and for the management, identification, labeling, classification, storage, collection,  
 158.5 transportation, processing, and disposal of hazardous waste, recognizing that ~~due to~~ because  
 158.6 of variable factors, a single standard of hazardous waste control may not be applicable to  
 158.7 all areas of the state. In adopting standards, the Pollution Control Agency shall recognize  
 158.8 that elements of control ~~which that~~ may be reasonable and proper in densely populated areas  
 158.9 of the state may be unreasonable and improper in sparsely populated or remote areas of the  
 158.10 state. The agency shall consider existing physical conditions, topography, soils, and geology,  
 158.11 climate, transportation, and land use. Standards of hazardous waste control ~~shall~~ must be  
 158.12 premised on technical knowledge, and commonly accepted practices. Hazardous waste  
 158.13 generator licenses may be issued for a term not to exceed five years. No local government  
 158.14 unit shall set standards of hazardous waste control ~~which that~~ are in conflict or inconsistent  
 158.15 with those set by the Pollution Control Agency.

158.16 (e) A person who generates less than 100 kilograms of hazardous waste per month is  
 158.17 exempt from the following agency hazardous waste rules:

158.18 (1) rules relating to transportation, manifesting, storage, and labeling for photographic  
 158.19 fixer and x-ray negative wastes that are hazardous solely because of silver content; and

158.20 (2) any rule requiring the generator to send to the agency or commissioner a copy of  
 158.21 each manifest for the transportation of hazardous waste for off-site treatment, storage, or  
 158.22 disposal, except that counties within the metropolitan area may require generators to provide  
 158.23 manifests.

158.24 Nothing in this paragraph exempts the generator from the agency's rules relating to on-site  
 158.25 accumulation or outdoor storage. A political subdivision or other local unit of government  
 158.26 may not adopt management requirements that are more restrictive than this paragraph.

158.27 (f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,  
 158.28 solid waste, or hazardous waste under this chapter; or standards for water quality under  
 158.29 chapter 115, the statement of need and reasonableness must include:

158.30 (1) an assessment of any differences between the proposed rule and:

158.31 (i) existing federal standards adopted under the Clean Air Act, United States Code, title  
 158.32 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a)  
 159.1 and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title  
 159.2 42, section 6921(b)(1);

159.3 (ii) similar standards in states bordering Minnesota; and

159.4 (iii) similar standards in states within the Environmental Protection Agency Region 5;  
 159.5 and

159.6 (2) a specific analysis of the need and reasonableness of each difference.

159.7 If the proposed standards in a rulemaking subject to this paragraph are more stringent than  
 159.8 comparable federal standards, the statement of need and reasonableness must, in addition  
 159.9 to the requirements of this paragraph, include documentation that the federal standard does  
 159.10 not provide adequate protection for public health and the environment.

159.11 (g) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,  
 159.12 solid waste, or hazardous waste under this chapter or standards for water quality under  
 159.13 chapter 115, each standard must be expressed in a standard measurement unit of milliliter  
 159.14 (ml) for liquids and milligram (mg) for solids.

159.15 Sec. 123. Minnesota Statutes 2018, section 116.07, subdivision 4d, is amended to read:

159.16 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
 159.17 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
 159.18 upon applications for agency permits and implementing and enforcing the conditions of the  
 159.19 permits pursuant to agency rules. Permit fees ~~shall~~ must not include the costs of litigation.

159.20 The fee schedule must reflect reasonable and routine direct and indirect costs associated  
 159.21 with permitting, implementation, and enforcement. The agency may impose an additional  
 159.22 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
 159.23 of implementing and enforcing the conditions of a permit under the rules of the agency.  
 159.24 Water fees under this paragraph are subject to legislative approval under section 16A.1283.  
 159.25 Any money collected under this paragraph shall must be deposited in the environmental  
 159.26 fund.

159.27 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
 159.28 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
 159.29 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
 159.30 facilities subject to a notification, permit, or license requirement under this chapter,  
 159.31 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
 159.32 et seq., or rules adopted thereunder. The annual fee shall must be used to pay for all direct  
 159.33 and indirect reasonable costs, including legal costs, required to develop and administer the  
 160.1 notification, permit, or license program requirements of this chapter, subchapters I and V  
 160.2 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
 160.3 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
 160.4 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
 160.5 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
 160.6 applicable regulations; responding to federal guidance; modeling, analyses, and  
 160.7 demonstrations; preparing inventories and tracking emissions; and providing information  
 160.8 to the public about these activities.

160.9 (c) The agency shall set fees that:

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

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

160.18 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
 160.19 needed to match grant funds received by the state under United States Code, title 42, section  
 160.20 7405 (section 105 of the federal Clean Air Act).

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

160.27 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
 160.28 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
 160.29 year by the percentage, if any, by which the Consumer Price Index for the most recent  
 160.30 calendar year ending before the beginning of the year the fee is collected exceeds the  
 160.31 Consumer Price Index for the calendar year 1989. For purposes of this paragraph, the  
 160.32 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
 160.33 all-urban consumers published by the United States Department of Labor, as of the close  
 160.34 of the 12-month period ending on August 31 of each calendar year. The revision of the  
 161.1 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
 161.2 year 1989 ~~shall~~ must be used.

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

161.5 (f) Permit applicants who wish to construct, reconstruct, or modify a project may offer  
 161.6 to reimburse the agency for the costs of staff time or consultant services needed to expedite  
 161.7 the preapplication process and permit development process through the final decision on  
 161.8 the permit, including the analysis of environmental review documents. The reimbursement  
 161.9 ~~shall be~~ is in addition to permit application fees imposed by law. When the agency determines  
 161.10 that it needs additional resources to develop the permit application in an expedited manner;  
 161.11 and that expediting the development is consistent with permitting program priorities, the  
 161.12 agency may accept the reimbursement. The commissioner must give the applicant an estimate  
 161.13 of costs to be incurred by the commissioner. The estimate must include a brief description  
 161.14 of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for  
 161.15 each task. The applicant and the commissioner must enter into a written agreement detailing  
 161.16 the estimated costs for the expedited permit decision-making process to be incurred by the  
 161.17 agency. The agreement must also identify staff anticipated to be assigned to the project.  
 161.18 The commissioner must not issue a permit until the applicant has paid all fees in full. The  
 161.19 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted  
 161.20 by the agency are appropriated to the agency for the purpose of developing the permit or  
 161.21 analyzing environmental review documents. Reimbursement by a permit applicant ~~shall~~  
 161.22 must precede and not be contingent upon issuance of a permit; ~~shall~~ must not affect the  
 161.23 agency's decision on whether to issue or deny a permit, what conditions are included in a  
 161.24 permit, or the application of state and federal statutes and rules governing permit  
 161.25 determinations; and ~~shall~~ must not affect final decisions regarding environmental review.

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

161.27 Sec. 124. Minnesota Statutes 2018, section 116.07, is amended by adding a subdivision  
 161.28 to read:

161.29 Subd. 13. **Unadopted rules.** (a) The commissioner of the Pollution Control Agency  
 161.30 must not enforce or attempt to enforce an unadopted rule. For purposes of this subdivision,  
 161.31 "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive  
 161.32 statement, or similar pronouncement if the guideline, bulletin, criterion, manual standard,  
 161.33 interpretive statement, or similar pronouncement meets the definition of a rule as defined

- 161.34 under section 14.02, subdivision 4, but has not been adopted according to the rulemaking  
 162.1 process provided under chapter 14. If an unadopted rule is challenged under section 14.381,  
 162.2 the commissioner must overcome a presumption against the unadopted rule.
- 162.3 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,  
 162.4 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or  
 162.5 standard, the commissioner must follow the rulemaking process provided under chapter 14  
 162.6 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive  
 162.7 statement, or similar pronouncement.
- 162.8 Sec. 125. Minnesota Statutes 2018, section 116.0714, is amended to read:  
 162.9 116.0714 NEW OPEN-AIR SWINE BASINS.
- 162.10 (a) The commissioner of the Pollution Control Agency or a county board shall not  
 162.11 approve any permits for the construction of new open-air swine basins, except that existing  
 162.12 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
 162.13 treatment program for resolving pollution problems or to allow conversion of an existing  
 162.14 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
 162.15 met. This section expires June 30, 2022.
- 162.16 (b) This section does not apply to basins used solely for wastewater from truck-washing  
 162.17 facilities.

110.13 Sec. 93. Minnesota Statutes 2018, section 116.155, subdivision 1, is amended to read:

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

110.22 Sec. 94. Minnesota Statutes 2018, section 116.155, subdivision 3, is amended to read:

110.23 Subd. 3. **Revenues.** The following revenues shall be deposited in the general portion of  
 110.24 the remediation fund:

110.25 (1) response costs ~~and natural resource damages~~ related to releases of hazardous  
 110.26 substances, or pollutants or contaminants, recovered under sections 115B.17, ~~subdivisions~~  
 110.27 ~~subdivision 6 and 7;~~ subdivision 6 and 7; 115B.443; 115B.444, or any other law;

110.28 (2) money paid to the agency or the Agriculture Department by voluntary parties who  
 110.29 have received technical or other assistance under sections 115B.17, subdivision 14, 115B.175  
 110.30 to 115B.179, and 115C.03, subdivision 9;

- 111.1 (3) money received in the form of gifts, grants, reimbursement, or appropriation from  
 111.2 any source for any of the purposes provided in subdivision 2, except federal grants; and
- 111.3 (4) interest accrued on the fund.
- 111.4 Sec. 95. Minnesota Statutes 2018, section 116.155, is amended by adding a subdivision  
 111.5 to read:
- 111.6 Subd. 5b. **Natural resources damages account.** The natural resources damages account  
 111.7 is as described in section 115B.172.
- 111.8 Sec. 96. [116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION  
 111.9 PROGRAM.
- 111.10 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
 111.11 meanings given:
- 111.12 (1) "certified commercial applicator" means an individual who applies deicer, completed  
 111.13 training on snow and ice removal and deicer application approved by the commissioner,  
 111.14 and passed an examination after completing the training;
- 111.15 (2) "commercial applicator" means an individual who applies deicer for hire, but does  
 111.16 not include a municipal, state, or other government employee;
- 111.17 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing  
 111.18 effects, on privately owned surfaces traveled by pedestrians and vehicles; and
- 111.19 (4) "owner" means a person that owns or leases real estate and that enters into a written  
 111.20 contract with a certified commercial applicator for snow and ice removal and deicer  
 111.21 application.
- 111.22 Subd. 2. **Voluntary certification program; best management practices.** (a) The  
 111.23 commissioner of the Pollution Control Agency must develop a training program that promotes  
 111.24 best management practices for snow and ice removal and deicer application that protect  
 111.25 water quality and allows commercial applicators to obtain certification as a water-friendly  
 111.26 applicator. The commissioner must certify a commercial applicator as a water-friendly  
 111.27 applicator if the applicator successfully completes the program and passes the examination.
- 111.28 (b) The commissioner, in consultation with the University of Minnesota, must provide  
 111.29 additional training under this section for certified commercial applicators renewing  
 111.30 certification after their initial training and certification.
- 112.1 (c) The commissioner, in consultation with the University of Minnesota, must provide  
 112.2 the training and testing module at locations statewide and may make the recertification  
 112.3 training available online.

- 112.4 (d) The commissioner, in consultation with the University of Minnesota, must annually  
 112.5 post the best management practices and a list of certified commercial applicators on the  
 112.6 agency's website.
- 112.7 (e) The commissioner may charge a fee of no more than \$350 per certified commercial  
 112.8 applicator for the training or recertification under this section. Fees collected under this  
 112.9 subdivision must be deposited in the environmental fund.
- 112.10 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for  
 112.11 damages arising from hazards resulting from the accumulation of snow and ice on any real  
 112.12 estate maintained by the certified commercial applicator when the hazard is solely caused  
 112.13 by snow or ice and the certified commercial applicator used the best management practices  
 112.14 for snow and ice removal and deicing approved by the commissioner.
- 112.15 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial  
 112.16 applicator or owner if the certified commercial applicator or owner:
- 112.17 (1) commits an act or omission that constitutes negligence or willful or wanton disregard  
 112.18 for the safety of entrants onto real estate of the owner that is maintained by the certified  
 112.19 commercial applicator and that act or omission proximately causes injury, damage, or death;
- 112.20 (2) has actual knowledge or reasonably should have known of a dangerous condition on  
 112.21 the real estate of the owner maintained by the certified commercial applicator;
- 112.22 (3) intentionally injures an entrant on real estate of the owner that is maintained by the  
 112.23 certified applicator; or
- 112.24 (4) fails to comply with the best management practices for snow and ice removal and  
 112.25 deicer application approved by the commissioner.
- 112.26 (c) The liability of a commercial applicator who applies deicer but is not certified under  
 112.27 this section may not be determined under the standards provided in this subdivision.
- 112.28 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following  
 112.29 records as part of the best management practices approved by the commissioner:
- 112.30 (1) a copy of the applicator's certification approved by the commissioner and any  
 112.31 recertification;
- 112.32 (2) evidence of passing the examination approved by the commissioner;
- 113.1 (3) copies of the winter maintenance assessment tool requirements developed by the  
 113.2 commissioner;
- 113.3 (4) a written record describing the road, parking lot, and property maintenance practices  
 113.4 used. The written record must include the type and rate of application of deicer used, the  
 113.5 dates of treatment, and the weather conditions for each event requiring deicing. The records  
 113.6 must be kept for a minimum of six years; and

162.18 Sec. 126. [116.385] TRICHLOROETHYLENE; BAN.

162.19 Subdivision 1. **Definitions.** For the purposes of this section, "trichloroethylene" means  
 162.20 a chemical with the Chemical Abstract Services Registry Number of 79-01-6.

162.21 Subd. 2. **Use ban.** (a) Beginning January 1, 2021, an owner or operator of a facility  
 162.22 required to have an air emissions permit issued by the Pollution Control Agency may not  
 162.23 use trichloroethylene at its permitted facility, including in any manufacturing, processing,  
 162.24 or cleaning processes. Cessation of use must be made enforceable in the air emissions permit  
 162.25 for the facility or in an enforceable agreement by January 1, 2021.

162.26 (b) If additional time is needed to assess replacement chemicals or address impacts to  
 162.27 facility operations, then by January 1, 2021, the commissioner may, at the commissioner's  
 162.28 discretion, include a schedule of compliance in the facility's permit or enforceable agreement  
 162.29 that requires compliance with this section before January 1, 2023. Owners or operators of  
 162.30 facilities requesting additional time under this subdivision must demonstrate compliance  
 162.31 with the health-based value and health risk limits for trichloroethylene, as established by  
 162.32 the Department of Health. The commissioner must assess nearby regulated sources for

113.7 (5) proof of compliance with the reporting requirements under subdivision 7.

113.8 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification  
 113.9 of a commercial applicator who violates this section or rules adopted under this section.

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

113.12 Subd. 7. **Reporting required.** By July 1 each year, a certified commercial applicator  
 113.13 must submit to the commissioner on a form prescribed by the commissioner the amounts  
 113.14 and types of deicers used in the previous calendar year.

113.15 Subd. 8. **Expiration.** This section expires August 1, 2026.

113.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to claims  
 113.17 arising on or after that date.

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1.5 Section 1. [325E.3892] TRICHLOROETHYLENE; BAN.

1.6 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have  
 1.7 the meanings given.

1.8 (b) "Extraction solvent" means a solvent used to separate a specific substance from a  
 1.9 mixture.

1.10 (c) "Refrigerant" means a chemical that is used as a heat carrier in a cooling mechanism  
 1.11 and that changes from liquid to gas and back again in the refrigeration cycle.

1.12 (d) "Trichloroethylene" means a chemical with the Chemical Registry Abstract Services  
 1.13 Number of 79-01-6.

1.14 (e) "Vapor degreaser" means a substance boiled to a vapor that condenses onto metal  
 1.15 parts, causing beading and dripping, and that removes contaminants from the parts.

1.16 Subd. 2. **Use ban.** Beginning January 1, 2020, a person may not use trichloroethylene  
 1.17 as a vapor degreaser, an intermediate chemical to produce other chemicals, a refrigerant,  
 1.18 or an extraction solvent or in any other manufacturing or cleaning process or use.

- 163.1 trichloroethylene to determine whether additional restrictions should be included in the  
 163.2 schedule of compliance or permit.
- 163.3 (c) The commissioner may grant a variance under this section pursuant to section 116.07,  
 163.4 subdivision 5.
- 163.5 Subd. 3. **Replacement chemicals.** An owner or operator that must comply with this  
 163.6 section must replace trichloroethylene with a chemical demonstrated to be less toxic to  
 163.7 human health and approved by the commissioner of the Pollution Control Agency. If there  
 163.8 is more than one less-toxic replacement chemical, then the commissioner must approve the  
 163.9 option that is the least toxic to human health that is an effective replacement.
- 163.10 Subd. 4. **Exceptions.** The prohibition in subdivision 2 does not apply to any of the  
 163.11 following:
- 163.12 (1) processes that result in only trace amounts of trichloroethylene remaining after most  
 163.13 of it has been transformed into another substance or consumed;
- 163.14 (2) the use of trichloroethylene in closed systems so that no trichloroethylene is emitted  
 163.15 from the facility;
- 163.16 (3) holding trichloroethylene, or products containing trichloroethylene, for distribution  
 163.17 to a third party; or
- 163.18 (4) a medical or medical research facility.
- 163.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 163.20 Sec. 127. Minnesota Statutes 2018, section 116.993, subdivision 2, is amended to read:
- 163.21 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower  
 163.22 must:
- 163.23 (1) be a small business corporation, sole proprietorship, partnership, or association;  
 163.24 (2) be a potential emitter of pollutants to the air, ground, or water;  
 163.25 (3) need capital for equipment purchases that will meet or exceed environmental  
 163.26 regulations or need capital for site investigation and cleanup;  
 163.27 (4) have less than ~~50~~ 100 full-time equivalent employees; and  
 163.28 (5) have an after tax profit of less than \$500,000; ~~and~~  
 163.29 ~~(6) have a net worth of less than \$1,000,000.~~
- 164.1 Sec. 128. Minnesota Statutes 2018, section 116.993, subdivision 6, is amended to read:
- 164.2 Subd. 6. **Loan conditions.** A loan made under this section must include:

- 1.19 Subd. 3. **Replacement chemicals.** A person must not replace trichloroethylene with a  
 1.20 chemical identified as a chemical of high concern according to section 116.9402.
- 1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.  
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- 113.18 Sec. 97. Minnesota Statutes 2018, section 116.993, subdivision 2, is amended to read:
- 113.19 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower  
 113.20 must:
- 113.21 (1) be a small business corporation, sole proprietorship, partnership, or association;  
 113.22 (2) be a potential emitter of pollutants to the air, ground, or water;  
 113.23 (3) need capital for equipment purchases that will meet or exceed environmental  
 113.24 regulations or need capital for site investigation and cleanup;  
 113.25 (4) have less than ~~50~~ 100 full-time equivalent employees; and  
 113.26 (5) have an after tax profit of less than \$500,000; ~~and~~  
 113.27 ~~(6) have a net worth of less than \$1,000,000.~~
- 113.28 Sec. 98. Minnesota Statutes 2018, section 116.993, subdivision 6, is amended to read:
- 113.29 Subd. 6. **Loan conditions.** A loan made under this section must include:

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

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

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

164.7 Sec. 129. Minnesota Statutes 2018, section 116D.04, subdivision 2a, is amended to read:

164.8 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
 164.9 effects resulting from any major governmental action, the action ~~shall~~ must be preceded by  
 164.10 a detailed environmental impact statement prepared by the responsible governmental unit.  
 164.11 The environmental impact statement ~~shall~~ must be an analytical rather than an encyclopedic  
 164.12 document ~~which that~~ describes the proposed action in detail, analyzes its significant  
 164.13 environmental impacts, discusses appropriate alternatives to the proposed action and their  
 164.14 impacts, and explores methods by which adverse environmental impacts of an action could  
 164.15 be mitigated. The environmental impact statement ~~shall~~ must also analyze those economic,  
 164.16 employment, and sociological effects that cannot be avoided should the action be  
 164.17 implemented. To ensure its use in the decision-making process, the environmental impact  
 164.18 statement ~~shall~~ must be prepared as early as practical in the formulation of an action.

164.19 (b) The board shall by rule establish categories of actions for which environmental  
 164.20 impact statements and for which environmental assessment worksheets ~~shall~~ must be prepared  
 164.21 as well as categories of actions for which no environmental review is required under this  
 164.22 section. A mandatory environmental assessment worksheet is not required for the expansion  
 164.23 of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the  
 164.24 conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
 164.25 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
 164.26 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or  
 164.27 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
 164.28 environmental assessment worksheets must be prepared. The responsible governmental unit  
 164.29 for an ethanol plant or biobutanol facility project for which an environmental assessment  
 164.30 worksheet is prepared is the state agency with the greatest responsibility for supervising or  
 164.31 approving the project as a whole.

164.32 (c) A mandatory environmental impact statement is not required for a facility or plant  
 164.33 located outside the seven-county metropolitan area that produces less than 125,000,000  
 165.1 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less than 400,000  
 165.2 tons of chemicals annually, if the facility or plant is: an ethanol plant, as defined in section  
 165.3 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined in section 41A.15,  
 165.4 subdivision 2d; or a cellulosic biofuel facility. A facility or plant that only uses a cellulosic  
 165.5 feedstock to produce chemical products for use by another facility as a feedstock is not  
 165.6 considered a fuel conversion facility as used in rules adopted under this chapter.

165.7 (d) The responsible governmental unit shall promptly publish notice of the completion  
 165.8 of an environmental assessment worksheet by publishing the notice in at least one newspaper

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

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

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

165.9 of general circulation in the geographic area where the project is proposed, by posting the  
 165.10 notice on a website that has been designated as the official publication site for publication  
 165.11 of proceedings, public notices, and summaries of a political subdivision in which the project  
 165.12 is proposed, or in any other manner determined by the board and shall provide copies of  
 165.13 the environmental assessment worksheet to the board and its member agencies. Comments  
 165.14 on the need for an environmental impact statement may be submitted to the responsible  
 165.15 governmental unit during a 30-day period following publication of the notice that an  
 165.16 environmental assessment worksheet has been completed. The 30-day comment period may  
 165.17 not be extended unless approved by the project's proposer. The responsible governmental  
 165.18 unit's decision on the need for an environmental impact statement ~~shall~~ must be based on  
 165.19 the environmental assessment worksheet and the comments received during the comment  
 165.20 period, and ~~shall~~ must be made within 15 days after the close of the comment period. The  
 165.21 board's chair may extend the 15-day period by not more than 15 additional days upon the  
 165.22 request of the responsible governmental unit.

165.23 (e) An environmental assessment worksheet ~~shall~~ must also be prepared for a proposed  
 165.24 action whenever material evidence accompanying a petition by not less than 100 individuals  
 165.25 who reside or own property in the state, submitted before the proposed project has received  
 165.26 final approval by the appropriate governmental units, demonstrates that, because of the  
 165.27 nature or location of a proposed action, there may be potential for significant environmental  
 165.28 effects. Petitions requesting the preparation of an environmental assessment worksheet ~~shall~~  
 165.29 must be submitted to the board. The chair of the board shall determine the appropriate  
 165.30 responsible governmental unit and forward the petition to it. A decision on the need for an  
 165.31 environmental assessment worksheet ~~shall~~ must be made by the responsible governmental  
 165.32 unit within 15 days after the petition is received by the responsible governmental unit. The  
 165.33 board's chair may extend the 15-day period by not more than 15 additional days upon request  
 165.34 of the responsible governmental unit.

166.1 (f) Except in an environmentally sensitive location where Minnesota Rules, part  
 166.2 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
 166.3 review under this chapter and rules of the board, if:

166.4 (1) the proposed action is:

166.5 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

166.6 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity  
 166.7 of less than 1,000 animal units;

166.8 (2) the application for the animal feedlot facility includes a written commitment by the  
 166.9 proposer to design, construct, and operate the facility in full compliance with Pollution  
 166.10 Control Agency feedlot rules; and

166.11 (3) the county board holds a public meeting for citizen input at least ten business days  
 166.12 before the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot  
 166.13 facility unless another public meeting for citizen input has been held with regard to the

166.14 feedlot facility to be permitted. The exemption in this paragraph is in addition to other  
 166.15 exemptions provided under other law and rules of the board.

166.16 (g) The board may, before final approval of a proposed project, require preparation of  
 166.17 an environmental assessment worksheet by a responsible governmental unit selected by the  
 166.18 board for any action where environmental review under this section has not been specifically  
 166.19 provided for by rule or otherwise initiated.

166.20 (h) An early and open process ~~shall must be utilized~~ used to limit the scope of the  
 166.21 environmental impact statement to a discussion of those impacts that, because of the nature  
 166.22 or location of the project, have the potential for significant environmental effects. The same  
 166.23 process ~~shall must be utilized~~ used to determine the form, content, and level of detail of the  
 166.24 statement as well as the alternatives that are appropriate for consideration in the statement.  
 166.25 In addition, the permits that will be required for the proposed action ~~shall must~~ be identified  
 166.26 during the scoping process. Further, the process ~~shall must~~ identify those permits for which  
 166.27 information will be developed concurrently with the environmental impact statement. The  
 166.28 board shall provide in its rules for the expeditious completion of the scoping process. The  
 166.29 determinations reached in the process ~~shall must~~ be incorporated into the order requiring  
 166.30 the preparation of an environmental impact statement.

166.31 (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
 166.32 and ensure coordination between state and federal environmental review and between  
 166.33 environmental review and environmental permitting. Whenever practical, information  
 167.1 needed by a governmental unit for making final decisions on permits or other actions required  
 167.2 for a proposed project ~~shall must~~ be developed in conjunction with the preparation of an  
 167.3 environmental impact statement. When an environmental impact statement is prepared for  
 167.4 a project requiring multiple permits for which two or more agencies' decision processes  
 167.5 include either mandatory or discretionary hearings before a hearing officer before the  
 167.6 agencies' decision on the permit, the agencies may, notwithstanding any law or rule to the  
 167.7 contrary, conduct the hearings in a single consolidated hearing process if requested by the  
 167.8 proposer. All agencies having jurisdiction over a permit that is included in the consolidated  
 167.9 hearing shall participate. The responsible governmental unit shall establish appropriate  
 167.10 procedures for the consolidated hearing process, including procedures to ensure that the  
 167.11 consolidated hearing process is consistent with the applicable requirements for each permit  
 167.12 regarding the rights and duties of parties to the hearing, and shall ~~utilize~~ use the earliest  
 167.13 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
 167.14 a permit identified in the draft environmental assessment worksheet scoping document must  
 167.15 begin reviewing any permit application upon publication of the notice of preparation of the  
 167.16 environmental impact statement.

167.17 (j) An environmental impact statement ~~shall must~~ be prepared and its adequacy  
 167.18 determined within 280 days after notice of its preparation unless the time is extended by  
 167.19 consent of the parties or by the governor for good cause. The responsible governmental unit  
 167.20 shall determine the adequacy of an environmental impact statement, unless within 60 days  
 167.21 after notice is published that an environmental impact statement will be prepared, the board

167.22 chooses to determine the adequacy of an environmental impact statement. If an environmental  
 167.23 impact statement is found to be inadequate, the responsible governmental unit ~~shall have~~  
 167.24 has 60 days to prepare an adequate environmental impact statement.

167.25 (k) The proposer of a specific action may include in the information submitted to the  
 167.26 responsible governmental unit a preliminary draft environmental impact statement under  
 167.27 this section on that action for review, modification, and determination of completeness and  
 167.28 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 167.29 statement prepared by the project proposer and submitted to the responsible governmental  
 167.30 unit ~~shall~~ must identify or include as an appendix all studies and other sources of information  
 167.31 used to substantiate the analysis contained in the preliminary draft environmental impact  
 167.32 statement. The responsible governmental unit shall require additional studies, if needed,  
 167.33 and obtain from the project proposer all additional studies and information necessary for  
 167.34 the responsible governmental unit to perform its responsibility to review, modify, and  
 167.35 determine the completeness and adequacy of the environmental impact statement.

114.5 Sec. 99. [116U.60] MINNESOTA OUTDOOR RECREATION OFFICE.

114.6 Subdivision 1. Office established. The Minnesota Outdoor Recreation Office is  
 114.7 established as an office in Explore Minnesota Tourism. The governor, in consultation with  
 114.8 the commissioners of natural resources and employment and economic development, must  
 114.9 appoint the director of the Minnesota Outdoor Recreation Office.

114.10 Subd. 2. Purpose. The purpose of the Minnesota Outdoor Recreation Office is to promote  
 114.11 and increase participation in outdoor recreation by all Minnesota citizens by:

114.12 (1) supporting the outdoor recreation economy of Minnesota and working toward  
 114.13 equitable and inclusive access to the outdoors;

114.14 (2) creating and developing an inventory of existing public and private resources  
 114.15 promoting outdoor recreation;

114.16 (3) coordinating outdoor recreation policy and management among state and federal  
 114.17 agencies and local government entities;

114.18 (4) assisting in promoting and marketing opportunities and events for outdoor recreation;

114.19 (5) assisting the Department of Employment and Economic Development in supporting  
 114.20 outdoor recreation businesses and providing technical assistance with resources and  
 114.21 opportunities for economic development;

114.22 (6) developing strategies to recruit and grow outdoor recreation businesses and to enhance  
 114.23 recreation-related employment in Minnesota;

114.24 (7) promoting outdoor recreation opportunities for people with disabilities;

- 114.25 (8) promoting education and use of outdoor recreation assets to enhance public health;
- 114.26 (9) supporting outdoor recreation programs at Minnesota educational institutions;
- 114.27 (10) collecting data on the impact of outdoor recreation in the state and the accessibility
- 114.28 of natural resources for underserved populations; and
- 114.29 (11) recommending initiatives to increase access to outdoor recreational amenities and
- 114.30 experiences.
- 115.1 Subd. 3. **Account; donations.** The director of the Minnesota Outdoor Recreation Office
- 115.2 may accept gifts and grants for purposes related to the duties of the Minnesota Outdoor
- 115.3 Recreation Office. Money received by the director from gifts and grants is deposited in an
- 115.4 account in the special revenue fund and appropriated to the director for the purposes specified
- 115.5 in the gift or grant.
- 115.6 Subd. 4. **Strategic plan.** By January 15, 2020, the director of the Minnesota Outdoor
- 115.7 Recreation Office must submit a report to the chairs and ranking minority members of the
- 115.8 house of representatives and senate committees and divisions with jurisdiction over Explore
- 115.9 Minnesota Tourism and environment and natural resources policy and finance that contains
- 115.10 a strategic plan for the Minnesota Outdoor Recreation Office. In developing the strategic
- 115.11 plan, the director must consult with the Explore Minnesota Tourism Council; the
- 115.12 commissioners of natural resources, health, transportation, and employment and economic
- 115.13 development; and the chairs and ranking minority members or their designees of the house
- 115.14 of representatives and senate committees and divisions with jurisdiction over Explore
- 115.15 Minnesota Tourism and environment and natural resources policy and finance.
- 115.16 Subd. 5. **Consultation and cooperation.** (a) The director of the Minnesota Outdoor
- 115.17 Recreation Office must consult with the Explore Minnesota Tourism Council in carrying
- 115.18 out the purposes of the Minnesota Outdoor Recreation Office.
- 115.19 (b) Explore Minnesota Tourism and the commissioners of natural resources, health,
- 115.20 transportation, and employment and economic development must cooperate with the director
- 115.21 of the Minnesota Outdoor Recreation Office in fulfilling the duties of the Minnesota Outdoor
- 115.22 Recreation Office as they relate to the purposes of the respective office or agencies.
- 115.23 Subd. 6. **Report.** By January 1, 2021, and each year thereafter, the director of the
- 115.24 Minnesota Outdoor Recreation Office must submit an annual report to the legislature on
- 115.25 the donations received, accomplishments, recommendations, and findings of the Minnesota
- 115.26 Outdoor Recreation Office from the preceding fiscal year.
- 115.27 Subd. 7. **Regulatory authority.** Nothing contained in this section supplants or impacts
- 115.28 the regulatory authority of other state agencies.
- 115.29 Sec. 100. Minnesota Statutes 2018, section 127A.353, subdivision 1, is amended to read:
- 115.30 Subdivision 1. **Appointment.** The school trust lands director shall be appointed by the
- 115.31 governor. The commissioner of natural resources shall provide human resources, payroll,

115.32 accounting, procurement, and other similar administrative services to the school trust lands  
 115.33 director. The director's appointment is subject to the advice and consent of the senate.

168.1 Sec. 130. Minnesota Statutes 2018, section 216G.01, subdivision 3, is amended to read:

168.2 Subd. 3. **Pipeline.** "Pipeline" means a pipeline owned or operated by a condemning  
 168.3 authority, as defined in section 117.025, subdivision 4, located in this state which that is  
 168.4 used to transport natural or synthetic gas at a pressure of more than 90 pounds per square  
 168.5 inch, or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal,  
 168.6 anhydrous ammonia or any mineral slurry to a distribution center or storage facility which  
 168.7 that is located within or outside of this state. "Pipeline" does not include a pipeline owned  
 168.8 or operated by a natural gas public utility as defined in section 216B.02, subdivision 4.

168.9 Sec. 131. Minnesota Statutes 2018, section 282.01, subdivision 4, is amended to read:

168.10 Subd. 4. **Sale; method; requirements; effects.** (a) The sale authorized under subdivision  
 168.11 3 must be conducted by the county auditor at the county seat of the county in which the  
 168.12 parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted  
 168.13 in any county designated facility within the county. The sale must not be for less than the  
 168.14 appraised value except as provided in subdivision 7a. The parcels must be sold for cash  
 168.15 only, unless the county board of the county has adopted a resolution providing for their sale  
 168.16 on terms, in which event the resolution controls with respect to the sale. When the sale is  
 168.17 made on terms other than for cash only (1) a payment of at least ten percent of the purchase  
 168.18 price must be made at the time of purchase, and the balance must be paid in no more than  
 168.19 ten equal annual installments, or (2) the payments must be made in accordance with county  
 168.20 board policy, but in no event may the board require more than 12 installments annually,  
 168.21 and the contract term must not be for more than ten years. Standing timber or timber products  
 168.22 must not be removed from these lands until an amount equal to the appraised value of all  
 168.23 standing timber or timber products on the lands at the time of purchase has been paid by  
 168.24 the purchaser. If a parcel of land bearing standing timber or timber products is sold at public  
 168.25 auction for more than the appraised value, the amount bid in excess of the appraised value  
 168.26 must be allocated between the land and the timber in proportion to their respective appraised  
 168.27 values. In that case, standing timber or timber products must not be removed from the land  
 168.28 until the amount of the excess bid allocated to timber or timber products has been paid in  
 168.29 addition to the appraised value of the land. The purchaser is entitled to immediate possession,  
 168.30 subject to the provisions of any existing valid lease made in behalf of the state.

168.31 (b) For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price  
 168.32 is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance  
 168.33 of the purchase price for sales occurring after December 31, 1990, is subject to interest at  
 168.34 the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change  
 169.1 each year on the unpaid balance in the manner provided for rate changes in section 549.09  
 169.2 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance  
 169.3 on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the  
 169.4 time that the sale occurred.

169.5 (c) Notwithstanding subdivision 7, a county board may by resolution provide for the  
 169.6 listing and sale of individual parcels by other means, including through a real estate broker.  
 169.7 However, if the buyer under this paragraph could have repurchased a parcel of property  
 169.8 under section 282.012 or 282.241, that buyer may not purchase that same parcel of property  
 169.9 at the sale under this subdivision for a purchase price less than the sum of all taxes,  
 169.10 assessments, penalties, interest, and costs due at the time of forfeiture computed under  
 169.11 section 282.251, and any special assessments for improvements certified as of the date of  
 169.12 sale. This subdivision shall be liberally construed to encourage the sale and utilization of  
 169.13 tax-forfeited land in order to eliminate nuisances and dangerous conditions and to increase  
 169.14 compliance with land use ordinances.

116.1 Sec. 101. Minnesota Statutes 2018, section 325F.071, is amended to read:  
 116.2 325F.071 FLAME-RETARDANT CHEMICALS; PROHIBITION.

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

116.5 (b) "Child" means a person under 12 years of age.

116.6 (c) "Children's product" means a product primarily designed or intended by a  
 116.7 manufacturer to be used by or for a child, including any article used as a component of such  
 116.8 a product, but excluding a food, beverage, dietary supplement, pharmaceutical product or  
 116.9 biologic, children's toys that are subject to the most recent version of the American Society  
 116.10 for Testing and Materials F963, Standard Consumer Safety Specification for Toy Safety, a  
 116.11 medical device as defined in the Federal Food, Drug, and Cosmetic Act, United States Code,  
 116.12 title 21, section 321(h), products listed under section 116.9405, clauses (10) and (11), and  
 116.13 products listed under sections 325F.03 and 325F.04.

116.14 (d) "PFAS" means perfluoroalkyl and polyfluoroalkyl substances.

116.15 (e) "Residential or business textile" means a textile designed for use in the home,  
 116.16 businesses, or places of lodging as a covering on windows, walls, or floors. Residential or  
 116.17 business textile includes carpeting and carpet padding.

116.18 ~~(f)~~ (f) "Upholstered residential furniture" means furniture with padding, coverings, and  
 116.19 cushions intended and sold for use in the home or places of lodging.

116.20 Subd. 2. **Flame-retardant chemicals; prohibition.** (a) On and after July 1, 2018, no  
 116.21 manufacturer or wholesaler may manufacture, sell, offer for sale, distribute for sale, or  
 116.22 distribute for use in this state a children's product ~~or~~ upholstered residential furniture, a  
 116.23 residential or business textile, or a mattress containing, in amounts greater than 1,000 parts  
 116.24 per million in any product component, the following flame-retardants: any halogenated,  
 116.25 phosphorus-based, nitrogen-based, and nanoscale flame retardants.

- 116.26 ~~(1) TDCPP (tris(1,3-dichloro-2-propyl)phosphate), Chemical Abstracts Service number~~  
 116.27 ~~13674-87-8;~~
- 116.28 ~~(2) decabromodiphenyl ether, Chemical Abstracts Service number 1163-19-5;~~
- 116.29 ~~(3) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4; and~~
- 116.30 ~~(4) TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service number 115-96-8.~~
- 116.31 (b) On and after July 1, 2019, no retailer may sell or offer for sale or use in this state a  
 116.32 children's product or upholstered residential furniture, a residential or business textile, or  
 117.1 a mattress containing in amounts greater than 1,000 parts per million in any product  
 117.2 component the flame retardant chemicals listed in paragraph (a).
- 117.3 (c) The sale or offer for sale of any previously owned product containing a chemical  
 117.4 restricted under this section is exempt from the provisions of this section.
- 117.5 Subd. 3. **Flame-retardant chemicals; replacement chemicals.** A manufacturer shall  
 117.6 not replace a chemical whose use is prohibited under this section with a chemical identified  
 117.7 on the basis of credible scientific evidence by a state, federal, or international agency as  
 117.8 being known or suspected with a high degree of probability to:
- 117.9 (1) harm the normal development of a fetus or child or cause other developmental  
 117.10 toxicity;
- 117.11 (2) cause cancer, genetic damage, or reproductive harm;
- 117.12 (3) disrupt the endocrine or hormone system; or
- 117.13 (4) damage the nervous system, immune system, or organs, or cause other systemic  
 117.14 toxicity.
- 117.15 Subd. 4. **Firefighting foam.** Beginning July 1, 2020, a manufacturer or wholesaler may  
 117.16 not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state class  
 117.17 B firefighting foam that contains intentionally added PFAS except for use at oil refineries,  
 117.18 oil and petroleum terminals, airports, or Camp Ripley.
- 117.19 Subd. 5. **Training exercises.** Class B firefighting foam that contains intentionally added  
 117.20 PFAS must not be used in training exercises, including at oil refineries, oil and petroleum  
 117.21 terminals, and airports. This subdivision does not apply to training exercises at Camp Ripley.
- 117.22 Subd. 6. **Enforcement.** The commissioner of the Pollution Control Agency must enforce  
 117.23 compliance with this section under sections 115.071 and 116.072. The commissioner must  
 117.24 coordinate with the commissioners of commerce and health in enforcing this section to aid  
 117.25 in the law enforcement process or promote public health. Coordination includes but is not  
 117.26 limited to investigation, enforcement and sharing related data among the agencies in the  
 117.27 course of those processes, and using each agency's investigative and enforcement authorities,  
 117.28 where they are applicable.

169.15 Sec. 132. Laws 2012, chapter 236, section 28, subdivision 2, as amended by Laws 2016,  
169.16 chapter 154, section 9, is amended to read:

169.17 Subd. 2. **Method of sale.** (a) The leaseholder of a leased parcel may purchase at private  
169.18 sale the leased parcel and any other lands allocated to the parcel by the county under  
169.19 subdivision 6 that is offered for sale under this section. The purchase price is the appraised  
169.20 value of the land under subdivision 3 exclusive of improvements on it. To purchase a parcel,  
169.21 a leaseholder must pay in cash to the county an amount equal to the appraised value of the  
169.22 land within 180 days from the date of mailing to or service of notice of appraised value to  
169.23 the leaseholder by the county. The 180-day period runs from the date of mailing of a copy  
169.24 of the appraisal to the leaseholder at the address shown upon the most recent lease agreement  
169.25 between the parties, exclusive of the date of mailing or service. The county may use any  
169.26 alternative method of notice under the Minnesota Rules of Civil Procedure for the service  
169.27 of a summons and complaint.

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

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

170.3 Sec. 133. Laws 2012, chapter 236, section 28, subdivision 9, as amended by Laws 2016,  
170.4 chapter 154, section 11, is amended to read:

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

170.6 Sec. 134. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017,  
170.7 chapter 93, article 2, section 148, is amended to read:

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

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

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

117.29 **EFFECTIVE DATE.** (a) The amendments to subdivision 2, paragraph (a), are effective  
117.30 July 1, 2020.

117.31 (b) The amendments to subdivision 2, paragraph (b), are effective July 1, 2021.

118.1 Sec. 102. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017,  
118.2 chapter 93, article 2, section 148, is amended to read:

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

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

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

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

170.17 (d) The Environmental Quality Board may amend its rules for environmental review,  
170.18 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to  
170.19 take into account the increased activity in the state and concerns over the size of specific  
170.20 operations. The Environmental Quality Board shall consider whether the requirements of  
170.21 Minnesota Statutes, section 116C.991, should remain part of the environmental review  
170.22 requirements for silica sand and whether the requirements should be different for different  
170.23 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section  
170.24 14.125.

170.25 Sec. 135. Laws 2017, chapter 93, article 2, section 155, as amended by Laws 2018, chapter  
170.26 186, section 7, is amended to read:

170.27 Sec. 155. **SAND DUNES STATE FOREST MANAGEMENT.**

170.28 Subdivision 1. **Forest management.** When managing ~~the~~ Sand Dunes State Forest, the  
170.29 commissioner of natural resources must:

171.1 (1) ~~not convert additional land to oak savanna or convert oak savanna to nonforest land~~  
171.2 ~~unless it is done as a result of a contract entered into before the effective date of this section~~  
171.3 ~~not convert land within the forest to nonforest land and shall, to the extent practicable,~~  
171.4 ~~manage the forest to maximize forest cover and forest habitats. Forest stands must consist~~  
171.5 ~~of multiple ages and multiple species to maximize forest health and resiliency;~~

171.6 (2) manage rare features by focusing on species associated with forest habitats, wetlands,  
171.7 and small forest openings;

171.8 ~~(2)~~ (3) require all prairie seeds planted to be from native species of a local ecotype to  
171.9 Sherburne or Benton County; and

171.10 ~~(3)~~ (4) comply with the Minnesota Forest Resources Council's guidelines for aesthetics  
171.11 in residential areas.

171.12 Subd. 2. **Prescribed burns; notification.** At least 40 days before conducting a prescribed  
171.13 burn, the commissioner must:

171.14 (1) publish a notice in a newspaper of general circulation in the area;

171.15 (2) notify the county and township in writing; and

171.16 (3) notify residents within a quarter mile of the prescribed burn in writing.

171.17 Subd. 3. **School trust lands.** Nothing in this section restricts the ability of the  
171.18 commissioner or the school trust lands director from managing school trust lands within  
171.19 ~~the~~ Sand Dunes State Forest for long-term economic return.

171.20 Subd. 4. ~~Township road.~~ If the commissioner of natural resources finds that any portion  
171.21 ~~of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the~~

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

118.12 (d) The Environmental Quality Board may amend its rules for environmental review,  
118.13 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to  
118.14 take into account the increased activity in the state and concerns over the size of specific  
118.15 operations. The Environmental Quality Board shall consider whether the requirements of  
118.16 Minnesota Statutes, section 116C.991, should remain part of the environmental review  
118.17 requirements for silica sand and whether the requirements should be different for different  
118.18 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section  
118.19 14.125.

171.22 ~~commissioner must convey an easement over and across state-owned lands administered~~  
 171.23 ~~by the commissioner to the township under Minnesota Statutes, section 84.63, for the width~~  
 171.24 ~~of 233rd Avenue. Notwithstanding the fee and market value payment requirements in~~  
 171.25 ~~Minnesota Statutes, section 84.63, the commissioner shall convey easements to the township~~  
 171.26 ~~at no cost, for existing roads currently maintained by the township across state-owned land~~  
 171.27 ~~administered by the commissioner, located in Township 34N, Range 27W, Sections 15, 17,~~  
 171.28 ~~20, 29, and 35 of Sherburne County, if the township lacks easements for the roads. In~~  
 171.29 ~~addition, notwithstanding the fee and market value payment requirements in Minnesota~~  
 171.30 ~~Statutes, section 84.63, the commissioner shall convey an easement to the township at no~~  
 171.31 ~~cost for the existing road maintained by the township in the Northeast Quarter of the~~  
 171.32 ~~Southeast Quarter, Section 36, Township 34N, Range 27W, Sherburne County, if the~~  
 172.1 ~~township lacks an easement for such road. The commissioner may make necessary changes~~  
 172.2 ~~to the legal description to correct errors and ensure accuracy.~~

172.3 Subd. 4a. **Annual meetings.** The commissioner of natural resources must hold annual  
 172.4 meetings with local residents, stakeholders, and interested parties, including the school trust  
 172.5 lands director, to discuss upcoming plans for Sand Dunes State Forest. The meetings must  
 172.6 be informative and elicit input on proposed actions, including management options for  
 172.7 school trust lands located within the boundaries of Sand Dunes State Forest.

172.8 Subd. 5. **Sunset.** This section expires two years from the day following final enactment  
 172.9 January 1, 2025.

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

172.11 Sec. 136. **ADDITION TO STATE PARK.**

172.12 **[85.012] [Subd. 23a.] Glendalough State Park, Otter Tail County.**

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

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

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

172.20 Sec. 137. **DELETION FROM STATE PARK.**

172.21 **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area is deleted  
 172.22 from St. Croix State Park, Pine County: that part of the North Half of the Northwest Quarter  
 172.23 of Section 29 and that part of the Northeast Quarter of the Northeast Quarter of Section 30,  
 172.24 Township 41 North, Range 17 West, Pine County, Minnesota, lying north of County Road  
 172.25 48.

172.26 Sec. 138. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC  
 172.27 WATER; CARLTON COUNTY.

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

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

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

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

173.9 Sec. 139. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC  
 173.10 WATER; CASS COUNTY.

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

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

173.16 (c) The land that may be sold is located in Cass County and is described as: Lot 7, Block  
 173.17 1, Dell's Sleepy Hollow, located in Section 22, Township 140 North, Range 29 West.

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

173.22 Sec. 140. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;  
 173.23 HUBBARD COUNTY.

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

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

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

- 174.1 (1) the East 285.00 feet of the West 660.00 feet of Government Lot 4 of Section 27,  
 174.2 Township 141 North, Range 34 West. Including all riparian rights to the contained 2.3 acres,  
 174.3 more or less; and
- 174.4 (2) that part of Government Lot 2 of Section 34, Township 141 North, Range 34 West,  
 174.5 described as follows:
- 174.6 Commencing at the northwest corner of said Government Lot 2; thence South 89 degrees  
 174.7 27 minutes 15 seconds East, bearing assumed, along the north line of said Section 34 a  
 174.8 distance of 375.18 feet to the point of beginning; thence continuing South 89 degrees  
 174.9 27 minutes 15 seconds East along said north line a distance of 285.13 feet; thence South  
 174.10 02 degrees 01 minutes 46 seconds East along a line parallel with and 660.00 feet from  
 174.11 the west line of said Government Lot 2 a distance of 77.98 feet; thence North 88 degrees  
 174.12 14 minutes 48 seconds East a distance of 65.77 feet along a line which if continued  
 174.13 550.00 feet would intersect an angle iron previously used as the northeast corner of said  
 174.14 Government Lot 2; thence South 01 degrees 45 minutes 12 seconds East along a line  
 174.15 parallel with and 550.00 feet west of a previously established survey line a distance of  
 174.16 650.18 feet to the boundary line as established by that certain agreement between Richard  
 174.17 Dusbabek and Jean Dusbabek, husband and wife, and Donald S. Olson and Betty Jane  
 174.18 Olson, husband and wife, and filed for record on May 10, 1982, in the office of the  
 174.19 county recorder in Book 146 of Deeds, page 806; thence South 88 degrees 12 minutes  
 174.20 12 seconds West along said boundary line a distance of 179.39 feet; thence North 12  
 174.21 degrees 07 minutes 46 seconds West a distance of 663.07 feet; thence North 32 degrees  
 174.22 35 minutes 05 seconds West a distance of 101.91 feet to the point of beginning; containing  
 174.23 4.1 acres.
- 174.24 (d) The lands border Big Sand Lake. The Department of Natural Resources has  
 174.25 determined that the lands are not needed for natural resource purposes and that the state's  
 174.26 land management interests would best be served if the lands were conveyed to Hubbard  
 174.27 County.
- 174.28 Sec. 141. **PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**
- 174.29 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
 174.30 other law to the contrary, Itasca County may sell by private sale the tax-forfeited land  
 174.31 described in paragraph (c).
- 174.32 (b) The conveyance must be in a form approved by the attorney general. The attorney  
 174.33 general may make changes to the land description to correct errors and ensure accuracy.
- 175.1 (c) The land to be sold is located in Itasca County and is described as: the East 660 feet  
 175.2 of the West 990 feet of the South 660 feet of the Southwest Quarter of the Southeast Quarter,  
 175.3 Section 7, Township 55 North, Range 24 West.

- 175.4 (d) The county has determined that the county's land management interests would best  
 175.5 be served if the lands were used for a new broadcast tower, transmitter, and transmission  
 175.6 building.
- 175.7 **Sec. 142. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
 175.8 **WATER; KANABEC COUNTY.**
- 175.9 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural  
 175.10 resources may sell by public sale the surplus land bordering public water that is described  
 175.11 in paragraph (c).
- 175.12 (b) The commissioner may make necessary changes to the legal description to correct  
 175.13 errors and ensure accuracy.
- 175.14 (c) The land that may be sold is located in Kanabec County and is described as: that part  
 175.15 of the West 200 feet of the Northwest Quarter of Section 13, Township 42 North, Range  
 175.16 23 West, Kanabec County, Minnesota, lying northerly of the centerline of the Snake River.
- 175.17 (d) The land borders the Snake River and is not contiguous to other state lands. The  
 175.18 Department of Natural Resources has determined that the land is not needed for natural  
 175.19 resource purposes and that the state's land management interests would best be served if  
 175.20 the land was returned to private ownership.
- 175.21 **Sec. 143. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
 175.22 **WATER; OTTER TAIL COUNTY.**
- 175.23 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural  
 175.24 resources may sell by public sale the surplus land bordering public water that is described  
 175.25 in paragraph (c).
- 175.26 (b) The commissioner may make necessary changes to the legal description to correct  
 175.27 errors and ensure accuracy.
- 175.28 (c) The land that may be sold is located in Otter Tail County and is described as:
- 175.29 Lots 25, 26, and 27 in Block 2 of Jackson and Mckee's Addition, according to the plat  
 175.30 thereof, on file and of record in the Office of the Recorder, Otter Tail County, Minnesota,  
 175.31 less and except that part of said Lot 27 in Block 2 of Jackson and Mckee's Addition, Otter  
 176.1 Tail County, Minnesota, South of the line between Government Lots 2 and 3, Section 14,  
 176.2 Township 136, Range 38.
- 176.3 (d) The land borders Big Pine Lake and is not contiguous to other state lands. The  
 176.4 Department of Natural Resources has determined that the land is not needed for natural  
 176.5 resource purposes and that the state's land management interests would best be served if  
 176.6 the land was returned to private ownership.
- 176.7 **Sec. 144. CONVEYANCE OF STATE LAND; STEARNS COUNTY.**

- 176.8 (a) Notwithstanding Minnesota Statutes, section 222.63, or any other law to the contrary,  
 176.9 the commissioner of transportation may convey and quitclaim to a private party all right,  
 176.10 title, and interest of the state of Minnesota, in the land described in paragraph (e).
- 176.11 (b) The conveyance may take place only upon conditions determined by the commissioner  
 176.12 or transportation and is not subject to restrictions on disposition, sale, lease, or otherwise  
 176.13 contained in Minnesota Statutes, section 222.63.
- 176.14 (c) The consideration for a conveyance made under this section shall be the fair market  
 176.15 value of the land conveyed hereunder. Proceeds from the sale of real estate or buildings  
 176.16 under this section shall be deposited in the rail bank maintenance account established in  
 176.17 Minnesota Statutes, section 222.63, subdivision 8.
- 176.18 (d) The conveyance may reduce the width of the rail bank corridor to less than 100 feet,  
 176.19 provided the conveyance does not reduce the width of the rail bank corridor to less than ten  
 176.20 feet.
- 176.21 (e) The land to be conveyed is located in Stearns County and is described as:
- 176.22 That part of Tract A described below:
- 176.23 Tract A. Outlot "A," Railroad Ridge, according to the plat thereof on file and of record in  
 176.24 the Office of the County Recorder in and for Stearns County, Minnesota; which lies northerly  
 176.25 of a line run parallel with and distant 33 feet southerly of the northerly line of said Outlot  
 176.26 "A" and westerly of the southerly extension of westerly right of way line of 5th Street as  
 176.27 shown on said Railroad Ridge; together with that part of Tract A, herein before described,  
 176.28 adjoining and southerly of the above described strip which lies northerly of a line run parallel  
 176.29 with and distant 40 feet southerly of the northerly line of said Outlot "A" and westerly of  
 176.30 the following described line: beginning at a point on the southerly line of said Outlot "A,"  
 176.31 distant 436.36 feet easterly of the southwest corner thereof; thence northerly at right angles  
 176.32 from said southerly line for 50 feet and there terminating; containing 29,925 square feet,  
 176.33 more or less.
- 177.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 177.2 Sec. 145. **LEASE; TAX-FORFEITED LAND; ST. LOUIS COUNTY.**
- 177.3 (a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,  
 177.4 St. Louis County may enter into a lease for the tax-forfeited lands described in paragraph  
 177.5 (b) for consideration of more than \$12,000 per year.
- 177.6 (b) The lands to be leased are located in St. Louis County and are described as:
- 177.7 (1) a 10.0-acre site in the Southeast Quarter, Section 15, Township 56 North, Range 17  
 177.8 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet  
 177.9 on either side of the centerline in the Southeast Quarter, Section 15, and in the Southwest

- 177.10 Quarter, Section 14, Township 56 North, Range 17 West, to be used for an access road to  
 177.11 the tower site; and
- 177.12 (2) a 10.0-acre site in the West Half, Section 32, Township 60 North, Range 21 West,  
 177.13 to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on  
 177.14 either side of the centerline in the West Half, Section 32, Township 60 North, Range 21  
 177.15 West, to be used for an access road to the tower site.
- 177.16 **Sec. 146. ACCESS TO TIMBER ON TAX-FORFEITED LAND; ST. LOUIS**  
 177.17 **COUNTY.**
- 177.18 (a) Notwithstanding Minnesota Statutes, section 160.83, or other law to the contrary,  
 177.19 St. Louis County or its agents or assigns may operate vehicles used for timber harvesting  
 177.20 and hauling or for transporting equipment and appurtenances incidental to timber harvesting,  
 177.21 gravel, and other road-building materials for timber haul roads on designated rustic roads  
 177.22 to access tax-forfeited lands for sustainable forest management.
- 177.23 (b) The tax-forfeited lands to be accessed are located in St. Louis County in Sections  
 177.24 26, 27, and 35, Township 53 North, Range 12 West.
- 177.25 (c) The rustic roads used for forest management must be immediately repaired if damaged  
 177.26 and must be maintained in their preharvest condition.
- 177.27 (d) The county has determined that the county's sustainable forest management  
 177.28 responsibilities would best be served by using existing public roads to access tax-forfeited  
 177.29 land rather than building new roads.
- 178.1 **Sec. 147. PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**
- 178.2 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
 178.3 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands  
 178.4 described in paragraph (c).
- 178.5 (b) The conveyances must be in a form approved by the attorney general. The attorney  
 178.6 general may make changes to the land descriptions to correct errors and ensure accuracy.
- 178.7 (c) The lands to be sold are located in St. Louis County and are described as:
- 178.8 (1) that part of the Southwest Quarter of the Southwest Quarter lying North of Norton  
 178.9 Road and West of Howard Gnesen Road, except the easterly 95 feet of the westerly 890  
 178.10 feet and except the westerly 300 feet, Section 3, Township 50, Range 14 (parcel identification  
 178.11 number 010-2710-00549);
- 178.12 (2) Lot 5, except the northerly three feet and except the southerly ten feet, West Duluth  
 178.13 Fifth Division, Section 7, Township 49, Range 14 (parcel identification number  
 178.14 010-4510-06740);
- 178.15 (3) the Southeast Quarter of the Northeast Quarter, except 4.24 acres for the highway  
 178.16 and except the part platted as Clayton Acres and except the highway right-of-way and except

- 178.17 6.44 acres of the adjacent plat and except the part North of Highway 169, Section 28,  
 178.18 Township 57, Range 21 (parcel identification number 141-0050-05470);
- 178.19 (4) that part of the West 420 feet of the Southeast Quarter of the Northwest Quarter lying  
 178.20 South of the northerly line of Government Lot 6, except that part beginning at the southwest  
 178.21 corner; thence easterly along the southerly boundary 420 feet to a point; thence northerly  
 178.22 and parallel with the westerly boundary of said Southeast Quarter of the Northwest Quarter  
 178.23 177.95 feet to a point; thence North 67 degrees 38 minutes 35 seconds West to a point on  
 178.24 the westerly boundary of said Southeast Quarter of the Northwest Quarter; thence southerly  
 178.25 along said westerly boundary approximately 364.12 feet to the point of beginning, Section  
 178.26 26, Township 57, Range 18 (parcel identification number 295-0017-00326);
- 178.27 (5) the South Half of the Northwest Quarter, Section 15, Township 56, Range 18 (parcel  
 178.28 identification number 435-0010-02590);
- 178.29 (6) part of the East 400 feet of the Southeast Quarter, Section 14, Township 63, Range  
 178.30 12 (part of parcel identification number 465-0020-01965);
- 178.31 (7) part of the Northeast Quarter of the Southwest Quarter, Lots 2 and 3, Section 20,  
 178.32 Township 54, Range 13 (part of parcel identification number 620-0010-03130); and
- 179.1 (8) Lots 2, 3, 4, and 5, inclusive auditor's plat of Chandler Addition to Ely, Section 28,  
 179.2 Township 63, Range 12 (parcel identification number 030-0030-03530).
- 179.3 (d) The county has determined that the county's land management interests would best  
 179.4 be served if the lands were returned to private ownership.
- 179.5 **Sec. 148. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
 179.6 **WATER; WABASHA COUNTY.**
- 179.7 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural  
 179.8 resources may sell by public sale the surplus land bordering public water that is described  
 179.9 in paragraph (c).
- 179.10 (b) The commissioner may make necessary changes to the legal description to correct  
 179.11 errors and ensure accuracy.
- 179.12 (c) The land that may be sold is located in Wabasha County and is described as: Lot 4,  
 179.13 Section 8, Township 109, Range 12, lying and being in the county of Wabasha, State of  
 179.14 Minnesota.
- 179.15 (d) The land borders the Zumbro River and is not contiguous to other state lands. The  
 179.16 Department of Natural Resources has determined that the land is not needed for natural  
 179.17 resource purposes and that the state's land management interests would best be served if  
 179.18 the land was returned to private ownership.

179.19 Sec. 149. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC  
 179.20 WATER; YELLOW MEDICINE COUNTY.

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

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

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

179.30 Beginning at the southwest corner of said Government Lot 1; thence on an assumed  
 179.31 bearing of North 01 degrees 09 minutes 07 seconds West along the west line of said  
 180.1 Government Lot 1 a distance of 33.00 feet; thence North 89 degrees 42 minutes 02  
 180.2 seconds East parallel with the south line of said Government Lot 1 a distance of 150.00  
 180.3 feet; thence North 00 degrees 17 minutes 58 seconds West 267.00 feet; thence North 89  
 180.4 degrees 42 minutes 02 seconds East 754 feet more or less, to the water's edge of Spellman  
 180.5 Lake; thence southwesterly along said water's edge 760 feet, more or less, to the south  
 180.6 line of said Government Lot 1; thence South 89 degrees 42 minutes 02 seconds West  
 180.7 along the south line of said Government Lot 1 a distance of 288 feet, more or less, to  
 180.8 the point of beginning; including all riparian rights to the contained 4.1 acres, more or  
 180.9 less.

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

180.14 Sec. 150. APPLICATION OF STORM WATER RULES TO TOWNSHIPS.

180.15 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part  
 180.16 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of a city, town, and  
 180.17 unorganized areas of counties that are designated as urbanized under Code of Federal  
 180.18 Regulations, title 40, section 122.26(2)(9)(i)(A), and other platted areas within that  
 180.19 jurisdiction.

180.20 Sec. 151. REINVEST IN FISH HATCHERIES CITIZEN-LEGISLATIVE  
 180.21 ADVISORY GROUP.

180.22 Subdivision 1. Advisory group established; duties. (a) A 12-member Reinvest in Fish  
 180.23 Hatcheries Citizen-Legislative Advisory Group is created to study the status of Minnesota's

- 180.24 fish hatchery system, the commissioner of natural resources' programs on stocking walleye  
 180.25 and other fish, and natural fish reproduction.
- 180.26 (b) The advisory group must study the public priorities and life cycle of Minnesota's  
 180.27 fish hatchery system and a cost-benefit analysis, consider issues of accountability and  
 180.28 transparency, and examine reviews and analyses of:
- 180.29 (1) the economics of Minnesota's fish- and angling-related activities and the tax revenue  
 180.30 to the state's general fund;
- 180.31 (2) any Department of Natural Resources surveys and polling of Minnesota angler  
 180.32 priorities;
- 181.1 (3) past and present fisheries long-range plans, legislative auditor reports, and other  
 181.2 fisheries plans; and
- 181.3 (4) the status of the following proposed, closed, and currently operating Minnesota fish  
 181.4 hatchery systems: Lanesboro, Crystal Springs, Bemidji, Brainerd, Detroit Lakes, French  
 181.5 River, Glenwood, Grand Rapids, New London, Park Rapids, Peterson, Pike River, Spire  
 181.6 Valley, St. Paul, Walker Lake, and Waterville.
- 181.7 (c) The advisory group must prepare a plan and select fish hatchery sites for on-site  
 181.8 visits and reviews.
- 181.9 (d) The advisory group must implement an action plan, develop priorities for fish  
 181.10 hatcheries, and review and recommend priorities of species for fish stocking to maximize  
 181.11 statewide opportunities for angling.
- 181.12 (e) The advisory group must study alternatives to current fish hatchery stocking, including  
 181.13 private-sector stocking vendors.
- 181.14 Subd. 2. **Consultation required.** (a) The advisory group must consult with advisory  
 181.15 committees of the commissioner of natural resources, game and fish oversight committees,  
 181.16 and fishery-related interests, including but not limited to counties, lake associations, small  
 181.17 businesses, resort owners, guides, and other industry-related interests.
- 181.18 (b) In developing recommendations, the advisory group must consult with the  
 181.19 commissioner of natural resources, experts in managing a fishery, and affected stakeholders.
- 181.20 Subd. 3. **Membership; appointments.** (a) The Reinvest in Fish Hatcheries  
 181.21 Citizen-Legislative Advisory Group has the following 12 members:
- 181.22 (1) the chair of the house of representatives Environment and Natural Resources Finance  
 181.23 Division or a designee; a minority member of the Environment and Natural Resources  
 181.24 Finance Division appointed by the minority leader of the house of representatives; two  
 181.25 public members appointed by the speaker of the house; and two public members appointed  
 181.26 by the minority leader of the house of representatives; and

181.27 (2) the chair of the senate Environment and Natural Resources Finance Committee or a  
 181.28 designee; a minority member of the Environment and Natural Resources Finance Committee  
 181.29 appointed by the minority leader of the senate; two public members appointed by the majority  
 181.30 leader of the senate; and two public members appointed by the minority leader of the senate.

181.31 (b) Appointments to the advisory group must be made by November 1, 2019. If a vacancy  
 181.32 occurs, the leader of the caucus in the body that appointed the vacating member or to which  
 181.33 the member belonged must fill the vacancy.

182.1 Subd. 4. **Meetings; staff assistance.** (a) The chair of the senate committee with  
 182.2 jurisdiction over environment and natural resources finance must convene the first meeting  
 182.3 of the Reinvest in Fish Hatcheries Citizen-Legislative Advisory Group by December 15,  
 182.4 2019. The advisory group must elect cochairs, one who is a legislator and one who is a  
 182.5 public member, from among the members at the first meeting. The authority to convene  
 182.6 meetings shall alternate between the cochairs after each meeting. The Reinvest in Fish  
 182.7 Hatcheries Citizen-Legislative Advisory Group must meet periodically.

182.8 (b) The Legislative Coordinating Commission must provide technical and administrative  
 182.9 assistance to the advisory group upon request.

182.10 Subd. 5. **Compensation and expense reimbursement.** Public members of the advisory  
 182.11 group shall be compensated and reimbursed for expenses as provided in Minnesota Statutes,  
 182.12 section 15.059, subdivision 3.

182.13 Subd. 6. **Open meetings.** Meetings of the advisory group are subject to Minnesota  
 182.14 Statutes, section 3.055.

182.15 Subd. 7. **Report to legislature.** The Reinvest in Fish Hatcheries Citizen-Legislative  
 182.16 Advisory Group must submit a report to the chairs and ranking minority members of the  
 182.17 legislative committees with jurisdiction over environment and natural resources policy and  
 182.18 finance no later than January 31, 2021, describing its work and recommendations. The  
 182.19 advisory group is encouraged to identify and include in the report any draft legislation,  
 182.20 including statutory changes and appropriations from any fund, needed to implement the  
 182.21 advisory group's recommendations.

182.22 Subd. 8. **Expiration.** This section expires June 30, 2021.

182.23 Sec. 152. **NO NEW ANTLER POINT RESTRICTIONS.**

182.24 The commissioner of natural resources may not impose an antler point restriction, other  
 182.25 than that imposed by the definition of a "legal buck" in Minnesota Rules, part 6232.0200,  
 182.26 subpart 6, unless the legislature approves the antler point restriction.

182.27 Sec. 153. **REDUCING APPROPRIATIONS FOR UNFILLED POSITIONS.**

182.28 Subdivision 1. **Reduction required.** The commissioner of management and budget must  
 182.29 reduce general fund and nongeneral fund appropriations to the Department of Natural  
 182.30 Resources, the Pollution Control Agency, and the Board of Water and Soil Resources for

182.31 agency operations for the biennium ending June 30, 2021, for salary and benefits savings  
 182.32 that result from any positions that have not been filled within 180 days of the posting of the  
 183.1 position. This section applies only to positions that are posted in fiscal years 2019, 2020,  
 183.2 and 2021. Reductions made under this section must be reflected as reductions in agency  
 183.3 base budgets for fiscal years 2022 and 2023. This section does not apply to seasonal  
 183.4 employees and any positions that require law enforcement training.

183.5 Subd. 2. **Reporting.** The commissioner of management and budget must report to the  
 183.6 chairs and ranking minority members of the senate and the house of representatives  
 183.7 environment finance committees regarding the amount of reductions in spending by each  
 183.8 agency under this section.

183.9 Sec. 154. **WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE**  
 183.10 **PROGRAM.**

183.11 The Board of Water and Soil Resources, in cooperation with the United States Army  
 183.12 Corps of Engineers, may complete the planning frameworks and other program application  
 183.13 requirements necessary for federal approval of an in-lieu fee program, as authorized under  
 183.14 Minnesota Statutes, section 103G.2242, in the Red River basin and the greater than 80  
 183.15 percent area. The planning frameworks must contain a prioritization strategy for selecting  
 183.16 and implementing mitigation activities based on a watershed approach that includes  
 183.17 consideration of historic resource loss within watersheds and the extent to which mitigation  
 183.18 can address priority watershed needs. The board must consider the recommendations of the  
 183.19 report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and  
 183.20 implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in  
 183.21 developing proposed planning frameworks for applicable watersheds. When completing  
 183.22 the work and pursuing approval of an in-lieu fee program, the board must do so consistent  
 183.23 with the applicable requirements, stakeholder and agency review processes, and approval  
 183.24 time frames in Code of Federal Regulations, title 33, part 332. Upon receiving federal  
 183.25 approval, the board must submit any completed planning frameworks to the chairs and  
 183.26 ranking minority members of the house of representatives and senate committees and  
 183.27 divisions with jurisdiction over environment and natural resources.

183.28 Sec. 155. **FIRST APPOINTMENTS AND FIRST MEETING FOR THE WILD RICE**  
 183.29 **STEWARDSHIP COUNCIL.**

183.30 Appointing authorities must make appointments to the Wild Rice Stewardship Council  
 183.31 under Minnesota Statutes, section 84.1511, by September 1, 2019. The commissioner of  
 183.32 natural resources shall convene the first meeting by October 15, 2019. The council shall  
 183.33 select a chair at the first meeting.

184.1 Sec. 156. **HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

184.2 (a) The commissioner of natural resources must operate the Hill-Annex Mine State Park  
 184.3 for the purposes it was established through June 30, 2021, and must during that time maintain  
 184.4 at fiscal year 2016 levels, the level of service and hours of operation at the park. The

184.5 commissioner must work with the group established under Laws 2017, chapter 93, article  
 184.6 2, section 156, to review park activities and the alternate operating model developed and  
 184.7 identify options for sustainable and viable operation of the park site. The commissioner  
 184.8 must submit recommendations to the chairs and ranking minority members of the house of  
 184.9 representatives and senate committees and divisions with jurisdiction over the environment  
 184.10 and natural resources by January 15, 2021.

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

184.15 **Sec. 157. AGGREGATE RECLAMATION GUIDANCE.**

184.16 The commissioner of natural resources shall update the Department of Natural Resources  
 184.17 aggregate reclamation handbook as recommended by the Aggregate Resources Task Force  
 184.18 Final Report dated January 15, 2018.

184.19 **Sec. 158. SOLAR GENERATION ON CLOSED LANDFILL PROPERTIES; STUDY.**

184.20 (a) The Environmental Quality Board may contract with one or more independent  
 184.21 consultants to conduct a study on the feasibility of locating solar photovoltaic devices on  
 184.22 land that is enrolled in the Pollution Control Agency's closed landfill program established  
 184.23 under Minnesota Statutes, section 115B.39 to 115B.445. The board, in collaboration with  
 184.24 the Pollution Control Agency and the consultants, must create a subset of approximately  
 184.25 two dozen closed landfill project sites displaying a variety of relevant legal and physical  
 184.26 characteristics to be analyzed. For each site, the study must:

184.27 (1) examine the legal status of the site and any constraints that may prohibit or limit the  
 184.28 installation of privately owned solar photovoltaic devices on the site as a result of law or  
 184.29 the use of specific funding mechanisms to acquire or remediate the properties, including:

184.30 (i) general obligation bonds;

184.31 (ii) revenue from the remediation fund established in Minnesota Statutes, section 116.155;

184.32 and

185.1 (iii) settlements from landfill-related insurance coverage;

185.2 (2) assess any other tax or financial barriers to the installation of solar photovoltaic  
 185.3 devices on closed landfill properties;

185.4 (3) develop and evaluate strategies to overcome any barriers to the installation of solar  
 185.5 photovoltaic devices identified in clauses (1) and (2);

- 185.6 (4) evaluate the extent to which the physical characteristics of the landfill and the  
 185.7 contained waste may restrict the siting of solar photovoltaic devices and associated  
 185.8 equipment;
- 185.9 (5) assess the potential and logistics for solar energy generation, including but not limited  
 185.10 to:
- 185.11 (i) solar insolation potential;
- 185.12 (ii) proximity to substations; and
- 185.13 (iii) proximity of the electricity generated to potential consumers, including public  
 185.14 agencies, low-income communities, and areas where environmental justice concerns are  
 185.15 present;
- 185.16 (6) describe the regulatory processes of local units of government that must issue  
 185.17 approvals and permits for the project, in order to develop a successful strategy to obtain  
 185.18 local approvals and permits; and
- 185.19 (7) develop a cost-benefit analysis of installing solar photovoltaic devices whose  
 185.20 generated electricity is to be consumed by the adjacent community.
- 185.21 (b) By January 15, 2021, the Environmental Quality Board must submit the study  
 185.22 containing findings and recommendations for subsequent action to the chairs and ranking  
 185.23 minority members of the senate and house of representatives committees with primary  
 185.24 jurisdiction over energy policy and finance.
- 185.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 185.26 **Sec. 159. GRANT PROGRAM; FIREARMS SAFETY, ARCHERY, HUNTING,**  
 185.27 **AND ANGLING IN SCHOOL PHYSICAL EDUCATION COURSES.**
- 185.28 Subdivision 1. Program. (a) The commissioner of natural resources must create a grant  
 185.29 program to increase firearms safety, trap shooting, archery, hunting, and angling activities  
 185.30 in physical education courses in Minnesota school districts. A school must ensure that  
 186.1 activities funded under the program are consistent with required state standards for physical  
 186.2 education.
- 186.3 (b) In developing the program, the commissioner must consult with members from each  
 186.4 of the following groups: Leech Lake Band, Minnesota Chippewa Tribe; Red Lake Band of  
 186.5 Chippewa Indians; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation;  
 186.6 Shakopee Mdewakanton Sioux Indian Reservation; and Upper Sioux Indian Reservation.  
 186.7 As practicable, the commissioner must incorporate recommendations from these groups in  
 186.8 the grant program design.

186.9 Subd. 2. **Eligibility.** (a) A school district or American Indian-controlled tribal contract  
 186.10 or grant school may apply to the commissioner of natural resources to participate in the  
 186.11 program in the form and manner determined by the commissioner.

186.12 (b) The commissioner must seek geographic balance among schools selected for  
 186.13 participation.

186.14 Subd. 3. **Report.** No later than January 15, 2021, the commissioner must report on  
 186.15 program outcomes to the chairs and ranking minority members of the house of representatives  
 186.16 and senate committees with jurisdiction over education and natural resources policy and  
 186.17 finance. The report must be in writing.

186.18 Sec. 160. **GRANTS FOR HIGH-SCHOOL FISHING LEAGUES; BASIC ANGLING**  
 186.19 **CURRICULUM.**

186.20 Subdivision 1. **Grant program; high-school fishing leagues.** The commissioner of  
 186.21 natural resources must establish and administer a program to provide grants to nonprofit  
 186.22 organizations operating fishing leagues for high schools to develop, expand, and increase  
 186.23 youth participation in fishing leagues for high schools.

186.24 Subd. 2. **Developing basic angling curriculum.** The commissioner of natural resources  
 186.25 must develop a basic angling curriculum that includes basic fishing techniques and  
 186.26 information about aquatic invasive species, tournament etiquette, conservation, water safety,  
 186.27 and related matters. The commissioner must make the basic angling curriculum available  
 186.28 without cost to nonprofit organizations operating fishing leagues for high schools.

186.29 Sec. 161. **STAMP DESIGN; RULE AMENDMENT.**

186.30 The commissioner of natural resources shall amend Minnesota Rules, part 6290.0400,  
 186.31 subpart 3, to:

186.32 (1) allow a contest entry to be created using nonphotographic digital media; and

187.1 (2) require a person submitting a contest entry to list all media used in the creation of  
 187.2 the entry.

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

118.20 Sec. 103. **LAKE DESIGNATION; CITY OF THE FIRST CLASS.**

118.21 Any lake located in a city of the first class that (1) has an area of at least 375 acres but  
 118.22 less than 500 acres, and (2) is included as part of the Grand Rounds National Scenic Byway  
 118.23 is named and designated Bde Maka Ska.

118.24 Sec. 104. **STAMP DESIGN; RULE AMENDMENT.**

118.25 (a) The commissioner of natural resources shall amend Minnesota Rules, part 6290.0400,  
 118.26 subpart 3, to:

118.27 (1) allow a contest entry to be created using nonphotographic digital media; and

118.28 (2) require a person submitting a contest entry to list all media used in the creation of  
 118.29 the entry.

118.30 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 118.31 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 119.1 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section  
 119.2 14.388.

187.4 **Sec. 162. WRIGHT REGIONAL WATER-RELATED EQUIPMENT INSPECTION**  
 187.5 **PROGRAM.**

187.6 By July 1, 2019, the Department of Natural Resources shall approve the expansion of  
 187.7 the Wright County regional inspection pilot program to include nine lakes.

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

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

119.4 Sec. 105. **TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.**

119.5 The commissioner of natural resources must not renew or transfer a turtle seller's license  
 119.6 after the effective date of this section.

119.7 Sec. 106. **CHRONIC WASTING DISEASE ADOPT-A-DUMPSTER PROGRAM;**  
 119.8 **DEER CARCASS HANDLING GUIDELINES.**

119.9 (a) The commissioner of natural resources must establish a chronic wasting disease  
 119.10 adopt-a-dumpster program to provide dumpsters dedicated to disposing of deer carcasses  
 119.11 in areas where chronic wasting disease has been detected. The commissioner must work  
 119.12 with solid waste haulers and other interested parties and encourage volunteer support to  
 119.13 ensure the dumpsters are located at convenient locations with appropriate signage, lined,  
 119.14 and maintained. The commissioner must ensure the carcasses collected are properly disposed  
 119.15 of to minimize the spread of chronic wasting disease.

119.16 (b) The commissioner of natural resources, in consultation with the commissioners of  
 119.17 health and the Pollution Control Agency, must develop guidelines to prevent the spread of  
 119.18 chronic wasting disease and protect public health that take into consideration infectious  
 119.19 waste as defined under Minnesota Statutes, section 116.76, subdivision 12:

119.20 (1) for hunters for handling deer in the field and transporting and disposing of carcasses;

119.21 (2) for solid waste facilities and solid waste haulers for proper handling, transportation,  
 119.22 and disposal of deer carcasses; and

119.23 (3) for taxidermists and meat processors for proper handling, processing, and disposal  
 119.24 of deer carcasses.

119.25 (c) By January 15, 2020, the commissioner of natural resources must submit a report to  
 119.26 the chairs and ranking minority members of the house of representatives and senate  
 119.27 committees and divisions with jurisdiction over environment and natural resources with the  
 119.28 results of the program developed under paragraph (a) and the guidelines developed under  
 119.29 paragraph (b).

187.9 Sec. 163. **REVISOR INSTRUCTION.**

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

187.12 Sec. 164. **REVISOR INSTRUCTION.**

187.13 The revisor of statutes must change the reference in Minnesota Statutes, section 446A.073,  
 187.14 subdivision 1, from "section 115.03, subdivision 1, paragraph (e), clause (8)" to "section  
 187.15 115.03, subdivision 1, paragraph (a), clause (5), item (viii)" and in Minnesota Statutes,  
 187.16 section 446A.073, subdivision 2, from "section 115.03, subdivision 1, paragraph (f)" to  
 187.17 "section 115.03, subdivision 1, paragraph (a), clause (6)."

187.18 Sec. 165. **REPEALER.**

187.19 (a) Minnesota Statutes 2018, section 92.121, is repealed.

187.20 (b) Minnesota Rules, part 6232.0350, is repealed.

120.1 Sec. 107. **NAMING OF STATE PARK FACILITIES AFTER WALTER F.**  
 120.2 **MONDALE.**

120.3 Subdivision 1. **Wild River State Park; visitor center.** The visitor center at Wild River  
 120.4 State Park is designated as the Walter F. Mondale Visitor Center.

120.5 Subd. 2. **St. Croix State Park; visitor center.** The visitor center at St. Croix State Park  
 120.6 is designated as the Walter F. Mondale Visitor Center.

120.7 Subd. 3. **Interstate State Park; scenic overlook and trail.** The scenic overlook and  
 120.8 trail at Interstate State Park is designated as the Walter F. Mondale Scenic Overlook and  
 120.9 Trail.

120.10 Subd. 4. **William O'Brien State Park; day use area.** The day use area at William  
 120.11 O'Brien State Park, currently referred to as the Lake Alice Day Use Area, is designated as  
 120.12 the Walter F. Mondale Day Use Area.

120.13 Sec. 108. **REVISOR INSTRUCTION.**

120.14 (a) The revisor must assign the priority order for the metropolitan landfill contingency  
 120.15 action trust account established in section 3 to follow any amendment to Minnesota Statutes,  
 120.16 section 16A.152, subdivision 2, for special education aid enacted during the 2019 legislative  
 120.17 session.

120.18 (b) The revisor of statutes must change the reference in Minnesota Statutes, sections  
 120.19 127A.30, subdivision 2, and 287.22, from "section 92.121" to "section 92.122."

120.20 Sec. 109. **REPEALER.**

120.21 (a) Minnesota Statutes 2018, sections 92.121; and 97C.605, subdivisions 2, 2a, 2b, and  
 120.22 5, are repealed.

120.23 (b) Laws 2015, First Special Session chapter 4, article 4, section 149, is repealed.

120.24 (c) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.