



2.1	<u>Subd. 2. Resource Management</u>	<u>-0-</u>	<u>-0-</u>
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2.2 (a) \$300,000 the second year is a reduction  
 2.3 from the general fund for competitive  
 2.4 recycling grants under Minnesota Statutes,  
 2.5 section 115A.565. This is a onetime reduction.

2.6 (b) \$300,000 the second year is from the  
 2.7 environmental fund for competitive recycling  
 2.8 grants under Minnesota Statutes, section  
 2.9 115A.565. This is a onetime appropriation.

2.10	<u>Subd. 3. Watershed</u>	<u>-0-</u>	<u>300,000</u>
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2.11 \$300,000 the second year is from the  
 2.12 environmental fund for a grant to the  
 2.13 Minnesota Association of County Feedlot  
 2.14 Officers to develop, in coordination with the  
 2.15 Pollution Control Agency and the University  
 2.16 of Minnesota Extension program, an online  
 2.17 training curriculum related to animal feedlot  
 2.18 requirements under Minnesota Rules, chapter  
 2.19 7020. The curriculum must be developed to:

2.20 (1) provide base-level knowledge to new and  
 2.21 existing county feedlot pollution control  
 2.22 officers on feedlot registration, permitting,  
 2.23 compliance, enforcement, and program  
 2.24 administration;

2.25 (2) provide assistance to new and existing  
 2.26 county feedlot pollution control officers for  
 2.27 working efficiently and effectively with  
 2.28 producers; and

2.29 (3) reduce the incidence of manure or nutrients  
 2.30 entering surface water or groundwater.

2.31 This is a onetime appropriation and is  
 2.32 available until June 30, 2020.

2.33 Sec. 3. NATURAL RESOURCES.

3.1	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$</u></b>	<b><u>4,434,000</u></b>
3.2	<u>Appropriations by Fund</u>				
3.3		<u>2018</u>		<u>2019</u>	
3.4	<u>General</u>	<u>-0-</u>		<u>275,000</u>	
3.5	<u>Natural Resources</u>	<u>-0-</u>		<u>2,905,000</u>	
3.6	<u>Game and Fish</u>	<u>-0-</u>		<u>1,254,000</u>	
3.7	<b><u>Subd. 2. Lands and Minerals Management</u></b>		<u>-0-</u>		<u>654,000</u>
3.8	<u>(a) \$335,000 the second year is for aggregate</u>				
3.9	<u>mapping. This is a onetime appropriation and</u>				
3.10	<u>is available until June 30, 2020.</u>				
3.11	<u>(b) \$319,000 the second year is from the</u>				
3.12	<u>mineral management account in the natural</u>				
3.13	<u>resources fund for environmental research</u>				
3.14	<u>relating to mine permitting, in consultation</u>				
3.15	<u>with the Mineral Coordinating Committee.</u>				
3.16	<b><u>Subd. 3. Ecological and Water Resources</u></b>		<u>-0-</u>		<u>1,025,000</u>
3.17	<u>(a) \$425,000 the second year is for grants to</u>				
3.18	<u>lake associations to manage aquatic invasive</u>				
3.19	<u>species, including grants for projects to control</u>				
3.20	<u>and provide public awareness of aquatic</u>				
3.21	<u>invasive species and for watercraft inspections</u>				
3.22	<u>in partnership with local units of government.</u>				
3.23	<u>This is a onetime appropriation.</u>				
3.24	<u>(b) \$100,000 the second year is from the</u>				
3.25	<u>heritage enhancement account in the game and</u>				
3.26	<u>fish fund for a grant to the Board of Regents</u>				
3.27	<u>of the University of Minnesota to conduct a</u>				
3.28	<u>statewide survey and analysis of Minnesotans'</u>				
3.29	<u>attitude toward fish stocking. The survey must</u>				
3.30	<u>include a representative sample of</u>				
3.31	<u>Minnesotans from all regions of the state and</u>				
3.32	<u>must examine Minnesotans' attitudes toward</u>				
3.33	<u>the stocking of each fish species that is or has</u>				
3.34	<u>been stocked by the Department of Natural</u>				

4.1 Resources. The Board of Regents must report  
4.2 the results of the survey and analysis to the  
4.3 chairs and ranking minority members of the  
4.4 legislative committees with jurisdiction over  
4.5 environment and natural resources finance no  
4.6 later than March 1, 2020. The report must  
4.7 include data about the amount spent on  
4.8 stocking each fish species. This is a onetime  
4.9 appropriation.

4.10 (c) \$500,000 the second year is appropriated  
4.11 from the heritage enhancement account in the  
4.12 game and fish fund to the commissioner of  
4.13 natural resources for wild rice protection,  
4.14 restoration, and enhancement. Of this amount,  
4.15 up to \$50,000 may be spent to prepare a report  
4.16 on the actions necessary to protect, restore,  
4.17 and enhance the naturally occurring wild rice  
4.18 in public waters of Minnesota. Any remaining  
4.19 money may be spent to carry out the  
4.20 recommended actions outlined in the report  
4.21 to protect, restore, and enhance the naturally  
4.22 occurring wild rice in the public waters of  
4.23 Minnesota. This is a onetime appropriation  
4.24 and is available until June 30, 2020. The  
4.25 commissioner of natural resources must submit  
4.26 a report to the state's tribal governments and  
4.27 the chairs and ranking minority members of  
4.28 the house of representatives and senate  
4.29 committees and divisions with jurisdiction  
4.30 over the environment and natural resources  
4.31 by January 15, 2019, that:

4.32 (1) includes tailored restoration activities to  
4.33 improve natural wild rice health in priority  
4.34 wild rice water bodies and to monitor the

5.1 effectiveness of restoration and protection  
 5.2 activities;  
 5.3 (2) increases intensive natural wild-rice lake  
 5.4 management efforts and accelerates the  
 5.5 restoration of wild rice stands within its  
 5.6 historic range;  
 5.7 (3) identifies areas in which to implement the  
 5.8 best management practices; and  
 5.9 (4) provides recommendations for the creation  
 5.10 of a long-term wild rice work group, including  
 5.11 membership structure, to advise the  
 5.12 commissioner on natural wild rice  
 5.13 management.

5.14 **Subd. 4. Forest Management** -0-                      -0-

5.15 (a) \$1,131,000 the second year is a reduction  
 5.16 to the general fund for the Next Generation  
 5.17 Core Forestry data system. This is a onetime  
 5.18 reduction.

5.19 (b) \$1,131,000 the second year is from the  
 5.20 forest management investment account in the  
 5.21 natural resources fund for the Next Generation  
 5.22 Core Forestry data system. This is a onetime  
 5.23 appropriation and is available until June 30,  
 5.24 2021.

5.25 **Subd. 5. Parks and Trails Management** -0-                      1,415,000

5.26 (a) \$100,000 the second year is from the  
 5.27 all-terrain vehicle account in the natural  
 5.28 resources fund for a grant to the city of  
 5.29 Virginia to develop, in cooperation with the  
 5.30 Quad Cities ATV Club, an all-terrain vehicle  
 5.31 trail system in the cities of Virginia, Eveleth,  
 5.32 Gilbert, and Mountain Iron and surrounding  
 5.33 areas. This is a onetime appropriation and is  
 5.34 available until June 30, 2021.

6.1 (b) \$200,000 the second year is from the  
6.2 off-road vehicle account in the natural  
6.3 resources fund for a contract with a project  
6.4 administrator to assist the commissioner in  
6.5 planning, designing, and providing a system  
6.6 of state touring routes for off-road vehicles by  
6.7 identifying sustainable, legal routes suitable  
6.8 for licensed four-wheel drive vehicles and a  
6.9 system of recreational trails for registered  
6.10 off-road vehicles. This is a onetime  
6.11 appropriation.

6.12 (c) \$200,000 the second year is from the  
6.13 off-road vehicle account in the natural  
6.14 resources fund for a contract to prepare a  
6.15 comprehensive, statewide, strategic master  
6.16 plan for trails for off-road vehicles. The master  
6.17 plan must be consistent with federal, tribal,  
6.18 state, and local law and regulations. The  
6.19 commissioner must consult with the Minnesota  
6.20 Four Wheel Drive Association in developing  
6.21 contract criteria. This is a onetime  
6.22 appropriation and is available until June 30,  
6.23 2019.

6.24 (d) \$200,000 the second year is from the  
6.25 off-road vehicle account in the natural  
6.26 resources fund to reimburse federal, county,  
6.27 and township entities for additional needs on  
6.28 forest roads when the needs are a result of  
6.29 increased use by off-road vehicles and are  
6.30 attributable to a border-to-border touring route  
6.31 established by the commissioner. This  
6.32 paragraph does apply to roads that are operated  
6.33 by a public road authority as defined in  
6.34 Minnesota Statutes, section 160.02,  
6.35 subdivision 25. This is a onetime appropriation

7.1 and is available until June 30, 2023. To be  
7.2 eligible for reimbursement under this  
7.3 paragraph, the claimant must demonstrate that  
7.4 the needs result from additional traffic  
7.5 generated by the border-to-border touring  
7.6 route.

7.7 (e) \$315,000 the second year is from the  
7.8 natural resources fund for a grant to St. Louis  
7.9 County to be used as a match to a state  
7.10 bonding grant for trail and bridge construction  
7.11 and for a maintenance fund for a five-mile  
7.12 segment of the Voyageur Country ATV trail  
7.13 system, including a multiuse bridge over the  
7.14 Vermilion River that would serve ATVs,  
7.15 snowmobiles, off-road vehicles, off-highway  
7.16 motorcycles, and emergency vehicles in St.  
7.17 Louis County. Of this amount, \$285,000 is  
7.18 from the all-terrain vehicle account, \$15,000  
7.19 is from the off-road vehicle account, and  
7.20 \$15,000 is from the off-highway motorcycle  
7.21 account. This is a onetime appropriation and  
7.22 is available until June 30, 2021.

7.23 (f) \$300,000 the second year is from the  
7.24 natural resources fund for a grant to Lake  
7.25 County to match other funding sources to  
7.26 develop the Prospectors Loop trail system. Of  
7.27 this amount, \$270,000 is from the all-terrain  
7.28 vehicle account, \$15,000 is from the  
7.29 off-highway motorcycle account, and \$15,000  
7.30 is from the off-road vehicle account. This is  
7.31 a onetime appropriation and is available until  
7.32 June 30, 2021.

7.33 (g) \$100,000 the second year is from the  
7.34 all-terrain vehicle account in the natural  
7.35 resources fund for wetland delineation and

8.1 work on an environmental assessment  
 8.2 worksheet for the Taconite State Trail from  
 8.3 Ely to Tower consistent with the 2017  
 8.4 Taconite State Trail Master Plan. This is a  
 8.5 onetime appropriation and is available until  
 8.6 June 30, 2021.

8.7 **Subd. 6. Fish and Wildlife Management** -0- 1,092,000

8.8 (a) \$438,000 the second year is for wildlife  
 8.9 disease surveillance and response. This is a  
 8.10 onetime appropriation.

8.11 (b) The commissioner may use up to \$7,000  
 8.12 of the amount appropriated from the general  
 8.13 fund in Laws 2017, chapter 93, article 1,  
 8.14 section 3, subdivision 8, to cover the cost of:

8.15 (1) the redesign of the printed and digital  
 8.16 versions of fishing regulations and hunting  
 8.17 and trapping regulations; and

8.18 (2) the reprogramming of the electronic  
 8.19 licensing system, to conform to the  
 8.20 requirements of providing voter registration  
 8.21 information under Minnesota Statutes, section  
 8.22 97A.409.

8.23 (c) Notwithstanding Minnesota Statutes,  
 8.24 section 297A.94, \$654,000 the second year is  
 8.25 from the heritage enhancement account in the  
 8.26 game and fish fund for planning and  
 8.27 emergency response to disease outbreaks in  
 8.28 wildlife. This is a onetime appropriation and  
 8.29 is available until June 30, 2020.

8.30 **Subd. 7. Enforcement** -0- 248,000

8.31 (a) \$208,000 the second year is for responding  
 8.32 to escaped animals from Cervidae farms,  
 8.33 including inspection of farmed Cervidae,  
 8.34 farmed Cervidae facilities, and farmed

9.1 Cervidae records when the commissioner has  
 9.2 reasonable suspicion that laws protecting  
 9.3 native wild animals or other provisions of  
 9.4 Minnesota Statutes, section 35.155 have been  
 9.5 violated. This is a onetime appropriation.

9.6 (b) \$40,000 the second year is from the  
 9.7 all-terrain vehicle account in the natural  
 9.8 resources fund to develop a voluntary online  
 9.9 youth all-terrain vehicle training program  
 9.10 under Minnesota Statutes, section 84.925,  
 9.11 subdivision 1. This is a onetime appropriation.

9.12 **Sec. 4. BOARD OF WATER AND SOIL**  
 9.13 **RESOURCES.** **\$** **-0-** **\$** **25,000**

9.14 \$25,000 the second year is for a grant to the  
 9.15 Red River Basin Commission for water quality  
 9.16 and floodplain management. This is a onetime  
 9.17 appropriation.

9.18 **Sec. 5. NATURAL RESOURCES DAMAGES**  
 9.19 **ACCOUNT TRANSFER**

9.20 By June 30, 2018, any money in the general  
 9.21 portion of the remediation fund dedicated for  
 9.22 the purposes of the natural resources damages  
 9.23 account must be transferred to the natural  
 9.24 resources damages account.

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

9.26 Sec. 6. Laws 2010, chapter 361, article 4, section 78, is amended to read:

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

9.28 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources  
 9.29 from the all-terrain vehicle account in the natural resources fund for a grant to the city of  
 9.30 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, so that it  
 9.31 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron

10.1 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available  
 10.2 until ~~spent~~ June 30, 2020.

10.3 Sec. 7. Laws 2016, chapter 189, article 3, section 3, subdivision 5, is amended to read:

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

10.5 Appropriations by Fund

10.6	2016	2017
10.7 General	-0-	2,929,000
10.8 Natural Resources	-0-	3,530,000

10.9 \$2,800,000 the second year is a onetime  
 10.10 appropriation.

10.11 \$2,300,000 the second year is from the state  
 10.12 parks account in the natural resources fund.

10.13 Of this amount, \$1,300,000 is onetime, of  
 10.14 which \$1,150,000 is for strategic park  
 10.15 acquisition.

10.16 \$20,000 the second year is from the natural  
 10.17 resources fund to design and erect signs  
 10.18 marking the David Dill trail designated in this  
 10.19 act. Of this amount, \$10,000 is from the  
 10.20 snowmobile trails and enforcement account  
 10.21 and \$10,000 is from the all-terrain vehicle  
 10.22 account. This is a onetime appropriation.

10.23 \$100,000 the second year is for the  
 10.24 improvement of the infrastructure for sanitary  
 10.25 sewer service at the Woodenfrog Campground  
 10.26 in Kabetogama State Forest. This is a onetime  
 10.27 appropriation.

10.28 \$29,000 the second year is for computer  
 10.29 programming related to the transfer-on-death  
 10.30 title changes for watercraft. This is a onetime  
 10.31 appropriation.

10.32 \$210,000 the first year is from the water  
 10.33 recreation account in the natural resources

11.1 fund for implementation of Minnesota  
 11.2 Statutes, section 86B.532, established in this  
 11.3 act. This is a onetime appropriation. The  
 11.4 commissioner of natural resources shall seek  
 11.5 federal and other nonstate funds to reimburse  
 11.6 the department for the initial costs of  
 11.7 producing and distributing carbon monoxide  
 11.8 boat warning labels. All amounts collected  
 11.9 under this paragraph shall be deposited into  
 11.10 the water recreation account.

11.11 \$1,000,000 the second year is from the natural  
 11.12 resources fund for a grant to Lake County for  
 11.13 construction, including bridges, of the  
 11.14 Prospectors ATV Trail System linking the  
 11.15 communities of Ely, Babbitt, Embarrass, and  
 11.16 Tower; Bear Head Lake and Lake  
 11.17 Vermilion-Soudan Underground Mine State  
 11.18 Parks; the Taconite State Trail; and the Lake  
 11.19 County Regional ATV Trail System. Of this  
 11.20 amount, \$900,000 is from the all-terrain  
 11.21 vehicle account, \$50,000 is from the  
 11.22 off-highway motorcycle account, and \$50,000  
 11.23 is from the off-road vehicle account. This is  
 11.24 a onetime appropriation and is available until  
 11.25 June 30, 2019.

11.26 Sec. 8. Laws 2016, chapter 189, article 3, section 4, is amended to read:

11.27	<b>Sec. 4. BOARD OF WATER AND SOIL</b>			
11.28	<b>RESOURCES</b>	<b>\$</b>	<b>-0-</b>	<b>\$ 479,000</b>

11.29 \$479,000 the second year is for the  
 11.30 development of a detailed plan to implement  
 11.31 a working lands watershed restoration program  
 11.32 to incentivize the establishment and  
 11.33 maintenance of perennial crops that includes  
 11.34 the following:

- 12.1 (1) a process for selecting pilot watersheds  
12.2 that are expected to result in the greatest water  
12.3 quality improvements and exhibit readiness  
12.4 to participate in the program;
- 12.5 (2) an assessment of the quantity of  
12.6 agricultural land that is expected to be eligible  
12.7 for the program in each watershed;
- 12.8 (3) an assessment of landowner interest in  
12.9 participating in the program;
- 12.10 (4) an assessment of the contract terms and  
12.11 any recommendations for changes to the terms,  
12.12 including consideration of variable payment  
12.13 rates for lands of different priority or type;
- 12.14 (5) an assessment of the opportunity to  
12.15 leverage federal funds through the program  
12.16 and recommendations on how to maximize  
12.17 the use of federal funds for assistance to  
12.18 establish perennial crops;
- 12.19 (6) an assessment of how other state programs  
12.20 could complement the program;
- 12.21 (7) an estimate of water quality improvements  
12.22 expected to result from implementation in pilot  
12.23 watersheds;
- 12.24 (8) an assessment of how to best integrate  
12.25 program implementation with existing  
12.26 conservation requirements and develop  
12.27 recommendations on harvest practices and  
12.28 timing to benefit wildlife production;
- 12.29 (9) an assessment of the potential viability and  
12.30 water quality benefit of cover crops used in  
12.31 biomass processing facilities;

- 13.1 (10) a timeline for implementation,  
13.2 coordinated to the extent possible with  
13.3 proposed biomass processing facilities; ~~and~~  
13.4 (11) a projection of funding sources needed  
13.5 to complete implementation;
- 13.6 (12) outreach to local governments, interest  
13.7 groups, and individual farmers on the  
13.8 economic and environmental benefits of  
13.9 perennial and cover crops;
- 13.10 (13) establishment of detailed criteria to target  
13.11 the location of perennial and cover crops on  
13.12 a watershed basis to maximize the  
13.13 environmental benefit at the lowest cost; and
- 13.14 (14) development of model contracts to  
13.15 include payment rates, duration, type of crops,  
13.16 harvest standards, and monitoring procedures  
13.17 for use in future program implementation.
- 13.18 This is a onetime appropriation and is  
13.19 available until June 30, ~~2018~~ 2019.
- 13.20 The board shall coordinate development of  
13.21 the working lands watershed restoration plan  
13.22 with stakeholders and the commissioners of  
13.23 natural resources, agriculture, and the  
13.24 Pollution Control Agency. The board must  
13.25 submit an interim report by October 15, ~~2017~~  
13.26 2018, and the feasibility study and program  
13.27 plan by February 1, ~~2018~~ 2019, to the chairs  
13.28 and ranking minority members of the  
13.29 legislative committees and divisions with  
13.30 jurisdiction over agriculture, natural resources,  
13.31 and environment policy and finance and to the  
13.32 Clean Water Council.

14.1 Sec. 9. Laws 2017, chapter 93, article 1, section 3, subdivision 6, is amended to read:

14.2			<del>67,750,000</del>
14.3	<b>Subd. 6. Fish and Wildlife Management</b>	68,207,000	<u>69,210,000</u>

14.4 Appropriations by Fund

14.5		2018	2019
14.6	Natural Resources	1,912,000	1,912,000
14.7			<del>65,838,000</del>
14.8	Game and Fish	66,295,000	<u>67,298,000</u>

14.9 (a) \$8,283,000 the first year and \$8,386,000  
 14.10 the second year are from the heritage  
 14.11 enhancement account in the game and fish  
 14.12 fund only for activities specified in Minnesota  
 14.13 Statutes, section 297A.94, paragraph (e),  
 14.14 clause (1). Notwithstanding Minnesota  
 14.15 Statutes, section 297A.94, five percent of this  
 14.16 appropriation may be used for expanding  
 14.17 hunter and angler recruitment and retention.

14.18 (b) Notwithstanding Minnesota Statutes,  
 14.19 section 297A.94, \$30,000 the first year is from  
 14.20 the heritage enhancement account in the game  
 14.21 and fish fund for the commissioner of natural  
 14.22 resources to contract with a private entity to  
 14.23 search for a site to construct a world-class  
 14.24 shooting range and club house for use by the  
 14.25 Minnesota State High School League and for  
 14.26 other regional, statewide, national, and  
 14.27 international shooting events. The  
 14.28 commissioner must provide public notice of  
 14.29 the search, including making the public aware  
 14.30 of the process through the Department of  
 14.31 Natural Resources' media outlets, and solicit  
 14.32 input on the location and building options for  
 14.33 the facility. The siting search process must  
 14.34 include a public process to determine if any  
 14.35 business or individual is interested in donating  
 14.36 land for the facility, anticipated to be at least

15.1 500 acres. The site search team must meet  
 15.2 with interested third parties affected by or  
 15.3 interested in the facility. The commissioner  
 15.4 must submit a report with the results of the  
 15.5 site search to the chairs and ranking minority  
 15.6 members of the legislative committees and  
 15.7 divisions with jurisdiction over environment  
 15.8 and natural resources by March 1, 2018. This  
 15.9 is a onetime appropriation.

15.10 (c) Notwithstanding Minnesota Statutes,  
 15.11 section 297A.94, \$30,000 the first year is from  
 15.12 the heritage enhancement account in the game  
 15.13 and fish fund for a study of lead shot  
 15.14 deposition on state lands. By March 1, 2018,  
 15.15 the commissioner shall provide a report of the  
 15.16 study to the chairs and ranking minority  
 15.17 members of the legislative committees with  
 15.18 jurisdiction over natural resources policy and  
 15.19 finance. This is a onetime appropriation.

15.20 (d) Notwithstanding Minnesota Statutes,  
 15.21 section 297A.94, \$500,000 the first year is  
 15.22 from the heritage enhancement account in the  
 15.23 game and fish fund for planning and  
 15.24 emergency response to disease outbreaks in  
 15.25 wildlife. This is a onetime appropriation and  
 15.26 is available until June 30, 2019.

15.27 (e) \$8,606,000 the second year is from the  
 15.28 deer management account in the game and  
 15.29 fish fund for the purposes specified under  
 15.30 Minnesota Statutes, section 97A.075,  
 15.31 subdivision 1, paragraph (b).

15.32 Sec. 10. Laws 2017, chapter 93, article 1, section 4, is amended to read:

15.33 **Sec. 4. BOARD OF WATER AND SOIL**  
 15.34 **RESOURCES**

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

16.1 (a) \$3,423,000 the first year and \$3,423,000  
16.2 the second year are for natural resources block  
16.3 grants to local governments. Grants must be  
16.4 matched with a combination of local cash or  
16.5 in-kind contributions. The base grant portion  
16.6 related to water planning must be matched by  
16.7 an amount as specified by Minnesota Statutes,  
16.8 section 103B.3369. The board may reduce the  
16.9 amount of the natural resources block grant  
16.10 to a county by an amount equal to any  
16.11 reduction in the county's general services  
16.12 allocation to a soil and water conservation  
16.13 district from the county's previous year  
16.14 allocation when the board determines that the  
16.15 reduction was disproportionate.

16.16 (b) \$3,116,000 the first year and \$3,116,000  
16.17 the second year are for grants to soil and water  
16.18 conservation districts for the purposes of  
16.19 Minnesota Statutes, sections 103C.321 and  
16.20 103C.331, and for general purposes, nonpoint  
16.21 engineering, and implementation and  
16.22 stewardship of the reinvest in Minnesota  
16.23 reserve program. Expenditures may be made  
16.24 from these appropriations for supplies and  
16.25 services benefiting soil and water conservation  
16.26 districts. Any district receiving a payment  
16.27 under this paragraph shall maintain a Web  
16.28 page that publishes, at a minimum, its annual  
16.29 report, annual audit, annual budget, and  
16.30 meeting notices.

16.31 (c) \$260,000 the first year and \$260,000 the  
16.32 second year are for feedlot water quality cost  
16.33 share grants for feedlots under 300 animal  
16.34 units and nutrient and manure management

17.1 projects in watersheds where there are  
17.2 impaired waters.

17.3 (d) \$1,200,000 the first year and \$1,200,000  
17.4 the second year are for soil and water  
17.5 conservation district cost-sharing contracts for  
17.6 perennially vegetated riparian buffers, erosion  
17.7 control, water retention and treatment, and  
17.8 other high-priority conservation practices.

17.9 (e) \$100,000 the first year and \$100,000 the  
17.10 second year are for county cooperative weed  
17.11 management cost-share programs and to  
17.12 restore native plants in selected invasive  
17.13 species management sites.

17.14 (f) \$761,000 the first year and \$761,000 the  
17.15 second year are for implementation,  
17.16 enforcement, and oversight of the Wetland  
17.17 Conservation Act, including administration of  
17.18 the wetland banking program and in-lieu fee  
17.19 mechanism.

17.20 (g) \$300,000 the first year is for improving  
17.21 the efficiency and effectiveness of Minnesota's  
17.22 wetland regulatory programs through  
17.23 continued examination of United States Clean  
17.24 Water Act section 404 assumption including  
17.25 negotiation of draft agreements with the  
17.26 United States Environmental Protection  
17.27 Agency and the United States Army Corps of  
17.28 Engineers, planning for an online permitting  
17.29 system, upgrading the existing wetland  
17.30 banking database, and developing an in-lieu  
17.31 fee wetland banking program as authorized  
17.32 by statute. This is a onetime appropriation and  
17.33 is available until June 30, 2019.

18.1 (h) \$166,000 the first year and \$166,000 the  
18.2 second year are to provide technical assistance  
18.3 to local drainage management officials and  
18.4 for the costs of the Drainage Work Group. The  
18.5 Board of Water and Soil Resources must  
18.6 coordinate the stakeholder drainage work  
18.7 group in accordance with Minnesota Statutes,  
18.8 section 103B.101, subdivision 13, to evaluate  
18.9 and make recommendations to accelerate  
18.10 drainage system acquisition and establishment  
18.11 of ditch buffer strips under Minnesota Statutes,  
18.12 chapter 103E, or compatible alternative  
18.13 practices required by Minnesota Statutes,  
18.14 section 103F.48. The evaluation and  
18.15 recommendations must be submitted in a  
18.16 report to the senate and house of  
18.17 representatives committees with jurisdiction  
18.18 over agriculture and environment policy by  
18.19 February 1, 2018.

18.20 (i) \$100,000 the first year and \$100,000 the  
18.21 second year are for a grant to the Red River  
18.22 Basin Commission for water quality and  
18.23 floodplain management, including  
18.24 administration of programs. This appropriation  
18.25 must be matched by nonstate funds. If the  
18.26 appropriation in either year is insufficient, the  
18.27 appropriation in the other year is available for  
18.28 it.

18.29 (j) \$140,000 the first year and \$140,000 the  
18.30 second year are for grants to Area II  
18.31 Minnesota River Basin Projects for floodplain  
18.32 management.

18.33 (k) \$125,000 the first year and \$125,000 the  
18.34 second year are for conservation easement  
18.35 stewardship.

19.1 (l) \$240,000 the first year and \$240,000 the  
19.2 second year are for a grant to the Lower  
19.3 Minnesota River Watershed District to defray  
19.4 the annual cost of operating and maintaining  
19.5 sites for dredge spoil to sustain the state,  
19.6 national, and international commercial and  
19.7 recreational navigation on the lower Minnesota  
19.8 River.

19.9 (m) \$4,380,000 the first year and \$4,533,000  
19.10 the second year are for Board of Water and  
19.11 Soil Resources agency administration and  
19.12 operations.

19.13 (n) Notwithstanding Minnesota Statutes,  
19.14 section 103C.501, the board may shift  
19.15 cost-share funds in this section and may adjust  
19.16 the technical and administrative assistance  
19.17 portion of the grant funds to leverage federal  
19.18 or other nonstate funds or to address  
19.19 high-priority needs identified in local water  
19.20 management plans or comprehensive water  
19.21 management plans.

19.22 (o) The appropriations for grants in this section  
19.23 are available until June 30, 2021, except  
19.24 returned grants are available for two years  
19.25 after they are returned. If an appropriation for  
19.26 grants in either year is insufficient, the  
19.27 appropriation in the other year is available for  
19.28 it.

19.29 (p) Notwithstanding Minnesota Statutes,  
19.30 section 16B.97, the appropriations for grants  
19.31 in this section are exempt from Department  
19.32 of Administration, Office of Grants  
19.33 Management Policy 08-08 Grant Payments  
19.34 and 08-10 Grant Monitoring.

20.1

**ARTICLE ...**

20.2

**ENVIRONMENT AND NATURAL RESOURCES POLICY**

20.3

**Section 1. [11A.236] ACCOUNT FOR INVESTMENT OF PERMIT TO MINE**

20.4

**FINANCIAL ASSURANCE MONEY.**

20.5

**Subdivision 1. Establishment; appropriation.** (a) The State Board of Investment, when

20.6

requested by the commissioner of natural resources, may invest money collected by the

20.7

commissioner as part of financial assurance provided under a permit to mine issued under

20.8

chapter 93. The State Board of Investment may establish one or more accounts into which

20.9

money may be deposited for the purposes of this section, subject to the policies and

20.10

procedures of the State Board of Investment. Use of any money in the account shall be

20.11

restricted to the financial assurance purposes identified in sections 93.46 to 93.51, and rules

20.12

adopted thereunder, and as authorized under any trust fund agreements or other conditions

20.13

established under a permit to mine.

20.14

(b) Money in the accounts is appropriated to the commissioner for the purposes for

20.15

which the account is established under this section.

20.16

**Subd. 2. Account maintenance and investment.** The commissioner of natural resources

20.17

may deposit money in the appropriate account and may withdraw money from the appropriate

20.18

account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules

20.19

adopted thereunder and as authorized under any trust fund agreements or other conditions

20.20

established under the permit to mine for which the financial assurance is provided, subject

20.21

to the policies and procedures of the State Board of Investment. Investment strategies related

20.22

to an account established under this section must be determined jointly by the commissioner

20.23

of natural resources and the executive director of the State Board of Investment. The

20.24

authorized investments for an account shall be the investments authorized under section

20.25

11A.24 that are made available for investment by the State Board of Investment. Investment

20.26

transactions must be at a time and in a manner determined by the executive director of the

20.27

State Board of Investment. Decisions to withdraw money from the account must be

20.28

determined by the commissioner of natural resources, subject to the policies and procedures

20.29

of the State Board of Investment. Investment earnings must be credited to the appropriate

20.30

account for financial assurance under the identified permit to mine. An account may be

20.31

terminated by the commissioner of natural resources at any time, so long as the termination

20.32

is in accordance with applicable statutes, rules, trust fund agreements, or other conditions

20.33

established under the permit to mine, subject to the policies and procedures of the State

20.34

Board of Investment.

21.1 Sec. 2. Minnesota Statutes 2016, section 17.494, is amended to read:

21.2 **17.494 AQUACULTURE PERMITS; RULES.**

21.3 (a) The commissioner shall act as permit or license coordinator for aquatic farmers and  
21.4 shall assist aquatic farmers to obtain licenses or permits.

21.5 ~~By July 1, 1992,~~ (b) A state agency issuing multiple permits or licenses for aquaculture  
21.6 shall consolidate the permits or licenses required for every aquatic farm location. The  
21.7 Department of Natural Resources transportation permits are exempt from this requirement.  
21.8 State agencies shall adopt rules or issue commissioner's orders that establish permit and  
21.9 license requirements, approval timelines, and compliance standards. Saltwater aquatic farms,  
21.10 as defined in section 17.4982, and processing facilities for saltwater aquatic life, as defined  
21.11 in section 17.4982, must be classified as agricultural operations for purposes of any  
21.12 construction, discharge, or other permit issued by the Pollution Control Agency.

21.13 Nothing in this section modifies any state agency's regulatory authority over aquaculture  
21.14 production.

21.15 Sec. 3. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
21.16 read:

21.17 Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial  
21.18 propagation and rearing of saltwater aquatic life, including, but not limited to, crustaceans,  
21.19 primarily for consumption as human food.

21.20 Sec. 4. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
21.21 read:

21.22 Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for  
21.23 saltwater aquaculture, including, but not limited to, artificial ponds, vats, tanks, raceways,  
21.24 and other facilities that an aquatic farmer owns or has exclusive control of for the sole  
21.25 purpose of producing saltwater aquatic life.

21.26 Sec. 5. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
21.27 read:

21.28 Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that  
21.29 are saltwater obligates or perform optimally when raised in salinities closer to that of natural  
21.30 seawater and need saltwater to survive.

22.1      Sec. 6. [17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER  
 22.2      AQUATIC LIFE; QUARANTINE REQUIREMENT.

22.3           Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase  
 22.4      private saltwater aquaculture production and processing in this state under the coordination  
 22.5      of the commissioner of agriculture. Additional private production will reduce dependence  
 22.6      on foreign suppliers and benefit the rural economy by creating new jobs and economic  
 22.7      activity.

22.8           Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section  
 22.9      17.4985, saltwater aquatic life transportation and importation requirements are governed  
 22.10     by this section. A transportation permit is required prior to any importation or intrastate  
 22.11     transportation of saltwater aquatic life not exempted under subdivision 3. A transportation  
 22.12     permit may be used for multiple shipments within the 30-day term of the permit if the source  
 22.13     and the destination remain the same. Transportation permits must be obtained from the  
 22.14     commissioner prior to shipment of saltwater aquatic life.

22.15           (b) An application for a transportation permit must be made in the form required by the  
 22.16     commissioner. The commissioner may reject an incomplete application.

22.17           (c) An application for a transportation permit must be accompanied by satisfactory  
 22.18     evidence, as determined by the commissioner, that the shipment is free of any nonindigenous  
 22.19     species of animal other than the saltwater aquatic species and either:

22.20           (1) the facility from which the saltwater aquatic life originated has provided  
 22.21     documentation of 36 or more consecutive months of negative testing by an approved  
 22.22     laboratory as free of any disease listed by OIE - the World Organisation for Animal Health  
 22.23     for that species following the testing guidelines outlined in the OIE Aquatic Animal Health  
 22.24     Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate;  
 22.25     or

22.26           (2) the saltwater aquatic life to be imported or transported includes documentation of  
 22.27     negative testing for that specific lot by an approved laboratory as free of any disease listed  
 22.28     by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish  
 22.29     Health Blue Book for other species, as appropriate.

22.30           If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic  
 22.31     life that originated in a foreign country, the shipment must be quarantined at the receiving  
 22.32     facility according to a quarantine plan approved by the commissioner. A shipment authorized  
 22.33     by the commissioner under clause (2) must be quarantined at the receiving facility according  
 22.34     to a quarantine plan approved by the commissioner.

23.1 (d) For purposes of this subdivision, "approved laboratory" means a laboratory approved  
 23.2 by the commissioner or the United States Department of Agriculture, Animal and Plant  
 23.3 Health Inspection Services.

23.4 (e) No later than 14 calendar days after a completed transportation permit application  
 23.5 is received, the commissioner must approve or deny the transportation permit application.

23.6 (f) A copy of the transportation permit must accompany a shipment of saltwater aquatic  
 23.7 life while in transit and must be available for inspection by the commissioner.

23.8 (g) A vehicle used by a licensee for transporting aquatic life must be identified with the  
 23.9 license number and the licensee's name and town of residence as it appears on the license.  
 23.10 A vehicle used by a licensee must have identification displayed so that it is readily visible  
 23.11 from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and  
 23.12 three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed  
 23.13 on removable plates or placards placed on opposite doors of the vehicle or on the tanks  
 23.14 carried on the vehicle.

23.15 (h) An application to license a vehicle for brood stock or larvae transport or for use as  
 23.16 a saltwater aquatic life vendor that is received by the commissioner is a temporary license  
 23.17 until approved or denied by the commissioner.

23.18 Subd. 3. Exemptions. (a) A transportation permit is not required to transport or import  
 23.19 saltwater aquatic life:

23.20 (1) previously processed for use as food or other purposes unrelated to propagation;

23.21 (2) transported directly to an outlet for processing as food or for other food purposes if  
 23.22 accompanied by shipping documents;

23.23 (3) that is being exported if accompanied by shipping documents;

23.24 (4) that is being transported through the state if accompanied by shipping documents;

23.25 or

23.26 (5) transported intrastate within or between facilities licensed for saltwater aquaculture  
 23.27 by the commissioner if accompanied by shipping documents.

23.28 (b) Shipping documents required under paragraph (a) must include the place of origin,  
 23.29 owner or consignee, destination, number, species, and satisfactory evidence, as determined  
 23.30 by the commissioner, of the disease-free certification required under subdivision 2, paragraph  
 23.31 (c), clauses (1) and (2).

24.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended to  
24.2 read:

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

24.9 Sec. 8. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

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

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

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

24.20 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or  
24.21 3b agricultural land as a result of the application of pesticides or other agricultural chemical  
24.22 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in  
24.23 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the  
24.24 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste  
24.25 land, or other land for which the owner receives a state paid wetlands or native prairie tax  
24.26 credit.

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

24.29 Sec. 9. Minnesota Statutes 2016, section 84.775, subdivision 1, is amended to read:

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

25.1 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause  
25.2 (1); 84.777; 84.788 to 84.795; or 84.90;

25.3 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
25.4 84.777; 84.798 to 84.804; or 84.90; or

25.5 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
25.6 84.777; 84.90; or 84.922 to 84.928.

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

25.9 (1) \$100 for the first offense;

25.10 (2) \$200 for the second offense; and

25.11 (3) \$500 for third and subsequent offenses.

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

25.16 (1) \$100 for the first offense;

25.17 (2) \$500 for the second offense; and

25.18 (3) \$1,000 for third and subsequent offenses.

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

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

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

25.27 Sec. 10. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

- 26.1 (1) Registration of snowmobiles and display of registration numbers.
- 26.2 (2) Use of snowmobiles insofar as game and fish resources are affected.
- 26.3 (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- 26.4 (4) Uniform signs to be used by the state, counties, and cities, which are necessary or  
26.5 desirable to control, direct, or regulate the operation and use of snowmobiles.
- 26.6 (5) Specifications relating to snowmobile mufflers.
- 26.7 (6) A comprehensive snowmobile information and safety education and training program,  
26.8 including but not limited to the preparation and dissemination of snowmobile information  
26.9 and safety advice to the public, the training of snowmobile operators, and the issuance of  
26.10 snowmobile safety certificates to snowmobile operators who successfully complete the  
26.11 snowmobile safety education and training course. For the purpose of administering such  
26.12 program and to defray expenses of training and certifying snowmobile operators, the  
26.13 commissioner shall collect a fee from each person who receives the youth or adult training.  
26.14 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for  
26.15 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both  
26.16 fees in a manner that neither significantly overrecovers nor underrecovers costs, including  
26.17 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
26.18 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
26.19 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing  
26.20 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails  
26.21 and enforcement account in the natural resources fund and the amount thereof, except for  
26.22 the electronic licensing system commission established by the commissioner under section  
26.23 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated  
26.24 annually to the Enforcement Division of the Department of Natural Resources for the  
26.25 administration of such programs. In addition to the fee established by the commissioner,  
26.26 instructors may charge each person any fee paid by the instructor for the person's online  
26.27 training course and up to the established fee amount for class materials and expenses. The  
26.28 commissioner shall cooperate with private organizations and associations, private and public  
26.29 corporations, and local governmental units in furtherance of the program established under  
26.30 this clause. School districts may cooperate with the commissioner and volunteer instructors  
26.31 to provide space for the classroom portion of the training. The commissioner shall consult  
26.32 with the commissioner of public safety in regard to training program subject matter and  
26.33 performance testing that leads to the certification of snowmobile operators.

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

27.7 Sec. 11. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended  
 27.8 to read:

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

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

27.18 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle  
 27.19 anywhere in this state or on the ice of any boundary water of this state is subject to chapter  
 27.20 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted  
 27.21 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~  
 27.22 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit  
 27.23 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity  
 27.24 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period  
 27.25 of one year. The commissioner shall notify the person of the time period during which the  
 27.26 person is prohibited from operating a snowmobile or all-terrain vehicle.

27.27 (d) Administrative and judicial review of the operating privileges prohibition is governed  
 27.28 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~  
 27.29 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~  
 27.30 ~~administrative and judicial review of the prohibition is governed by section 169A.53 or~~  
 27.31 171.177.

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

28.1 (1) this section and chapters;

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

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

28.4 (4) section 171.177.

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

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

28.11 Sec. 12. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended  
28.12 to read:

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

28.15 (1) a comprehensive all-terrain vehicle environmental and safety education and training  
28.16 certification program, including the preparation and dissemination of vehicle information  
28.17 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance  
28.18 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
28.19 successfully complete the all-terrain vehicle environmental and safety education and training  
28.20 course; and

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

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

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

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

29.10 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,  
 29.11 private and public corporations, and local governmental units in furtherance of the ~~program~~  
 29.12 programs established under this section. School districts may cooperate with the  
 29.13 commissioner and volunteer instructors to provide space for the classroom portion of the  
 29.14 training. The commissioner shall consult with the commissioner of public safety in regard  
 29.15 to ~~training program~~ the subject matter of the training programs and performance testing that  
 29.16 leads to the certification of vehicle operators. The commissioner shall incorporate a riding  
 29.17 component in the ~~safety education and training program~~ certification programs established  
 29.18 under this section, and may incorporate a riding component in the training program as  
 29.19 established in paragraph (a), clause (2).

29.20 Sec. 13. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended  
 29.21 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31.9 Sec. 14. Minnesota Statutes 2016, section 84.928, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

31.21 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within  
31.22 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

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

31.27 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

32.1 Sec. 15. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended  
32.2 to read:

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

32.6 (b) In waters that are listed as infested waters, except those listed as infested with  
32.7 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
32.8 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

32.30 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River  
32.31 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors  
32.32 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota

33.1 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for  
 33.2 noncommercial personal use as bait for angling, as provided in a permit issued under section  
 33.3 84D.11, is allowed as follows:

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

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

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

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

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

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

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

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

33.19 Sec. 16. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended  
 33.20 to read:

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

34.1 This tagging requirement does not apply to commercial fishing equipment used in Lake  
34.2 Superior.

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

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

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

34.17 Sec. 17. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended  
34.18 to read:

34.19 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
34.20 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
34.21 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~  
34.22 ~~Gull East State~~ water access Site sites on Gull Lake (DNR Division of Waters number  
34.23 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,  
34.24 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake  
34.25 service providers participating in the Gull Lake targeted pilot study place of business must  
34.26 be located in Cass or Crow Wing County.

34.27 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
34.28 the report to the chairs and ranking minority members of the senate and house of  
34.29 representatives committees having jurisdiction over natural resources required under Laws  
34.30 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
34.31 recommendations and assessments.

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

35.1 Sec. 18. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended  
35.2 to read:

35.3 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
35.4 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
35.5 ~~Cross Lake #1 State~~ water access ~~Site~~ sites on Cross Lake (DNR Division of Waters number  
35.6 18-0312) in Crow Wing County using the same authorities, general procedures, and  
35.7 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place  
35.8 of business of lake service providers participating in the Cross Lake targeted pilot study  
35.9 must be located in Cass or Crow Wing County.

35.10 (b) If an additional targeted pilot project for Cross Lake is implemented under this  
35.11 section, the report to the chairs and ranking minority members of the senate and house of  
35.12 representatives committees having jurisdiction over natural resources required under Laws  
35.13 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot  
35.14 study recommendations and assessments.

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

35.16 Sec. 19. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended  
35.17 to read:

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

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

35.22 (2) a representative ~~of~~ for the Croft Mine Historical Park ~~Joint Powers Board~~ appointed  
35.23 by the members of the Cuyuna Country State Recreation Area Citizens Advisory Council  
35.24 who are appointed under clauses (1) and (4) to (13);

35.25 (3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked~~  
35.26 ~~as a miner in the local area~~ member at large appointed by the members of the Cuyuna  
35.27 Country State Recreation Area Citizens Advisory Council who are appointed under clauses  
35.28 (1) and (4) to (13);

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

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

35.31 (6) the member from the state house of representatives representing the state recreation  
35.32 area;

36.1 (7) a representative of the Grand Rapids regional office of the Department of Natural  
36.2 Resources;

36.3 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

36.4 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of  
36.5 commerce;

36.6 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing  
36.7 County District 5 commissioner;

36.8 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton  
36.9 School Board;

36.10 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna  
36.11 Range Chamber of Commerce; and

36.12 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

36.13 Sec. 20. Minnesota Statutes 2017 Supplement, section 86B.331, subdivision 1, is amended  
36.14 to read:

36.15 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control  
36.16 of a motorboat may not authorize or allow an individual the person knows or has reason to  
36.17 believe is under the influence of alcohol or a controlled or other substance to operate the  
36.18 motorboat in operation on the waters of this state.

36.19 (b) An owner or other person having charge or control of a motorboat may not knowingly  
36.20 authorize or allow a person, who by reason of a physical or mental disability is incapable  
36.21 of operating the motorboat, to operate the motorboat in operation on the waters of this state.

36.22 (c) A person who operates or is in physical control of a motorboat on the waters of this  
36.23 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,  
36.24 a person who is convicted of violating section 169A.20 or an ordinance in conformity with  
36.25 it ~~while operating a motorboat~~, shall be prohibited from operating a motorboat on the waters  
36.26 of this state for a period of 90 days between May 1 and October 31, extending over two  
36.27 consecutive years if necessary. If the person ~~operating the motorboat~~ refuses to comply with  
36.28 a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an  
36.29 ordinance in conformity with it, the person shall be prohibited from operating a motorboat  
36.30 for a period of one year. The commissioner shall notify the person of the period during  
36.31 which the person is prohibited from operating a motorboat.

37.1 (d) Administrative and judicial review of the operating privileges prohibition is governed  
 37.2 by section ~~97B.066~~, subdivisions 7 to 9, if the person does not have a prior impaired driving  
 37.3 conviction or prior license revocation, as defined in section ~~169A.03~~. Otherwise,  
 37.4 administrative and judicial review of the prohibition is governed by section 169A.53 or  
 37.5 171.177.

37.6 (e) The court shall promptly forward to the commissioner and the Department of Public  
 37.7 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this  
 37.8 ~~section and chapters~~; (2) chapter 169 and relating to motorboats; (3) chapter 169A relating  
 37.9 ~~to motorboats~~; and (4) section 171.177.

37.10 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either  
 37.11 of them, is guilty of a misdemeanor.

37.12 (g) For purposes of this subdivision, a motorboat "in operation" does not include a  
 37.13 motorboat that is anchored, beached, or securely fastened to a dock or other permanent  
 37.14 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

37.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
 37.16 committed on or after that date.

37.17 Sec. 21. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to  
 37.18 read:

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

37.22 Sec. 22. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

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

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

37.28 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to  
 37.29 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,  
 37.30 shall also be liable in full damages to any and every person suffering loss or injury by reason  
 37.31 of such violation, including liability to the state, and any of its political subdivisions, for  
 37.32 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire

38.1 caused by, or resulting from, any violation of these sections. Notwithstanding any statute  
 38.2 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee  
 38.3 of the Department of Natural Resources may represent the commissioner in proceedings  
 38.4 under this subdivision that are removed to district court from conciliation court. All expenses  
 38.5 so collected by the state shall be deposited in the general fund. When a fire set by any person  
 38.6 spreads to and damages or destroys property belonging to another, the setting of the fire  
 38.7 shall be prima facie evidence of negligence in setting and allowing the same to spread.

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

38.17 Sec. 23. Minnesota Statutes 2016, section 89.551, is amended to read:

38.18 **89.551 APPROVED FIREWOOD REQUIRED.**

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

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

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

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

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

38.30 (c) A violation under this section is subject to confiscation of firewood and after May  
 38.31 1, 2008, confiscation and a \$100 penalty. ~~A firewood dealer shall be subject to confiscation~~  
 38.32 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~  
 38.33 ~~of this section and sold for use on land administered by the commissioner.~~

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

39.3 Sec. 24. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

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

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

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

39.14 Sec. 25. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended  
39.15 to read:

39.16 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
39.17 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
39.18 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
39.19 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

39.20 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,  
39.21 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2  
39.22 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses  
39.23 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,  
39.24 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in  
39.25 section 97A.4742, for each license issued to a person 18 years of age or older under section  
39.26 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for  
39.27 each license issued to a person under 18 years of age under section 97A.473, subdivision  
39.28 4, shall be credited to the deer management account and is appropriated to the commissioner  
39.29 for deer habitat improvement or deer management programs. The deer management account  
39.30 is established as an account in the game and fish fund and may be used only for deer habitat  
39.31 improvement or deer management programs.

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

40.6 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
40.7 Cervidae health-management account and is appropriated for emergency deer feeding and  
40.8 wild Cervidae health management. Money appropriated for emergency deer feeding and  
40.9 wild Cervidae health management is available until expended.

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

40.14 Sec. 26. [97A.409] VOTER REGISTRATION INFORMATION.

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

40.21 (b) In the printed and digital versions of fishing regulations and hunting and trapping  
40.22 regulations, the commissioner must include the voter registration eligibility requirements,  
40.23 a description of how to register to vote before or on election day, and a link to the secretary  
40.24 of state's online voter registration Web page. In addition, the commissioner must include a  
40.25 voter registration application in the printed and digital versions of fishing regulations and  
40.26 hunting and trapping regulations.

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

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

41.1 Sec. 27. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

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

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

41.13 Sec. 28. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

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

41.19 Sec. 29. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

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

41.27 Sec. 30. Minnesota Statutes 2016, section 97B.081, subdivision 3, is amended to read:

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

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

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

42.3 (i) on foot;

42.4 (ii) using a shotgun;

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

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

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

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

42.10 (i) on foot; and

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

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

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

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

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

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

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

42.25 (2) is on foot; and

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

42.27 Sec. 31. Minnesota Statutes 2016, section 97B.1055, is amended to read:

42.28 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**  
42.29 **DEVELOPMENTAL DISABILITY.**

43.1 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision  
43.2 6;

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

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

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

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

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

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

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

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

44.1 Sec. 32. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

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

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

44.5 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream  
44.6 of St. Anthony Falls<sub>2</sub> and the St. Croix River downstream of the dam at Taylors Falls,  
44.7 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,  
44.8 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under  
44.9 section 84D.03, subdivision 3.

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

44.13 ~~(e) This subdivision expires December 1, 2017. The commissioner must report to the~~  
44.14 ~~chairs and ranking minority members of the house of representatives and senate committees~~  
44.15 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~  
44.16 ~~of permits issued, conservation impacts from the use of cast nets, and recommendations for~~  
44.17 ~~any necessary changes in statutes or rules.~~

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

44.19 Sec. 33. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

44.20 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a  
44.21 county or other local unit of government that provides a match utilizing a water  
44.22 implementation tax or other local source. A water implementation tax that a county or other  
44.23 local unit of government intends to use as a match to the base grant must be levied at a rate  
44.24 sufficient to generate a minimum amount determined by the board. The board may award  
44.25 performance-based or watershed-based grants, contracts, or payments to local units of  
44.26 government that are responsible for implementing elements of applicable portions of  
44.27 watershed management plans, comprehensive plans, local water management plans, or  
44.28 comprehensive watershed management plans, developed or amended, adopted and approved,  
44.29 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the  
44.30 board may also award performance-based grants to local units of government to carry out  
44.31 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation  
44.32 plan has been incorporated into the local water management plan according to the procedures  
44.33 for approving comprehensive plans, watershed management plans, local water management

45.1 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,  
 45.2 or if the TMDL implementation plan has undergone a public review process. Notwithstanding  
 45.3 section 16A.41, the board may award ~~performance-based~~ grants, contracts, or payments on  
 45.4 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or  
 45.5 as a supplement to state funding to accomplish implementation of comprehensive plans,  
 45.6 watershed management plans, local water management plans, or comprehensive watershed  
 45.7 management plans under this chapter and chapter 103C or 103D.

45.8 Sec. 34. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

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

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

45.17 Sec. 35. [103B.461] RED RIVER BASIN COMMISSION.

45.18 Subdivision 1. Purposes. The Red River Basin Commission was created to:

45.19 (1) facilitate transboundary and basin-wide dialogue and consultation with citizens, land  
 45.20 users, organizations, and governments; and

45.21 (2) coordinate basin-wide interstate and international efforts on water management,  
 45.22 including but not limited to flood mitigation, water quality, water supply, drainage, aquatic  
 45.23 health, and recreation.

45.24 Subd. 2. Membership. The Red River Basin Commission must have basin-wide  
 45.25 representation of members and alternates to serve on the commission consistent with the  
 45.26 adopted bylaws of the commission. Selection and terms of members are as defined in the  
 45.27 commission's bylaws.

45.28 Subd. 3. Duties. The Red River Basin Commission must:

45.29 (1) develop and coordinate comprehensive water management goals for the Red River  
 45.30 basin by aligning the work plans in the major watersheds in the states of Minnesota, North  
 45.31 Dakota, and South Dakota and the Canadian province of Manitoba;

46.1 (2) advise on developing and using systems to monitor and evaluate the Red River basin  
46.2 and incorporating the data obtained from these systems into planning and implementation  
46.3 processes;

46.4 (3) conduct public meetings at locations in the Red River basin regarding the public's  
46.5 perspective on water resource issues, needs, and priorities in the basin;

46.6 (4) conduct an ongoing information and education program on water management in  
46.7 the Red River basin, including an annual conference;

46.8 (5) advise on developing projects in the major watersheds that are scientifically sound,  
46.9 have landowner and local government support, and reduce potential flood damages and  
46.10 inputs of pollutants into the Red River;

46.11 (6) develop and implement a framework plan for natural resources and provide periodic  
46.12 budget requests and reports to the governors of Minnesota, North Dakota, and South Dakota,  
46.13 to the premier of Manitoba, and to the respective legislatures, provincial members, and  
46.14 congressional representatives of the respective states and province regarding progress on  
46.15 meeting water management goals and funding or policy recommendations;

46.16 (7) administer funds for implementing projects and track and report the results achieved  
46.17 for each project; and

46.18 (8) assess the collective work in the Red River basin and make recommendations to the  
46.19 states of Minnesota, North Dakota, and South Dakota, to the Canadian province of Manitoba,  
46.20 and to their respective legislatures, provincial members, and congressional representatives  
46.21 on the actions needed to sustain or accelerate components of the framework plan for natural  
46.22 resources in the Red River basin and the major watersheds of the Red River basin.

46.23 Sec. 36. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

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

46.26 (1) align local water planning purposes and procedures under this chapter and chapters  
46.27 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
46.28 science-based approach to watershed management;

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

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

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

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

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

47.10 Sec. 37. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

47.11 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
47.12 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
47.13 consistent with section 103A.212. The transition plan must include a goal of completing  
47.14 statewide transition to comprehensive watershed management plans by 2025. The  
47.15 metropolitan area may be considered for inclusion in the transition plan. The board may  
47.16 amend the transition plan no more often than once every two years.

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

47.20 Sec. 38. Minnesota Statutes 2016, section 103F.361, subdivision 2, is amended to read:

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

47.24 Sec. 39. Minnesota Statutes 2016, section 103F.363, subdivision 1, is amended to read:

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

48.1 Sec. 40. Minnesota Statutes 2016, section 103F.365, is amended by adding a subdivision  
48.2 to read:

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

48.7 Sec. 41. Minnesota Statutes 2016, section 103F.371, is amended to read:

48.8 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

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

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

48.19 Sec. 42. Minnesota Statutes 2016, section 103F.373, subdivision 1, is amended to read:

48.20 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified  
48.21 exceptions in particular cases and to promote uniformity in the treatment of applications  
48.22 for exceptions, a review and certification procedure is established for the following categories  
48.23 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting  
48.24 land use within the area covered by the plan:

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

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

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

48.29 Sec. 43. Minnesota Statutes 2016, section 103F.373, subdivision 3, is amended to read:

48.30 Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when  
48.31 a hearing is not required, a copy of the application to consider an action of a type specified

49.1 in subdivision 1, clauses (1) to (3), must be forwarded to the board by the ~~county~~ zoning  
 49.2 authority at least 15 days before the hearing or meetings to consider the actions. The ~~county~~  
 49.3 zoning authority shall notify the board of its final decision on the proposed action within  
 49.4 ten days of the decision. By 30 days after the board receives the notice, the board shall  
 49.5 notify the ~~county~~ zoning authority and the applicant of ~~its~~ the board's approval or disapproval  
 49.6 of the proposed action.

49.7 Sec. 44. Minnesota Statutes 2016, section 103F.373, subdivision 4, is amended to read:

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

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

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

49.16 (2) certify approval of the proposed action.

49.17 Sec. 45. **[103F.452] APPLICABILITY.**

49.18 The provisions of sections 103F.415 to 103F.455 are not applicable without the adoption  
 49.19 of an ordinance by the county or local government unit.

49.20 Sec. 46. Minnesota Statutes 2017 Supplement, section 103G.2242, subdivision 1, is  
 49.21 amended to read:

49.22 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt  
 49.23 rules governing the approval of wetland value replacement plans under this section and  
 49.24 public-waters-work permits affecting public waters wetlands under section 103G.245. These  
 49.25 rules must address the criteria, procedure, timing, and location of acceptable replacement  
 49.26 of wetland values and may address the state establishment and administration of a wetland  
 49.27 banking program for public and private projects, including provisions for an in-lieu fee  
 49.28 program; the administrative, monitoring, and enforcement procedures to be used; and a  
 49.29 procedure for the review and appeal of decisions under this section. In the case of peatlands,  
 49.30 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program  
 49.31 established by the board must conform with Code of Federal Regulations, title 33, section  
 49.32 332.8, as amended.

50.1 (b) After the adoption of the rules, a replacement plan must be approved by a resolution  
50.2 of the governing body of the local government unit, consistent with the provisions of the  
50.3 rules or a comprehensive wetland protection and management plan approved under section  
50.4 103G.2243.

50.5 (c) If the local government unit fails to apply the rules, or fails to implement a local  
50.6 comprehensive wetland protection and management plan established under section  
50.7 103G.2243, the government unit is subject to penalty as determined by the board.

50.8 (d) When making a determination under rules adopted pursuant to this subdivision on  
50.9 whether a rare natural community will be permanently adversely affected, consideration of  
50.10 measures to mitigate any adverse effect on the community must be considered. Wetland  
50.11 banking credits shall be an acceptable mitigation measure for any adverse effects on a rare  
50.12 natural community. The Department of Natural Resources may approve a wetland  
50.13 replacement plan that includes restoration or credits from rare natural communities of  
50.14 substantially comparable character and public value as mitigation for any rare natural  
50.15 community adversely affected by a project.

50.16 Sec. 47. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

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

50.19 (1) account maintenance annual fee: one percent of the value of credits not to exceed  
50.20 \$500;

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

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

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

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

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

51.1 Sec. 48. Minnesota Statutes 2017 Supplement, section 103G.271, subdivision 7, is amended  
51.2 to read:

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

51.10 Sec. 49. [103G.276] IRRIGATION TEST WELLS.

51.11 If the commissioner requires installation of a test well for a water appropriation permit  
51.12 for irrigation and denies the permit, the commissioner must pay one-half of the costs of the  
51.13 well.

51.14 Sec. 50. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
51.15 to read:

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

51.18 Sec. 51. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
51.19 to read:

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

51.22 Sec. 52. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

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

51.27 Sec. 53. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

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

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

- 52.1 (2) one of the following that the commissioner of the Pollution Control Agency  
 52.2 determines to be, in whole or part, sufficient to meet applicable water quality standards:
- 52.3 (i) a comprehensive watershed management plan;  
 52.4 (ii) a comprehensive local water management plan; or  
 52.5 (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

52.6 Sec. 54. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

52.7 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
 52.8 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
 52.9 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale  
 52.10 including the physical, chemical, and biological assessment of the water quality of the  
 52.11 watershed; identification of impairments and water bodies in need of protection; identification  
 52.12 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the  
 52.13 impairments; and ~~an implementation table containing~~ information to support strategies and  
 52.14 ~~actions~~ designed to achieve and maintain water quality standards and goals.

52.15 Sec. 55. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

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

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

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

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

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

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

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

- 53.1 (7) to support effective measures to prevent the degradation of groundwater according  
 53.2 to the groundwater degradation prevention goal under section 103H.001; and  
 53.3 (8) to support effective measures to restore degraded groundwater.

53.4 Sec. 56. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

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

53.7 (1) develop regional ~~and, multiple pollutant, or watershed TMDL's and TMDL~~  
 53.8 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~  
 53.9 ~~or WRAPSs~~, where reasonable and feasible;

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

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

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

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

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

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

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

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

54.5 Sec. 57. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

54.6 Subd. 5. **Priorities for preparing WRAPSs AND TMDL's.** In consultation with the  
54.7 Clean Water Council shall recommend, the commissioner of the Pollution Control Agency  
54.8 must coordinate with the commissioners of natural resources, health, and agriculture, the  
54.9 Board of Water and Soil Resources, and, when applicable, the Minnesota Forest Resources  
54.10 Council to establish priorities for scheduling and preparing WRAPSs and TMDL's and  
54.11 TMDL implementation plans, taking into account, considering the severity and causes of  
54.12 the impairment impairments, the designated uses of those the waters, and other applicable  
54.13 federal TMDL requirements. In recommending priorities, the council shall also give  
54.14 Consideration to, groundwater and high-quality waters and watersheds watershed protection,  
54.15 waters and watersheds with declining water quality trends, waters used as drinking water  
54.16 sources, and waters and watersheds:

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

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

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

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

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

54.29 Sec. 58. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

54.30 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall  
54.31 apply the priorities applicable under subdivision 6, as far as practicable, when recommending  
54.32 priorities for funding actions to prevent groundwater and surface waters from becoming

55.1 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
 55.2 ~~but do not have an approved TMDL.~~

55.3 Sec. 59. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
 55.4 to read:

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

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

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

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

55.26 Sec. 60. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
 55.27 to read:

55.28 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,  
 55.29 or program for water quality improvement or protection that is conducted by a watershed  
 55.30 management organization or a local government unit with a comprehensive watershed  
 55.31 management plan or other water management plan approved according to chapter 103B,  
 55.32 103C, or 103D may be considered as contributing to the requirements of a storm water  
 55.33 pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4)

56.1 permit unless the project, practice, or program was previously documented as contributing  
 56.2 to a different SWPPP for an MS4 permit.

56.3 Sec. 61. Minnesota Statutes 2016, section 114D.26, is amended to read:

56.4 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

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

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

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

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

56.11 (4) informing comprehensive local water management plans and comprehensive  
 56.12 watershed management plans.

56.13 (b) Each WRAPS shall must:

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

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

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

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

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

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

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

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

57.4 (i) water quality parameters of concern;

57.5 (ii) current water quality conditions;

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

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

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

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

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

57.15 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
 57.16 meeting the goals of this chapter, the commissioner of the Pollution Control Agency and  
 57.17 the Board of Water and Soil Resources must coordinate the schedule, budget, scope, and  
 57.18 use of a WRAPS and related documents and processes in consultation with local government  
 57.19 units and, when applicable, the Minnesota Forest Resources Council, in consideration of  
 57.20 section 114D.20, subdivision 8.

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

57.25 Subd. 3. **Timelines; administration.** Each year, (a) The commissioner of the Pollution  
 57.26 Control Agency must complete WRAPS's for at least ten percent of watershed restoration  
 57.27 and protection strategies for the state's major watersheds. WRAPS shall be by June 30,  
 57.28 2023, unless the commissioner determines that a comprehensive watershed management  
 57.29 plan or comprehensive local water management plan, in whole or part, meets the definition  
 57.30 in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the  
 57.31 strategies, in whole or part, after consultation with the Board of Water and Soil Resources  
 57.32 and local government units.

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

58.4 Sec. 62. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

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

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

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

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

58.27 Sec. 63. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

58.28 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,  
 58.29 educating, and encouraging the participation of citizens, stakeholders, and others regarding  
 58.30 the identification of impaired waters, development of TMDL's, development of TMDL  
 58.31 implementation plans, implementation of restoration for impaired waters, identification of  
 58.32 degraded groundwater, and protection and restoration of groundwater resources this chapter.  
 58.33 Public agencies shall be are responsible for implementing the strategies.

59.1 Sec. 64. Minnesota Statutes 2016, section 115.03, subdivision 1, is amended to read:

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

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

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

59.10 (c) to establish and alter such reasonable pollution standards for any waters of the state  
59.11 in relation to the public use to which they are or may be put as it shall deem necessary for  
59.12 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter  
59.13 116;

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

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

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

59.24 (2) prohibiting or directing the abatement of any discharge of sewage, industrial waste,  
59.25 or other wastes, into any waters of the state or the deposit thereof or the discharge into any  
59.26 municipal disposal system where the same is likely to get into any waters of the state in  
59.27 violation of this chapter and, with respect to the pollution of waters of the state, chapter  
59.28 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying  
59.29 the schedule of compliance within which such prohibition or abatement must be  
59.30 accomplished;

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

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

60.6 (5) establishing, and from time to time revising, standards of performance for new sources  
60.7 taking into consideration, among other things, classes, types, sizes, and categories of sources,  
60.8 processes, pollution control technology, cost of achieving such effluent reduction, and any  
60.9 nonwater quality environmental impact and energy requirements. Said standards of  
60.10 performance for new sources shall encompass those standards for the control of the discharge  
60.11 of pollutants which reflect the greatest degree of effluent reduction which the agency  
60.12 determines to be achievable through application of the best available demonstrated control  
60.13 technology, processes, operating methods, or other alternatives, including, where practicable,  
60.14 a standard permitting no discharge of pollutants. New sources shall encompass buildings,  
60.15 structures, facilities, or installations from which there is or may be the discharge of pollutants,  
60.16 the construction of which is commenced after the publication by the agency of proposed  
60.17 rules prescribing a standard of performance which will be applicable to such source.

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

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

60.33 (7) requiring the owner or operator of any disposal system or any point source to establish  
60.34 and maintain such records, make such reports, install, use, and maintain such monitoring  
60.35 equipment or methods, including where appropriate biological monitoring methods, sample

61.1 such effluents in accordance with such methods, at such locations, at such intervals, and in  
61.2 such a manner as the agency shall prescribe, and providing such other information as the  
61.3 agency may reasonably require;

61.4 (8) notwithstanding any other provision of this chapter, and with respect to the pollution  
61.5 of waters of the state, chapter 116, requiring the achievement of more stringent limitations  
61.6 than otherwise imposed by effluent limitations in order to meet any applicable water quality  
61.7 standard by establishing new effluent limitations, based upon section 115.01, subdivision  
61.8 13, clause (b), including alternative effluent control strategies for any point source or group  
61.9 of point sources to insure the integrity of water quality classifications, whenever the agency  
61.10 determines that discharges of pollutants from such point source or sources, with the  
61.11 application of effluent limitations required to comply with any standard of best available  
61.12 technology, would interfere with the attainment or maintenance of the water quality  
61.13 classification in a specific portion of the waters of the state. Prior to establishment of any  
61.14 such effluent limitation, the agency shall hold a public hearing to determine the relationship  
61.15 of the economic and social costs of achieving such limitation or limitations, including any  
61.16 economic or social dislocation in the affected community or communities, to the social and  
61.17 economic benefits to be obtained and to determine whether or not such effluent limitation  
61.18 can be implemented with available technology or other alternative control strategies. If a  
61.19 person affected by such limitation demonstrates at such hearing that, whether or not such  
61.20 technology or other alternative control strategies are available, there is no reasonable  
61.21 relationship between the economic and social costs and the benefits to be obtained, such  
61.22 limitation shall not become effective and shall be adjusted as it applies to such person;

61.23 (9) modifying, in its discretion, any requirement or limitation based upon best available  
61.24 technology with respect to any point source for which a permit application is filed after July  
61.25 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the  
61.26 agency that such modified requirements will represent the maximum use of technology  
61.27 within the economic capability of the owner or operator and will result in reasonable further  
61.28 progress toward the elimination of the discharge of pollutants; and

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

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

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

62.6 (h) to conduct such investigations, issue such notices, public and otherwise, and hold  
62.7 such hearings as are necessary or which it may deem advisable for the discharge of its duties  
62.8 under this chapter and, with respect to the pollution of waters of the state, under chapter  
62.9 116, including, but not limited to, the issuance of permits, and to authorize any member,  
62.10 employee, or agent appointed by it to conduct such investigations or, issue such notices and  
62.11 hold such hearings;

62.12 (i) for the purpose of water pollution control planning by the state and pursuant to the  
62.13 Federal Water Pollution Control Act, as amended, to establish and revise planning areas,  
62.14 adopt plans and programs and continuing planning processes, including, but not limited to,  
62.15 basin plans and areawide waste treatment management plans, and to provide for the  
62.16 implementation of any such plans by means of, including, but not limited to, standards, plan  
62.17 elements, procedures for revision, intergovernmental cooperation, residual treatment process  
62.18 waste controls, and needs inventory and ranking for construction of disposal systems;

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

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

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

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

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

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

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

63.12 Sec. 65. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

63.13 **Subd. 5. Agency authority; national pollutant discharge elimination system. (a)**  
 63.14 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with  
 63.15 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall  
 63.16 have the authority to perform any and all acts minimally necessary including, but not limited  
 63.17 to, the establishment and application of standards, procedures, rules, orders, variances,  
 63.18 stipulation agreements, schedules of compliance, and permit conditions, consistent with  
 63.19 and, therefore not less stringent than the provisions of the Federal Water Pollution Control  
 63.20 Act, as amended, applicable to the participation by the state of Minnesota in the national  
 63.21 pollutant discharge elimination system (NPDES); provided that this provision shall not be  
 63.22 construed as a limitation on any powers or duties otherwise residing with the agency pursuant  
 63.23 to any provision of law.

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

63.28 Sec. 66. Minnesota Statutes 2016, section 115.03, is amended by adding a subdivision to  
 63.29 read:

63.30 Subd. 5d. Sugar beet storage. Notwithstanding any other law to the contrary, the  
 63.31 commissioner shall not require a permittee who owns and operates a remote sugar beet  
 63.32 storage facility to install sedimentation pond liners as part of a national pollutant discharge  
 63.33 elimination system or state disposal system permit. For purposes of this subdivision, "remote

64.1 sugar beet storage facility" means an area where sugar beets are temporarily stored prior to  
 64.2 delivery to a sugar beet processing facility that is not located on land adjacent to the  
 64.3 processing facility.

64.4 Sec. 67. Minnesota Statutes 2016, section 115.035, is amended to read:

64.5 **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

64.6 ~~(a) When the commissioner convenes an external peer review panel during the~~  
 64.7 ~~promulgation or amendment of water quality standards, the commissioner must provide~~  
 64.8 ~~notice and take public comment on the charge questions for the external peer review panel~~  
 64.9 ~~and must allow written and oral public comment as part of the external peer review panel~~  
 64.10 ~~process. Every new or revised numeric water quality standard must be supported by a~~  
 64.11 ~~technical support document that provides the scientific basis for the proposed standard and~~  
 64.12 ~~that has undergone external, scientific peer review. Numeric water quality standards in~~  
 64.13 ~~which the agency is adopting, without change, a United States Environmental Protection~~  
 64.14 ~~Agency criterion that has been through peer review are not subject to this paragraph.~~  
 64.15 Documentation of the external peer review panel, including the name or names of the peer  
 64.16 reviewer or reviewers, must be included in the statement of need and reasonableness for  
 64.17 the water quality standard. ~~If the commissioner does not convene an external peer review~~  
 64.18 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~  
 64.19 ~~must state the reason an external peer review panel will not be convened in the statement~~  
 64.20 ~~of need and reasonableness.~~

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

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

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

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

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

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

65.4 (d) The purpose of the external peer review is to evaluate whether the technical support  
65.5 document and proposed standard are based on sound scientific knowledge, methods, and  
65.6 practices. The external peer review must be conducted according to the guidance in the  
65.7 most recent edition of the United States Environmental Protection Agency's Peer Review  
65.8 Handbook. Peer reviewers must not have participated in developing the scientific basis of  
65.9 the standard. Peer reviewers must disclose any activities or circumstances that could pose  
65.10 a conflict of interest or create an appearance of a loss of impartiality that could interfere  
65.11 with an objective review.

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

65.16 (f) In response to the findings of the external peer review, the draft technical support  
65.17 document must be revised as appropriate. The findings of the external peer review must be  
65.18 documented and attached to the final technical support document, which must be an exhibit  
65.19 as part of the statement of need and reasonableness in the rulemaking to adopt the new or  
65.20 revised numeric water quality standard. The final technical support document must note  
65.21 changes made in response to the external peer review.

65.22 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web  
65.23 site a report identifying the water quality standards development work in progress or  
65.24 completed in the past year, the lead agency scientist for each development effort, and  
65.25 opportunities for public input.

65.26 **Sec. 68. [115.455] EFFLUENT LIMITATIONS; COMPLIANCE.**

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

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

66.1 Sec. 69. Minnesota Statutes 2016, section 115.77, subdivision 1, is amended to read:

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

66.6 Sec. 70. Minnesota Statutes 2016, section 115.84, subdivision 2, is amended to read:

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

66.10 Sec. 71. Minnesota Statutes 2016, section 115.84, subdivision 3, is amended to read:

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

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

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

66.21 Sec. 72. Minnesota Statutes 2016, section 115A.51, is amended to read:

66.22 **115A.51 APPLICATION REQUIREMENTS.**

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

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

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

66.28 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security  
 66.29 of sources of solid waste and of markets for recovered resources, together with any proposed

67.1 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected  
67.2 life of the project;

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

67.8 (5) that the applicant has identified waste management objectives in applicable county  
67.9 and regional solid waste management plans consistent with sections 115A.46, subdivision  
67.10 2, paragraphs (e) and (f), and 473.149, subdivision 1, and other solid waste facilities identified  
67.11 in the county and regional plans; and

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

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

67.17 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision  
67.18 2, paragraphs (e) and (f), and 473.149, subdivisions 1; and

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

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

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

67.26 Sec. 73. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

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

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

68.4 Sec. 74. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

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

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

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

68.14 Sec. 75. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

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

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

68.18 (i) the existing system of collection;

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

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

68.23 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods  
 68.24 selected for examination will be evaluated, which may include: costs to residential  
 68.25 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste  
 68.26 service based on the desired level of service, costs and other factors, the impact of miles  
 68.27 driven by collection vehicles on city streets and alleys and the incremental impact of miles  
 68.28 driven by collection vehicles, initial and operating costs to the city of implementing the  
 68.29 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts  
 68.30 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and  
 68.31 aesthetic impacts;

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

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

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

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

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

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

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

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

69.15 Sec. 76. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

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

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

69.25 Sec. 77. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

69.26 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing  
 69.27 a committee under subdivision 4a to consider organizing residential solid waste collection,  
 69.28 a city or town with more than one licensed collector must notify the public and all licensed  
 69.29 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60  
 69.30 days in which meetings and negotiations shall occur exclusively between licensed collectors  
 69.31 and the city or town to develop a proposal in which interested licensed collectors, as members

70.1 of an organization of collectors, collect solid waste from designated sections of the city or  
 70.2 town. The proposal shall include identified city or town priorities, including issues related  
 70.3 to zone creation, traffic, safety, environmental performance, service provided, and price,  
 70.4 and shall reflect existing haulers maintaining their respective market share of business as  
 70.5 determined by each hauler's average customer count during the six months prior to the  
 70.6 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be  
 70.7 excluded from the proposal, the city may allocate their customers proportionally based on  
 70.8 market share to the participating collectors who choose to negotiate. The initial organized  
 70.9 collection agreement executed under this subdivision must be for a ~~period of three to seven~~  
 70.10 years. Upon execution of an agreement between the participating licensed collectors and  
 70.11 city or town, the city or town shall establish organized collection through appropriate local  
 70.12 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except  
 70.13 that the governing body must provide the public notification and hearing required under  
 70.14 subdivision 4c.

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

70.18 Sec. 78. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
 70.19 to read:

70.20 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations  
 70.21 under subdivision 4d, participating licensed collectors and elected officials of the city or  
 70.22 town must meet and confer regarding waste collection issues, including but not limited to  
 70.23 road deterioration, public safety, pricing mechanisms, and contractual considerations unique  
 70.24 to organized collection.

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

70.28 Sec. 79. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
 70.29 to read:

70.30 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection  
 70.31 agreement must not obligate a participating licensed collector for damages to third parties  
 70.32 solely caused by another participating licensed collector. The organized collection agreement

71.1 may include joint obligations for actions that are undertaken by all the participating licensed  
 71.2 collectors under this section.

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

71.6 Sec. 80. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

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

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

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

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

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

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

71.23 Sec. 81. **[115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.**

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

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

71.27 (1) revenues from actions taken by the attorney general on behalf of the commissioner  
 71.28 of the Pollution Control Agency and commissioner of natural resources under section  
 71.29 115B.17, subdivisions 6 and 7, unless otherwise specified by the attorney general or  
 71.30 settlement agreement;

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

72.1 (3) interest earned on the account; and

72.2 (4) money received by the commissioner of the Pollution Control Agency or the  
72.3 commissioner of natural resources for deposit in the account in the form of a gift or a grant.

72.4 Subd. 3. **Expenditures.** (a) Money in the account is appropriated to the commissioner  
72.5 of natural resources for the purposes authorized in section 115B.20, subdivision 2, clause  
72.6 (4).

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

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

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

72.19 Sec. 82. **[115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.**

72.20 Subdivision 1. **Definitions.** (a) For purposes of this section and section 115B.53, the  
72.21 following terms have the meanings given.

72.22 (b) "East metropolitan area" includes but is not limited to the cities of Woodbury,  
72.23 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships  
72.24 of West Lakeland and Grey Cloud Island.

72.25 (c) "Settlement" means the agreement and order entered on February 20, 2018, settling  
72.26 litigation commenced by the state against the 3M Company under section 115B.17,  
72.27 subdivision 7.

72.28 Subd. 2. **Establishment.** The water quality and sustainability account is established as  
72.29 an account in the remediation fund. The account consists of revenue deposited in the account  
72.30 under the terms of the settlement and earnings on the investment of money in the account.  
72.31 Money in the account may be invested through the State Board of Investment.

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

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

73.6 (1) by April 1, 2019, an implementation plan detailing how the commissioners will:

73.7 (i) determine how the priorities in the settlement are met and how the spending will  
 73.8 move from the first priority, benefiting the east metropolitan area, and the second priority  
 73.9 outlined in the settlement; and

73.10 (ii) evaluate and determine what projects receive funding;

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

73.15 (3) by November 1 each year, a report to the legislature on expenditures from the water  
 73.16 quality and sustainability account during the previous fiscal year and a spending plan for  
 73.17 anticipated expenditures from the account during the current fiscal year.

73.18 Subd. 5. **Local approval.** The commissioner of the Pollution Control Agency or  
 73.19 commissioner of natural resources must receive approval from the local unit of government  
 73.20 before assuming control or otherwise operating an existing municipal water supply operation  
 73.21 in the east metropolitan area.

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

73.23 Sec. 83. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

73.24 The commissioner of the Pollution Control Agency and the commissioner of natural  
 73.25 resources must work with stakeholders to identify and recommend projects to receive funding  
 73.26 from the water quality and sustainability account under the settlement. Stakeholders include,  
 73.27 at a minimum, representatives of the agency, the Department of Natural Resources, east  
 73.28 metropolitan area municipalities, and the 3M Company. The commissioners must establish  
 73.29 a process to solicit and evaluate the recommendations from each of the cities of Woodbury,  
 73.30 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships  
 73.31 of West Lakeland and Grey Cloud Island.

74.1 Sec. 84. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to  
74.2 read:

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

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

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

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

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

74.14 (iii) provides adequate aeration; and

74.15 (iv) provides an acceptable covering; and

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

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

74.20 Sec. 85. Minnesota Statutes 2017 Supplement, section 116.07, subdivision 4d, is amended  
74.21 to read:

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

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

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

75.1 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
75.2 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
75.3 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
75.4 facilities subject to a notification, permit, or license requirement under this chapter,  
75.5 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
75.6 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
75.7 indirect reasonable costs, including legal costs, required to develop and administer the  
75.8 notification, permit, or license program requirements of this chapter, subchapters I and V  
75.9 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
75.10 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
75.11 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
75.12 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
75.13 applicable regulations; responding to federal guidance; modeling, analyses, and  
75.14 demonstrations; preparing inventories and tracking emissions; and providing information  
75.15 to the public about these activities.

75.16 (c) The agency shall set fees that:

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

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

75.25 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
75.26 needed to match grant funds received by the state under United States Code, title 42, section  
75.27 7405 (section 105 of the federal Clean Air Act).

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

76.1 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
76.2 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
76.3 year by the percentage, if any, by which the Consumer Price Index for the most recent  
76.4 calendar year ending before the beginning of the year the fee is collected exceeds the  
76.5 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
76.6 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
76.7 all-urban consumers published by the United States Department of Labor, as of the close  
76.8 of the 12-month period ending on August 31 of each calendar year. The revision of the  
76.9 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
76.10 year 1989 shall be used.

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

76.13 (f) Permit applicants who wish to construct, reconstruct, or modify a project may offer  
76.14 to reimburse the agency for the costs of staff time or consultant services needed to expedite  
76.15 the preapplication process and permit development process through the final decision on  
76.16 the permit, including the analysis of environmental review documents. The reimbursement  
76.17 shall be in addition to permit application fees imposed by law. When the agency determines  
76.18 that it needs additional resources to develop the permit application in an expedited manner,  
76.19 and that expediting the development is consistent with permitting program priorities, the  
76.20 agency may accept the reimbursement. The commissioner must give the applicant an estimate  
76.21 of costs to be incurred by the commissioner. The estimate must include a brief description  
76.22 of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for  
76.23 each task. The applicant and the commissioner must enter into a written agreement detailing  
76.24 the estimated costs for the expedited permit decision-making process to be incurred by the  
76.25 agency. The agreement must also identify staff anticipated to be assigned to the project.  
76.26 The commissioner must not issue a permit until the applicant has paid all fees in full. The  
76.27 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted  
76.28 by the agency are appropriated to the agency for the purpose of developing the permit or  
76.29 analyzing environmental review documents. Reimbursement by a permit applicant shall  
76.30 precede and not be contingent upon issuance of a permit; shall not affect the agency's decision  
76.31 on whether to issue or deny a permit, what conditions are included in a permit, or the  
76.32 application of state and federal statutes and rules governing permit determinations; and shall  
76.33 not affect final decisions regarding environmental review.

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

77.1 Sec. 86. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

77.2 **116.0714 NEW OPEN-AIR SWINE BASINS.**

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

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

77.11 Sec. 87. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

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

77.20 Sec. 88. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision  
 77.21 to read:

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

77.24 Sec. 89. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision  
 77.25 to read:

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

77.28 Sec. 90. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

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

- 78.1 (1) be a small business corporation, sole proprietorship, partnership, or association;
- 78.2 (2) be a potential emitter of pollutants to the air, ground, or water;
- 78.3 (3) need capital for equipment purchases that will meet or exceed environmental
- 78.4 regulations or need capital for site investigation and cleanup;
- 78.5 (4) have ~~less~~ fewer than ~~50~~ 100 full-time equivalent employees; and
- 78.6 (5) have an ~~after-tax~~ after-tax profit of less than \$500,000; and
- 78.7 ~~(6) have a net worth of less than \$1,000,000.~~

78.8 Sec. 91. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

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

- 78.10 (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever~~
- 78.11 ~~is greater~~ not to exceed five percent;
- 78.12 (2) a term of payment of not more than seven years; and
- 78.13 (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

78.14 Sec. 92. Minnesota Statutes 2016, section 180.03, subdivision 2, is amended to read:

78.15 Subd. 2. **Fences.** Every person, firm, or corporation that is or has been engaged in the

78.16 business of mining or removing iron ore, taconite, semitaconite or other minerals except

78.17 sand, crushed rock, and gravel shall erect and maintain, as a minimum, a three strand wire

78.18 fence along the outside perimeter of the excavation, open pit, or shaft of any mine in which

78.19 mining operations have ceased for a period of six consecutive months or longer. Based upon

78.20 local site conditions that may exist at shafts, caves, or open pits, the county mine inspector

78.21 may require more secure fencing such as barbed wire or mesh fence, or may require barriers,

78.22 appropriate signs, or any combination of the above, to reduce the possibility of accidental

78.23 falls. The county mine inspector may grant exemptions under subdivision 4. Where mining

78.24 operations have ceased and not resumed, the fence, barrier, signs, or combination of them

78.25 required by this section shall be erected within two years from the date when the county

78.26 mine inspector directs the erection of fences, barriers, signs, or combination of them.

78.27 Sec. 93. Minnesota Statutes 2016, section 180.03, subdivision 3, is amended to read:

78.28 Subd. 3. **Abandoned mines.** Except as described in subdivision 4, when a mine is idle

78.29 or abandoned it is the duty of the inspector of mines to notify the person, firm, or corporation

78.30 that is or has been engaged in the business of mining to erect and maintain around all the

79.1 shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination  
 79.2 of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the  
 79.3 possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been  
 79.4 idled or abandoned, or if the person, firm, or corporation that has been engaged in the  
 79.5 business of mining no longer exists, the fee owner shall erect and maintain the fence, barrier,  
 79.6 or signs required by this section. If the fee owner fails to act, the county in which the mining  
 79.7 operation is located may, in addition to any other remedies available, abate the nuisance by  
 79.8 erecting or maintaining the fence, barrier, or signs and assessing the costs and related  
 79.9 expenses pursuant to section 429.101.

79.10 Sec. 94. Minnesota Statutes 2016, section 180.03, subdivision 4, is amended to read:

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

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

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

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

79.17 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision  
 79.18 1, that is intended or permitted to be used as a park, an open area for recreational purposes,  
 79.19 or for the provision of recreational services, including the creation of trails or paths without  
 79.20 artificial surfaces; or

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

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

79.24 (4) upon written application by the property owner, the county mine inspector may  
 79.25 exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or  
 79.26 shaft which determines that it is provided with fencing, barriers, appropriate signs, or  
 79.27 combinations of them, in a manner that is reasonably similar to the standards in subdivision  
 79.28 2, or which if, in the inspector's judgment, it does not constitute a safety hazard.

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

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

80.4 (2) prohibiting public access beyond the boundaries of the designated public access area;  
 80.5 and

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

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

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

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

80.19 Sec. 95. Minnesota Statutes 2016, section 180.10, is amended to read:

80.20 **180.10 REMOVAL OF FENCE; GUARD.**

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

80.29 Sec. 96. Minnesota Statutes 2016, section 216G.01, subdivision 3, is amended to read:

80.30 Subd. 3. **Pipeline.** "Pipeline" means a pipeline owned or operated by a condemning  
 80.31 authority, as defined in section 117.025, subdivision 4, located in this state which is used  
 80.32 to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch,

81.1 or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous  
81.2 ammonia or any mineral slurry to a distribution center or storage facility which is located  
81.3 within or outside of this state. "Pipeline" does not include a pipeline owned or operated by  
81.4 a natural gas public utility as defined in section 216B.02, subdivision 4.

81.5 Sec. 97. ~~[383A.606]~~ **DISCONTINUANCE OF RAMSEY SOIL AND WATER**  
81.6 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

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

81.10 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of  
81.11 Commissioners has the duties and authorities of a soil and water conservation district. All  
81.12 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil  
81.13 and Water Conservation District is a party remain in force and effect for the period provided  
81.14 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the  
81.15 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the  
81.16 district's rights and duties.

81.17 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board  
81.18 of Supervisors shall transfer the assets of the district to the Ramsey County Board of  
81.19 Commissioners. The Ramsey County Board of Commissioners shall use the transferred  
81.20 assets for the purposes of implementing the transferred duties and authorities.

81.21 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition  
81.22 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water  
81.23 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources  
81.24 under its authority in section 103C.201, and after giving notice of corrective actions and  
81.25 time to implement the corrective actions, may reestablish the Ramsey Soil and Water  
81.26 Conservation District if it determines the goals established in section 103C.005 are not  
81.27 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the  
81.28 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

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

82.1 Sec. 98. Minnesota Statutes 2016, section 444.075, subdivision 1a, is amended to read:

82.2 Subd. 1a. **Authorization.** Any municipality may build, construct, reconstruct, repair,  
82.3 enlarge, improve, or in any other manner obtain facilities, and maintain and operate the  
82.4 facilities inside or outside its corporate limits, and acquire by gift, purchase, lease,  
82.5 condemnation, or otherwise any and all land and easements required for that purpose. The  
82.6 authority hereby granted is in addition to all other powers with reference to the facilities  
82.7 otherwise granted by the laws of this state or by the charter of any municipality. The authority  
82.8 regarding storm sewers granted to municipalities which have territory within a watershed  
82.9 which has adopted a watershed plan pursuant to section 103B.231 shall be exercised, with  
82.10 respect to facilities acquired following the adoption of the watershed plan, only for facilities  
82.11 which are not inconsistent with the watershed plan. The authority regarding storm sewers  
82.12 granted to municipalities which have adopted local water management plans pursuant to  
82.13 section 103B.235 shall be exercised, with respect to facilities acquired following the adoption  
82.14 of a local plan, only for facilities which are not inconsistent with the local plan. Counties;  
82.15 ~~except counties in the seven-county metropolitan area,~~ shall have the same authority granted  
82.16 to municipalities by this subdivision except for areas of the county organized into cities and  
82.17 areas of the county incorporated within a sanitary district established by special act of the  
82.18 legislature.

82.19 Sec. 99. Minnesota Statutes 2016, section 473.149, subdivision 3, is amended to read:

82.20 Subd. 3. **Preparation; adoption; and revision.** (a) The solid waste policy plan shall be  
82.21 prepared, adopted, and revised as necessary in accordance with paragraphs (c) to (e), after  
82.22 consultation with the metropolitan counties.

82.23 (b) Revisions to the policy plan are exempt from the rulemaking provisions of chapter  
82.24 14. Any goal, policy, criteria, or standard contained in the policy plan may not be required  
82.25 of or enforced against a county or private party and does not have the force and effect of  
82.26 law unless required by statute or adopted in accordance with chapter 14.

82.27 (c) Before beginning preparation of revisions to the policy plan, the commissioner shall  
82.28 publish a predrafting notice in the State Register that includes a statement of the subjects  
82.29 expected to be covered by the revisions, including a summary of the important problems  
82.30 and issues. The notice must solicit comments from the public and state that the comments  
82.31 must be received by the commissioner within 45 days of publication of the notice. The  
82.32 commissioner shall consider the comments in preparing the revisions.

82.33 (d) After publication of the predrafting notice and before adopting revisions to the policy  
82.34 plan, the commissioner shall publish a notice in the State Register that:

- 83.1 (1) contains a summary of the proposed revisions;
- 83.2 (2) invites public comment;
- 83.3 (3) lists locations where the proposed revised policy plan can be reviewed and states  
83.4 that copies of the proposed revised policy plan can also be obtained from the Pollution  
83.5 Control Agency;
- 83.6 (4) states a location for a public meeting on the revisions at a time no earlier than 30  
83.7 days from the date of publication; and
- 83.8 (5) advises the public that they have 30 days from the date of the public meeting in  
83.9 clause (4) to submit comments on the revisions to the commissioner.
- 83.10 (e) At the meeting described in paragraph (d), clause (4), the public shall be given an  
83.11 opportunity to present their views on the policy plan revisions. The commissioner shall  
83.12 incorporate any amendments to the proposed revisions that, in the commissioner's view,  
83.13 will help to carry out the requirements of subdivisions 1, 2d, and 2e. At or before the time  
83.14 that policy plan revisions are finally adopted, the commissioner shall issue a report that  
83.15 addresses issues raised in the public comments. The report shall be made available to the  
83.16 public and mailed to interested persons who have submitted their names and addresses to  
83.17 the commissioner.
- 83.18 (f) The criteria and standards adopted in the policy plan for review of solid waste facility  
83.19 permits pursuant to section 473.823, subdivision 3; for issuance of certificates of need  
83.20 pursuant to section 473.823, subdivision 6; and for review of solid waste contracts pursuant  
83.21 to section 473.813 may be appealed to the Court of Appeals within 30 days after final  
83.22 adoption of the policy plan. The court may declare the challenged portion of the policy plan  
83.23 invalid if it violates constitutional provisions, is in excess of statutory authority of the  
83.24 commissioner, or was adopted without compliance with the procedures in this subdivision.  
83.25 The review shall be on the record created during the adoption of the policy plan, except that  
83.26 additional evidence may be included in the record if the court finds that the additional  
83.27 evidence is material and there were good reasons for failure to present it in the proceedings  
83.28 described in paragraphs (c) to (e).
- 83.29 (g) The Metropolitan Council or a metropolitan county, local government unit,  
83.30 commission, or person shall not acquire, construct, improve or operate any solid waste  
83.31 facility in the metropolitan area except in accordance with the plan and section 473.823,  
83.32 provided that no solid waste facility in use when a plan is adopted shall be discontinued  
83.33 solely because it is not located in an area designated in the plan as acceptable for the location  
83.34 of such facilities.

84.1 Sec. 100. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

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

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

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

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

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

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

84.18 Sec. 101. Laws 2015, First Special Session chapter 4, article 4, section 136, as amended  
84.19 by Laws 2017, chapter 93, article 2, section 149, is amended to read:

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

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

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

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

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

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

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

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

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

85.10 Sec. 102. Laws 2015, First Special Session chapter 4, article 4, section 146, as amended  
 85.11 by Laws 2017, chapter 93, article 2, section 150, is amended to read:

85.12 **Sec. 146. INITIAL IMPLEMENTATION; WAIVERS.**

85.13 A soil and water conservation district must grant a conditional compliance waiver under  
 85.14 Minnesota Statutes, section 103F.48, to landowners or authorized agents who have applied  
 85.15 for and maintained eligibility for financial or technical assistance within one year of the  
 85.16 dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according  
 85.17 to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be  
 85.18 granted to landowners who are subject to a drainage proceeding commenced under Minnesota  
 85.19 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The  
 85.20 conditional compliance waiver is valid until financial or technical assistance is available  
 85.21 for buffer or alternative practices installation, but not later than November 1, 2018. A  
 85.22 landowner or authorized agent that has filed a parcel-specific public water riparian protection  
 85.23 compliance plan with the soil and water conservation district by November 1, 2017, shall  
 85.24 be granted a conditional compliance waiver until July 1, 2018. A landowner or authorized  
 85.25 agent that has filed a parcel-specific public drainage system riparian protection compliance  
 85.26 plan with the soil and water conservation district by November 1, 2018, shall be granted a  
 85.27 conditional compliance waiver until July 1, 2019.

85.28 Sec. 103. Laws 2016, chapter 189, article 3, section 48, is amended to read:

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

85.30 The commissioner of natural resources shall report to the chairs of the house of  
 85.31 representatives and senate committees with jurisdiction over natural resources by January  
 85.32 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as

86.1 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in  
86.2 the state. The report must:

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

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

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

86.10 Sec. 104. Laws 2017, chapter 93, article 2, section 155, subdivision 5, is amended to read:

86.11 Subd. 5. **Sunset.** This section expires ~~two~~ three years from the day following final  
86.12 enactment.

86.13 Sec. 105. Laws 2017, chapter 93, article 2, section 163, is amended to read:

86.14 Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**  
86.15 **COUNTY.**

86.16 Before July 1, ~~2018~~ 2019, the commissioner of natural resources must not initiate a civil  
86.17 action to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater  
86.18 County.

86.19 Sec. 106. **RECREATIONAL TRAILS; ENVIRONMENTAL REVIEW;**  
86.20 **RULEMAKING.**

86.21 (a) The Environmental Quality Board must amend Minnesota Rules, chapter 4410, to  
86.22 be consistent with this section, including amending Minnesota Rules, part 4410.4300, subpart  
86.23 37, as follows:

86.24 (1) item A must be amended to read: "Constructing a trail at least 25 miles long on  
86.25 forested or other naturally vegetated land for a recreational use unless exempted by part  
86.26 4410.4600, subpart 14, item D.";

86.27 (2) item B must be amended to read: "Designating at least 25 miles of an existing trail  
86.28 for a new motorized recreational use other than snowmobiling. When designating an existing  
86.29 motorized trail or existing corridor in current legal use, for a new motorized recreational  
86.30 use, this designation must not contribute to the 25-mile threshold. When adding a new  
86.31 recreational use or seasonal recreational use to an existing motorized recreational trail if

87.1 the treadway width is not expanded as a result of the added use, this addition must not  
 87.2 contribute to the 25-mile threshold."; and

87.3 (3) when applying items A and B, the rule must be amended to read: "In applying items  
 87.4 A and B, if a proposed trail will contain segments of newly constructed trail and segments  
 87.5 that will follow an existing trail but be designated for a new motorized use, an EAW must  
 87.6 be prepared if the sum of the total is at least 25-mile long."

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

87.11 **Sec. 107. WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE**  
 87.12 **PROGRAM.**

87.13 The Board of Water and Soil Resources, in cooperation with the United States Army  
 87.14 Corps of Engineers, may complete the planning frameworks and other program application  
 87.15 requirements necessary for federal approval of an in-lieu fee program, as authorized under  
 87.16 Minnesota Statutes, section 103G.2242, in the Red River basin and the greater than 80  
 87.17 percent area. The planning frameworks must contain a prioritization strategy for selecting  
 87.18 and implementing mitigation activities based on a watershed approach that includes  
 87.19 consideration of historic resource loss within watersheds and the extent to which mitigation  
 87.20 can address priority watershed needs. The board must consider the recommendations of the  
 87.21 report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and  
 87.22 implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in  
 87.23 developing proposed planning frameworks for applicable watersheds. When completing  
 87.24 the work and pursuing approval of an in-lieu fee program, the board must do so consistent  
 87.25 with the applicable requirements, stakeholder and agency review processes, and approval  
 87.26 time frames in Code of Federal Regulations, title 33, section 332. The board must submit  
 87.27 any completed planning frameworks to the chairs and ranking minority members of the  
 87.28 house of representatives and the senate committees and divisions with jurisdiction over  
 87.29 environment and natural resources upon receiving federal approval.

87.30 **Sec. 108. TESTING FOR PRIVATE WELLS; EAST METROPOLITAN AREA.**

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

87.33 (b) "East metropolitan area" means:

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

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

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

88.6 (c) "PFCs" means perfluorinated and polyfluorinated chemicals.

88.7 Subd. 2. Testing for private wells. To provide results of PFC groundwater monitoring  
 88.8 to the public, the commissioner of the Pollution Control Agency must develop a Web page  
 88.9 that may include, but is not limited to, the following:

88.10 (1) the process for private and public well PFC sampling in the east metropolitan area;

88.11 (2) an interactive map system that allows the public to view locations of the Department  
 88.12 of Health well advisories and areas projected to be sampled for PFCs; and

88.13 (3) how to contact the Pollution Control Agency or Department of Health staff to answer  
 88.14 questions on sampling of private wells.

88.15 Subd. 3. Test reporting. (a) By January 15 each year, the commissioner of the Pollution  
 88.16 Control Agency must report to each community in the east metropolitan area a summary  
 88.17 of the results of the testing for private wells in the community. The report must include  
 88.18 information on the number of wells tested and trends of PFC contamination in private wells  
 88.19 in the community. Reports to communities under this section must also be published on the  
 88.20 Pollution Control Agency's Web site.

88.21 (b) By January 15 each year, the commissioner of the Pollution Control Agency must  
 88.22 report to the legislature, as provided in Minnesota Statutes, section 3.195, on the testing for  
 88.23 private wells conducted in the east metropolitan area, including copies of the community  
 88.24 reports required in paragraph (a), the number of requests for well testing in each community,  
 88.25 and the total amount spent for testing private wells in each community.

88.26 Sec. 109. TEMPORARY ENFORCEMENT OF GROUNDWATER  
 88.27 APPROPRIATION PERMIT REQUIREMENTS.

88.28 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to  
 88.29 suspend or revoke a water appropriation permit, issue an order requiring a violation to be  
 88.30 corrected, assess monetary penalties, or otherwise take enforcement action against a water  
 88.31 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement  
 88.32 action is based solely on a violation of a permit requirement added to a groundwater

89.1 appropriation permit within the north and east metro groundwater management area as a  
89.2 result of a court order issued in 2017.

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

89.6 **Sec. 110. GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

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

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

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

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

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

89.19 **Sec. 111. RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

89.20 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,  
89.21 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew  
89.22 a type IV disposal facility certificate, by April 30, 2019, or nine months after enactment of  
89.23 this section, whichever is earlier.

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

89.28 **Sec. 112. APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

89.29 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part  
89.30 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township

90.1 that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26  
 90.2 (a)(9)(i)(A), and other platted areas within that jurisdiction.

90.3 **Sec. 113. FOREST INVENTORY RECOMMENDATIONS.**

90.4 The Minnesota Forest Resources Council shall work in cooperation with the Interagency  
 90.5 Information Cooperative and the University of Minnesota Department of Forest Resources  
 90.6 to make recommendations for improving stand-level forest inventories. Recommendations  
 90.7 shall include the frequency and scope of forest inventory and design and technological  
 90.8 improvements and efficiencies that may be utilized in forest inventory data collection and  
 90.9 analysis. The recommendations shall address forest inventories of state- and  
 90.10 county-administered forest lands and other interested land managers. Recommendations  
 90.11 shall be reported to the house of representatives Environment and Natural Resources Policy  
 90.12 and Finance Committee, the senate Environment and Natural Resources Finance Committee,  
 90.13 and the senate Environment and Natural Resources Policy and Legacy Finance Committee  
 90.14 by February 1, 2019.

90.15 **Sec. 114. LAKE WINONA MANAGEMENT; USING OFFSET, ADAPTIVE**  
 90.16 **PLANNING.**

90.17 (a) To facilitate implementation of the Lake Winona total maximum daily load, the  
 90.18 Alexandria Lake Area Sanitary District may fund or perform lake management activities  
 90.19 in Lake Winona and in Lake Agnes. Lake management activities may include but are not  
 90.20 limited to carp removal and alum treatment. If the district agrees to fund or perform lake  
 90.21 management activities in Lake Winona and in Lake Agnes, the commissioner of the Pollution  
 90.22 Control Agency shall do one of the following unless the district chooses another path to  
 90.23 compliance that conforms to state and federal law, such as facility construction:

90.24 (1) approve an offset of the phosphorous loading proportional to the reduction achievable  
 90.25 through lake management activities in Lake Winona and Lake Agnes creditable to the  
 90.26 Alexandria Lake Area Sanitary District's wastewater treatment facility and issue or amend  
 90.27 the district's NPDES permit MN004738 to include the offset. The approved offset may be  
 90.28 related to the lake eutrophication response variable chlorophyll-a, but shall ensure the district  
 90.29 can achieve compliance with phosphorus effluent limits through wastewater optimization  
 90.30 techniques without performing capital upgrades to the wastewater treatment facility. The  
 90.31 lake management activities contemplated under paragraph (a) need not be completed before  
 90.32 the commissioner approves the offset and related discharge limits or issues the permit, but  
 90.33 the permit may include a schedule of compliance outlining the required lake management

91.1 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
 91.2 begin immediately upon permit issuance. The approved offset and related permit language  
 91.3 must be consistent with Clean Water Act requirements and Minnesota Statutes, section  
 91.4 115.03, subdivision 10; or

91.5 (2) amend the district's NPDES permit MN004738 in a manner consistent with state and  
 91.6 federal law to include an integrated and adaptive lake management plan and to extend the  
 91.7 final compliance deadline for the final phosphorus concentration effluent limit related to  
 91.8 the site specific standard for Lake Winona contained in the district's permit until such time  
 91.9 that carp removal in Lake Winona can be completed and the lake can be reassessed. The  
 91.10 permit may include a schedule of compliance outlining the required lake management  
 91.11 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
 91.12 begin immediately upon permit issuance.

91.13 (b) If the district agrees to fund or perform the lake management activities identified in  
 91.14 paragraph (a), the district may cooperate with the city of Alexandria in those efforts. The  
 91.15 district's responsibility for lake management activities in Lake Winona and Lake Agnes  
 91.16 terminates upon completion of the lake management activities identified in the schedule of  
 91.17 compliance contemplated under paragraph (a).

91.18 **EFFECTIVE DATE.** This section is effective the day after the governing body of the  
 91.19 Alexandria Lake Area Sanitary District and its chief clerical officer timely complete their  
 91.20 compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

91.21 Sec. 115. **MORATORIUM ON MUSKELLUNGE STOCKING IN OTTER TAIL**  
 91.22 **COUNTY.**

91.23 (a) Until August 1, 2023, the commissioner of natural resources must not stock  
 91.24 muskellunge in waters wholly located in Otter Tail County. Any savings realized as a result  
 91.25 must be used for walleye stocking.

91.26 (b) The commissioner of natural resources must convene a stakeholder group to examine  
 91.27 the effect of muskellunge on the environment, waters, and native fish of Otter Tail County.  
 91.28 The stakeholder group must include an Otter Tail County commissioner, a representative  
 91.29 of the Minnesota Chamber of Commerce, and a representative of an Otter Tail County lake  
 91.30 association. The stakeholder group must examine existing scientific research and must  
 91.31 determine whether additional research is necessary. If the stakeholder group determines  
 91.32 that muskellunge do not pose a threat to the environment, waters, or native fish of Otter  
 91.33 Tail County, the stakeholder group may recommend that the legislature repeal or adjust the  
 91.34 moratorium imposed under paragraph (a).

92.1 **EFFECTIVE DATE.** This section is effective the day after the Otter Tail County Board  
 92.2 of Commissioners and its chief clerical officer timely complete their compliance with  
 92.3 Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before July 1, 2018.

92.4 Sec. 116. **NATURAL RESOURCES YOUTH SAFETY EDUCATION PROGRAMS**  
 92.5 **DELIVERY.**

92.6 The commissioner of natural resources shall review and research options for delivering  
 92.7 online safety training programs for youth and adult students, including off-highway vehicles  
 92.8 and hunter education, that are maintained and delivered by the state that functions  
 92.9 independently from an outside contract vendor. By March 1, 2019, the commissioner shall  
 92.10 report to the chairs of the senate and house of representatives environment and natural  
 92.11 resources policy and finance committees on options identified under this section.

92.12 Sec. 117. **NONPOINT PRIORITY FUNDING PLAN WORKGROUP.**

92.13 The Board of Water and Soil Resources must convene a workgroup consisting of  
 92.14 representatives of state agencies, local governments, tribal governments, private and nonprofit  
 92.15 organizations, and others to review the nonpoint priority funding plan under Minnesota  
 92.16 Statutes, section 114D.50, subdivision 3a. By January 31, 2019, the board must submit a  
 92.17 report to the chairs and ranking minority members of the house of representatives and senate  
 92.18 committees with jurisdiction over environment and natural resources that contains  
 92.19 recommendations to improve the effectiveness of nonpoint priority funding plans to meet  
 92.20 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in  
 92.21 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater  
 92.22 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

92.23 Sec. 118. **CHRONIC WASTING DISEASE TASK FORCE.**

92.24 Subdivision 1. **Creation; membership.** (a) The Chronic Wasting Disease Task Force  
 92.25 consists of 22 members appointed as follows:

92.26 (1) the chairs and ranking minority members of the senate committees with jurisdiction  
 92.27 over environment and natural resources policy and finance;

92.28 (2) the chair and ranking minority member of the house of representatives Environment  
 92.29 and Natural Resources Policy and Finance Committee and two additional members of that  
 92.30 committee selected by the chair of that committee, one from the majority party, and one  
 92.31 from the minority party;

93.1 (3) the chairs and ranking minority members of the senate and house of representatives  
 93.2 committees with jurisdiction over agriculture policy and finance;

93.3 (4) a representative from the Department of Natural Resources, the Department of  
 93.4 Agriculture, and the Board of Animal Health; and

93.5 (5) a representative from the Minnesota Elk Breeders Association, Minnesota Deer  
 93.6 Farmers Association, and the Minnesota Deer Hunters Association.

93.7 (b) The appointing authorities must make their respective appointments no later than  
 93.8 July 15, 2018.

93.9 Subd. 2. **Chair; meetings.** (a) The chair of the task force alternates each meeting between  
 93.10 the chair of the senate Environment and Natural Resources Policy Committee and the chair  
 93.11 of the house of representatives Environment and Natural Resources Policy and Finance  
 93.12 Committee. The senate chair shall chair the first meeting, which shall be no later than August  
 93.13 15, 2018.

93.14 (b) The task force shall meet upon the call of the chair.

93.15 Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall  
 93.16 provide administrative support and meeting space for the task force.

93.17 Subd. 4. **Duties.** The task force must study and provide recommendations on:

93.18 (1) whether and how recommendations included in the legislative auditor's Board of  
 93.19 Animal Health's Oversight of Deer and Elk Farms report should be implemented;

93.20 (2) methods to improve the coordination and effectiveness of the chronic wasting disease  
 93.21 prevention and response activities of government agencies and other stakeholders; and

93.22 (3) whether it is possible to develop a method for detecting the presence of the disease  
 93.23 in living cervids and what resources would be required to do so.

93.24 Subd. 5. **Report.** No later than January 15, 2019, the task force shall submit a report to  
 93.25 the chairs of the house of representatives and senate committees with jurisdiction over  
 93.26 environment and natural resources finance containing the findings of the task force.

93.27 Subd. 6. **Expiration.** The task force expires 45 days after the report and recommendations  
 93.28 are delivered to the legislature or on June 30, 2019, whichever date is earlier.

93.29 Sec. 119. **BOARD OF ANIMAL HEALTH TASK FORCE.**

93.30 Subdivision 1. **Creation; membership.** (a) The Board of Animal Health Task Force  
 93.31 consists of 25 members appointed as follows:

94.1 (1) the chairs and ranking minority members of the senate committees with jurisdiction  
 94.2 over environment and natural resources policy and finance;

94.3 (2) the chair and ranking minority member of the house of representatives Environment  
 94.4 and Natural Resources Policy and Finance Committee and two additional members of that  
 94.5 committee selected by the chair of that committee, one from the majority party, and one  
 94.6 from the minority party;

94.7 (3) the chairs and ranking minority members of the senate and house of representatives  
 94.8 committees with jurisdiction over agriculture policy and finance;

94.9 (4) the commissioner of agriculture, or the commissioner's designee; and

94.10 (5) a representative from the Minnesota Elk Breeders Association, the Minnesota Deer  
 94.11 Farmers Association, the Minnesota Deer Hunters Association, the Minnesota Pork Producers  
 94.12 Association, the Minnesota Cattlemen's Association, the Minnesota Farmer's Union, the  
 94.13 Minnesota Farm Bureau, and the Minnesota Turkey Growers Association.

94.14 (b) The appointing authorities must make their respective appointments no later than  
 94.15 July 15, 2018.

94.16 Subd. 2. **Chair; meetings.** (a) The chair of the task force alternates each meeting between  
 94.17 the chair of the senate Environment and Natural Resources Policy Committee and the chair  
 94.18 of the house of representatives Environment and Natural Resources Policy and Finance  
 94.19 Committee. The senate chair shall chair the first meeting, which shall be no later than August  
 94.20 15, 2018.

94.21 (b) The task force shall meet upon the call of the chair.

94.22 Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall  
 94.23 provide administrative support and meeting space for the task force.

94.24 Subd. 4. **Duties.** The task force must study and provide recommendations related to:

94.25 (1) the overall effectiveness of the board's execution of its statutory duties, including its  
 94.26 duties to protect the health of Minnesota's domestic animals, manage domestic animal  
 94.27 diseases, and enforce domestic animal-related laws;

94.28 (2) whether the structure, membership, and duties of the board are optimally designed  
 94.29 to further the purposes for which the board was created and to serve the communities it is  
 94.30 designed to serve; and

94.31 (3) whether and how recommendations included in the legislative auditor's Board of  
 94.32 Animal Health's Oversight of Deer and Elk Farms report should be implemented.

95.1 Subd. 5. **Duty to cooperate.** Upon request, the Board of Animal Health shall provide  
95.2 the task force with any information requested by the task force in connection with the  
95.3 exercise of its duties. The Board of Animal Health may redact nonpublic information from  
95.4 the information prior to providing information under this subdivision.

95.5 Subd. 6. **Report.** No later than January 15, 2019, the task force shall submit a report to  
95.6 the chairs and ranking minority members of the house of representatives and senate  
95.7 committees with jurisdiction over environment and natural resources finance containing  
95.8 the findings of the task force.

95.9 Subd. 7. **Expiration.** The task force expires 45 days after the report and recommendations  
95.10 are delivered to the legislature or on June 30, 2019, whichever date is earlier.

95.11 **Sec. 120. 1837 CEDED TERRITORY FISHERIES TECHNICAL COMMITTEE.**

95.12 The commissioner of natural resources may request that the 1837 Ceded Territory  
95.13 Fisheries Technical Committee invite at least two fish managers as designated by the  
95.14 commissioner to attend all meetings of the committee.

95.15 **Sec. 121. CARBON MONOXIDE EXPOSURE; FISH HOUSES AND ICE**  
95.16 **SHELTERS; REPORT.**

95.17 The commissioner of natural resources must work with fish house and ice shelter  
95.18 manufacturers and other interested parties to identify best practices to reduce fish house  
95.19 and ice shelter user exposure to carbon monoxide. The commissioner must increase outreach  
95.20 efforts relating to the dangers of carbon monoxide exposure in fish houses and report  
95.21 recommendations to the chairs of the house of representatives and senate committees and  
95.22 divisions with jurisdiction over environment and natural resources policy by January 15,  
95.23 2019.

95.24 **Sec. 122. HAYES LAKE STATE PARK RECOMMENDATIONS; REPORT.**

95.25 The commissioner of natural resources, in cooperation with the Friends of Hayes Lake  
95.26 State Park, Roseau County, and other interested parties must develop recommendations for  
95.27 expanding access to and recreational opportunities within Hayes Lake State Park. The  
95.28 commissioner must submit the report to the chairs and ranking minority members of the  
95.29 house of representatives and senate committees and divisions with jurisdiction over the  
95.30 environment and natural resources by February 1, 2019.

96.1 Sec. 123. **SNOWMOBILE TRAILS AND ENFORCEMENT ACCOUNT.**

96.2 The commissioner of natural resources must work with the Minnesota United  
 96.3 Snowmobilers Association to develop a consensus agreement on the use of the money in  
 96.4 the snowmobile trails and enforcement account under Minnesota Statutes, section 84.83.  
 96.5 The commissioner of natural resources must submit a copy of a memorandum of  
 96.6 understanding outlining the agreement between the commissioner and the association to  
 96.7 the chairs and ranking minority members of the house of representatives and senate  
 96.8 committees and divisions with jurisdiction over the environment and natural resources by  
 96.9 January 15, 2019.

96.10 Sec. 124. **HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

96.11 (a) The commissioner of natural resources must operate the Hill-Annex Mine State Park  
 96.12 for the purposes it was established through June 30, 2021. The commissioner must work  
 96.13 with the group established under Laws 2017, chapter 93, article 2, section 156, to review  
 96.14 park activities and the alternate operating model developed and identify options for  
 96.15 sustainable and viable operation of the park site. The commissioner must submit  
 96.16 recommendations to the chairs and ranking minority members of the house of representatives  
 96.17 and senate committees and divisions with jurisdiction over the environment and natural  
 96.18 resources by January 15, 2021.

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

96.23 Sec. 125. **DEMOLITION DEBRIS LANDFILLS; PERMITTING; GROUNDWATER**  
 96.24 **EVALUATION.**

96.25 (a) In issuing or reissuing a class I demolition land disposal facility permit, the Minnesota  
 96.26 Pollution Control Agency must consider environmental benefits and impacts, social and  
 96.27 economic factors, the feasibility and practicability of the permit conditions, and whether  
 96.28 the burden of any resulting tax or fee is reasonable, feasible, or practicable. A permit issued  
 96.29 under this section must be in accordance with Minnesota Rules, part 7035.2825, and the  
 96.30 Pollution Control Agency's Demolition Landfill Guidance published August 2005. The  
 96.31 Pollution Control Agency must not impose permit conditions on class 1 demolition land  
 96.32 disposal facilities, including requirements for enhanced cover and hydrogeologic sampling,  
 96.33 analysis, and reporting, that are not contained in current rules or the Demolition Landfill

97.1 Guidance unless revised rules are adopted reflecting the restrictions on permits required by  
97.2 this paragraph.

97.3 (b) The Pollution Control Agency must use existing appropriations to contract with an  
97.4 independent laboratory to develop a sampling protocol and to collect, analyze, and evaluate  
97.5 groundwater quality data from demolition debris land disposal facilities under a monitoring  
97.6 program in accordance with the Pollution Control Agency's Demolition Landfill Guidance  
97.7 published August 2005. Data on groundwater quality must be evaluated in reference to and  
97.8 in accordance with the definition of pollutant under Minnesota Statutes, section 103H.005,  
97.9 subdivision 11, based on the Minnesota Department of Health's adopted health risk limits  
97.10 and health risk values. In evaluating pollutants, a laboratory must consider whether pollutant  
97.11 concentrations may originate from activities not associated with the permitted demolition  
97.12 debris land disposal facility. By November 1, 2018, the agency must submit a report of the  
97.13 evaluation to the chairs and ranking minority members of the senate and house of  
97.14 representatives committees with jurisdiction over environment and natural resources finance.

97.15 **Sec. 126. WILD RICE; LEGISLATIVE FINDINGS.**

97.16 (a) The legislature finds that naturally occurring wild rice is an ecologically and culturally  
97.17 important aquatic plant resource found in certain waters within the state, which serves as a  
97.18 food source for wildlife and humans. The legislature further finds that in recognition of the  
97.19 unique importance of this resource, the Pollution Control Agency, in conjunction with  
97.20 Minnesota Indian tribes, has identified and listed, in rule, select wild-rice waters for which  
97.21 the water quality and the aquatic habitat necessary to support the propagation and  
97.22 maintenance of wild rice must not be materially impaired or degraded. The legislature also  
97.23 finds that identifying and listing additional wild-rice waters based upon their exceptional  
97.24 wild-rice characteristics is an appropriate method of protecting naturally occurring wild  
97.25 rice.

97.26 (b) The legislature further finds that federal law vests broad authority in the state to  
97.27 define beneficial uses for waters for the state and grants the state the primary responsibility  
97.28 and right to plan the development and use of the state's water resources and to specify  
97.29 appropriate water uses to be achieved and protected. The legislature also finds that certain  
97.30 waters of the state are used to irrigate wild rice intentionally grown as an agricultural crop,  
97.31 which is an appropriate beneficial use to be achieved and protected and which is the only  
97.32 established beneficial use specifically pertaining to wild rice. The legislature also finds that  
97.33 Minnesota has a unique numeric water quality standard for sulfate in rule to protect this  
97.34 beneficial use to permit the use of waters for irrigation for the production of wild rice that

98.1 is based on outdated information and ignores the current scientific understanding of the  
 98.2 potential impacts of sulfate on wild rice.

98.3 (c) The legislature further finds that it is contrary to the public welfare to impose  
 98.4 requirements or burdens on regulated parties in Minnesota on the basis of a water quality  
 98.5 standard that ignores current science. The legislature also finds that the water quality standard  
 98.6 for sulfate has not been enforced in Minnesota since it was adopted in 1973, that the Pollution  
 98.7 Control Agency has not designated in rules any waters subject to the water quality standard  
 98.8 for sulfate, and that initiating enforcement of the existing obsolete standard would impose  
 98.9 prohibitively expensive burdens on regulated parties with potentially grave economic impacts  
 98.10 on Minnesota communities and industry.

98.11 (d) In recognition of the existence in rule of a water quality standard for sulfate that is  
 98.12 not supported by current scientific information, in recognition of the potentially grave  
 98.13 consequences that would occur from enforcement of that obsolete standard, and recognizing  
 98.14 that the administrative process to repeal the rule has proven to be inefficient and will not  
 98.15 provide the regulatory certainty required in a timely manner in the absence of legislative  
 98.16 action, the legislature finds that the most effective means to serve the welfare of the state  
 98.17 is to enact sections 127 to 132 to eliminate the water quality standard for sulfate, leaving  
 98.18 in place sufficient other provisions in law and rule for the protection of naturally occurring  
 98.19 wild rice, including but not limited to the listing of additional select wild-rice waters.

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

98.21 **Sec. 127. WATER QUALITY STANDARD FOR SULFATE; RULEMAKING.**

98.22 The commissioner of the Pollution Control Agency may not adopt, modify, or proceed  
 98.23 with any revisions to the rules pertaining to water quality standards for sulfate for wild-rice  
 98.24 waters in Minnesota Rules, part 7050.0224, subpart 2, that were disapproved by the chief  
 98.25 administrative law judge on January 11, 2018, without again going through the rulemaking  
 98.26 procedures under Minnesota Statutes, sections 14.05 to 14.28, except Minnesota Statutes,  
 98.27 section 14.101, does not apply.

98.28 **EFFECTIVE DATE.** This section is effective retroactively from January 11, 2018.

98.29 **Sec. 128. IDENTIFICATION AND LISTING OF WILD-RICE WATERS.**

98.30 The commissioner of the Pollution Control Agency may evaluate the waters of the state  
 98.31 to determine if any additional waters containing naturally occurring wild rice have exceptional  
 98.32 wild-rice characteristics. The commissioner may, by rule, identify and list these waters as

99.1 [WR] waters where the water quality and the aquatic habitat necessary to support the  
 99.2 propagation and maintenance of wild rice must not be materially impaired or degraded.  
 99.3 Before identifying and listing a wild-rice water, the commissioner must establish, in a  
 99.4 separate and prior rulemaking, criteria to be used in identifying and listing wild-rice waters.  
 99.5 The criteria must include the following, each of which must be met before a water body  
 99.6 can be identified and listed as a wild-rice water:

99.7 (1) the history of harvesting wild rice;

99.8 (2) minimum acreage; and

99.9 (3) minimum density of wild rice.

99.10 Sec. 129. **APPLICATION OF WATER QUALITY STANDARD FOR SULFATE**  
 99.11 **FOR WILD-RICE WATERS.**

99.12 The commissioner of the Pollution Control Agency must not apply the water quality  
 99.13 standard for sulfate for wild-rice waters nullified in this act when issuing, modifying, or  
 99.14 renewing national pollutant discharge elimination system or state disposal system permits.  
 99.15 The commissioner of the Pollution Control Agency must take all steps necessary to conform  
 99.16 the agency's rules and practices to this act and to ensure that no regulated party is required  
 99.17 to take any action or bear any burden arising from the nullified water quality standard for  
 99.18 sulfate unless requested by the permittee.

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

99.20 Sec. 130. **APPLICATION OF EQUATION-BASED WATER QUALITY STANDARD**  
 99.21 **FOR WILD-RICE WATERS.**

99.22 The commissioner of the Pollution Control Agency must not apply the proposed  
 99.23 equation-based sulfate standard rejected by the chief administrative law judge on January  
 99.24 11, 2018, including as a numeric translator to the narrative sulfate standard for wild rice  
 99.25 under Minnesota Rules, part 7050.0150, subpart 3, or 7050.0224, subpart 1, when issuing,  
 99.26 modifying, or renewing national pollutant discharge elimination system or state disposal  
 99.27 system permits.

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

99.29 Sec. 131. **APPLICATION OF WATER QUALITY STANDARDS; IRRIGATION.**

99.30 The commissioner of the Pollution Control Agency must not apply a water quality  
 99.31 standard established to protect water quality for purposes of permitting the water's use for

100.1 irrigation without significant damage or adverse effects upon crops or vegetation, including  
 100.2 water used for the production of wild rice, unless the water is appropriated for irrigation  
 100.3 use.

100.4 Sec. 132. **NULLIFICATION OF WATER QUALITY STANDARD FOR SULFATE**  
 100.5 **IN WILD-RICE WATERS.**

100.6 (a) Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, there is no numeric,  
 100.7 nonnarrative, water quality standard for sulfates in class 4A waters in the state until the  
 100.8 commissioner of the Pollution Control Agency adopts a standard in accordance with section  
 100.9 127.

100.10 (b) That portion of Minnesota Rules, part 7050.0224, subpart 2, that conflicts with  
 100.11 paragraph (a) is nullified and does not have the force and effect of law.

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

100.13 Sec. 133. **REPEALER.**

100.14 (a) Minnesota Statutes 2017 Supplement, section 169A.07, is repealed.

100.15 (b) Minnesota Statutes 2016, section 169A.33, subdivision 1, is repealed.

100.16 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to crimes  
 100.17 committed on or after that date. Paragraph (b) is effective August 1, 2018, and applies to  
 100.18 offenses committed on or after that date.

100.19 **ARTICLE ...**

100.20 **ACCELERATED BUFFER STRIP IMPLEMENTATION**

100.21 Section 1. Minnesota Statutes 2016, section 17.117, subdivision 1, is amended to read:

100.22 Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan  
 100.23 program is to provide low or no interest financing to farmers, agriculture supply businesses,  
 100.24 rural landowners, and ~~water-quality cooperatives~~ local units of government, including  
 100.25 drainage authorities, watershed districts, and counties for the implementation of agriculture  
 100.26 and other best management practices that reduce environmental pollution.

100.27 Sec. 2. Minnesota Statutes 2016, section 17.117, subdivision 4, is amended to read:

100.28 Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this  
 100.29 subdivision have the meanings given them.

101.1 (b) "Agricultural and environmental revolving accounts" means accounts in the  
101.2 agricultural fund, controlled by the commissioner, which hold funds available to the program.

101.3 (c) "Agriculture supply business" means a person, partnership, joint venture, corporation,  
101.4 limited liability company, association, firm, public service company, or cooperative that  
101.5 provides materials, equipment, or services to farmers or agriculture-related enterprises.

101.6 (d) "Allocation" means the funds awarded to an applicant for implementation of best  
101.7 management practices through a competitive or noncompetitive application process.

101.8 (e) "Applicant" means a local unit of government eligible to participate in this program  
101.9 that requests an allocation of funds as provided in subdivision 6b.

101.10 (f) "Best management practices" has the meaning given in sections 103F.711, subdivision  
101.11 3, and 103H.151, subdivision 2. Best management practices also means other practices,  
101.12 techniques, and measures that have been demonstrated to the satisfaction of the  
101.13 commissioner: (1) to prevent or reduce adverse environmental impacts by using the most  
101.14 effective and practicable means of achieving environmental goals; or (2) to achieve drinking  
101.15 water quality standards under chapter 103H or under Code of Federal Regulations, title 40,  
101.16 parts 141 and 143, as amended.

101.17 (g) "Borrower" means a farmer, an agriculture supply business, or a rural landowner  
101.18 applying for a low-interest loan.

101.19 (h) "Commissioner" means the commissioner of agriculture, including when the  
101.20 commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee  
101.21 of the commissioner.

101.22 (i) "Committed project" means an eligible project scheduled to be implemented at a  
101.23 future date:

101.24 ~~(1) that has been approved and certified by the local government unit; and~~

101.25 ~~(2) for which a local lender has obligated itself to offer a loan.~~

101.26 (j) "Comprehensive water management plan" means a state-approved and locally adopted  
101.27 plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or  
101.28 103D.405.

101.29 (k) "Cost incurred" means expenses for implementation of a project accrued because  
101.30 the borrower has agreed to purchase equipment or is obligated to pay for services or materials  
101.31 already provided as a result of implementing an approved eligible project.

102.1 (l) "Farmer" means a person, partnership, joint venture, corporation, limited liability  
102.2 company, association, firm, public service company, or cooperative that regularly participates  
102.3 in physical labor or operations management of farming and files a Schedule F as part of  
102.4 filing United States Internal Revenue Service Form 1040 or indicates farming as the primary  
102.5 business activity under Schedule C, K, or S, or any other applicable report to the United  
102.6 States Internal Revenue Service.

102.7 (m) "Landowner" means the owner of record of Minnesota real estate on which the  
102.8 project is located.

102.9 ~~(n)~~ (n) "Lender agreement" means an agreement entered into between the commissioner  
102.10 and a local lender which contains terms and conditions of participation in the program.

102.11 ~~(o)~~ (o) "Local government unit" means a county, soil and water conservation district, or  
102.12 an organization formed for the joint exercise of powers under section 471.59 with the  
102.13 authority to participate in the program.

102.14 ~~(p)~~ (p) "Local lender" means a local government unit as defined in paragraph ~~(n)~~ (o), a  
102.15 local municipality or county with taxing or special assessment authority, a watershed district,  
102.16 a drainage authority, a township, a state or federally chartered bank, a savings association,  
102.17 a state or federal credit union, Agribank and its affiliated organizations, or a nonprofit  
102.18 economic development organization or other financial lending institution approved by the  
102.19 commissioner.

102.20 ~~(q)~~ (q) "Local revolving loan account" means the account held by a local government  
102.21 unit and a local lender into which principal repayments from borrowers are deposited and  
102.22 new loans are issued in accordance with the requirements of the program and lender  
102.23 agreements.

102.24 ~~(r)~~ (r) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

102.25 ~~(s)~~ (s) "Program" means the agriculture best management practices loan program in this  
102.26 section.

102.27 ~~(t)~~ (t) "Project" means one or more components or activities located within Minnesota  
102.28 that are required by the local government unit to be implemented for satisfactory completion  
102.29 of an eligible best management practice.

102.30 ~~(u)~~ (u) "Rural landowner" means the owner of record of Minnesota real estate located in  
102.31 an area determined by the local government unit to be rural after consideration of local land  
102.32 use patterns, zoning regulations, jurisdictional boundaries, local community definitions,  
102.33 historical uses, and other pertinent local factors.

103.1 ~~(u) "Water quality cooperative" has the meaning given in section 115.58, paragraph (d),~~  
103.2 ~~except as expressly limited in this section.~~

103.3 Sec. 3. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

103.4 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**  
103.5 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring  
103.6 appointment of viewers and redetermination of benefits and damages, a drainage authority  
103.7 may ~~implement~~ make findings and order the establishment of permanent buffer strips of  
103.8 perennial vegetation approved by the drainage authority or side inlet controls, or both,  
103.9 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,  
103.10 improve water quality, or maintain the efficiency of the drainage system. The drainage  
103.11 authority's finding that the establishment of permanent buffer strips of perennial vegetation  
103.12 or side inlet controls is necessary to control erosion and sedimentation, improve water  
103.13 quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction  
103.14 under this subdivision. Preference should be given to planting native species of a local  
103.15 ecotype. The approved perennial vegetation shall not impede future maintenance of the  
103.16 ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured  
103.17 outward from the top edge of the existing constructed channel. Drainage system rights-of-way  
103.18 for the acreage and additional property required for the permanent strips must be acquired  
103.19 by the authority having jurisdiction.

103.20 (b) A project under this subdivision shall be implemented as a repair according to section  
103.21 103E.705, except that the drainage authority may appoint an engineer to examine the drainage  
103.22 system and prepare an engineer's repair report for the project.

103.23 (c) Damages shall be determined by the drainage authority, or viewers, appointed by  
103.24 the drainage authority, according to section 103E.315, subdivision 8. A damages statement  
103.25 shall be prepared, including an explanation of how the damages were determined for each  
103.26 property affected by the project, and filed with the auditor or watershed district. Within 30  
103.27 days after the damages statement is filed, the auditor or watershed district shall prepare  
103.28 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),  
103.29 (7), and (8), and mail a copy of the property owner's report and damages statement to each  
103.30 owner of property affected by the proposed project.

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

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

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

104.7 Sec. 4. Minnesota Statutes 2016, section 103E.071, is amended to read:

104.8 **103E.071 COUNTY ATTORNEY.**

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

104.14 Sec. 5. Minnesota Statutes 2016, section 103E.351, subdivision 1, is amended to read:

104.15 Subdivision 1. **Conditions to redetermine benefits and damages; appointment of**  
104.16 **viewers.** If the drainage authority determines that the ~~original~~ benefits or damages of record  
104.17 determined in a drainage proceeding do not reflect reasonable present day land values or  
104.18 that the benefited or damaged areas have changed, or if more than 50 percent of the owners  
104.19 of property, or more than 50 percent of the owners of property benefited or damaged by a  
104.20 drainage system petition for correction of an error that was made at the time of the  
104.21 proceedings that established the drainage system or a redetermination of benefits and  
104.22 damages, the drainage authority may appoint three viewers to redetermine and report the  
104.23 benefits and damages and the benefited and damaged areas.

104.24 Sec. 6. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**  
104.25 **MAINTENANCE.**

104.26 With the consent of the property owner where the drainage ditch buffer will be located,  
104.27 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,  
104.28 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation  
104.29 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating  
104.30 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and  
104.31 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This  
104.32 section expires June 30, 2019.

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