

1.1 moves to amend H.F. No. 3502 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

1.6 The sums shown in the columns marked "Appropriations" are added to the appropriations
1.7 in Laws 2017, chapter 93, article 1, to the agencies and for the purposes specified in this
1.8 article. The appropriations are from the general fund, or another named fund, and are
1.9 available for the fiscal years indicated for each purpose. The figures "2018" and "2019"
1.10 used in this article mean that the appropriations listed under them are available for the fiscal
1.11 year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year
1.12 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019.
1.13 Appropriations for the fiscal year ending June 30, 2018, are effective the day following
1.14 final enactment.

1.15 **APPROPRIATIONS**

1.16 **Available for the Year**

1.17 **Ending June 30**

1.18 **2018**

2019

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

1.20 \$199,000 the second year is from the
1.21 environmental fund for the voluntary
1.22 certification program for deicer applicators
1.23 under Minnesota Statutes, section 116.2025.

3.1 This is a onetime appropriation and is
3.2 available until June 30, 2019.

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

3.4 (a) \$315,000 the second year is from the
3.5 natural resources fund for a grant to St. Louis
3.6 County to be used as a match to a state
3.7 bonding grant for trail and bridge construction
3.8 and for a maintenance fund for a five-mile
3.9 segment of the Voyageur Country ATV trail
3.10 system, including a multiuse bridge over the
3.11 Vermilion River that would serve ATVs,
3.12 snowmobiles, off-road vehicles, off-highway
3.13 motorcycles, and emergency vehicles in St.
3.14 Louis County. Of this amount, \$285,000 is
3.15 from the all-terrain vehicle account, \$15,000
3.16 is from the off-road vehicle account, and
3.17 \$15,000 is from the off-highway motorcycle
3.18 account. This is a onetime appropriation and
3.19 is available until June 30, 2021.

3.20 (b) \$300,000 the second year is from the
3.21 natural resources fund for a grant to Lake
3.22 County to match other funding sources to
3.23 develop the Prospectors Loop trail system. Of
3.24 this amount, \$270,000 is from the all-terrain
3.25 vehicle account, \$15,000 is from the
3.26 off-highway motorcycle account, and \$15,000
3.27 is from the off-road vehicle account. This is
3.28 a onetime appropriation and is available until
3.29 June 30, 2021.

3.30 (c) \$100,000 the first year is from the
3.31 all-terrain vehicle account in the natural
3.32 resources fund for wetland delineation and
3.33 work on an environmental assessment
3.34 worksheet for the Taconite State Trail from
3.35 Ely to Tower consistent with the 2017

4.1 Taconite State Trail Master Plan. This is a
4.2 onetime appropriation and is available until
4.3 June 30, 2021.

4.4 (d) \$100,000 the second year is from the
4.5 all-terrain vehicle account in the natural
4.6 resources fund for a grant to the city of
4.7 Virginia to develop, in cooperation with the
4.8 Quad Cities ATV Club, an all-terrain vehicle
4.9 trail system in the cities of Virginia, Eveleth,
4.10 Gilbert, and Mountain Iron and surrounding
4.11 areas. This is a onetime appropriation and is
4.12 available until June 30, 2021.

4.13 (e) \$200,000 the second year is from the
4.14 off-road vehicle account in the natural
4.15 resources fund for a contract with a project
4.16 administrator to assist the commissioner in
4.17 planning, designing, and providing a system
4.18 of state touring routes for off-road vehicles by
4.19 identifying sustainable, legal routes suitable
4.20 for licensed four-wheel drive vehicles and a
4.21 system of recreational trails for registered
4.22 off-road vehicles. This is a onetime
4.23 appropriation.

4.24 (f) \$200,000 the second year is appropriated
4.25 from the off-road vehicle account in the
4.26 natural resources fund for a contract to prepare
4.27 a comprehensive, statewide, strategic master
4.28 plan for trails for off-road vehicles. This is a
4.29 onetime appropriation. At a minimum, the
4.30 plan must:

4.31 (1) identify opportunities to develop new,
4.32 high-quality, comprehensive trails for off-road
4.33 vehicles in a system that serves regional and
4.34 tourist destinations;

5.1 (2) enhance connectivity with trails for
5.2 off-road vehicles, trails and parks for other
5.3 off-highway vehicles, and trails and parks for
5.4 other types of vehicles;

5.5 (3) provide opportunities for new exposure
5.6 and economic development in greater
5.7 Minnesota;

5.8 (4) help people connect with the outdoors in
5.9 a safe and environmentally sustainable
5.10 manner;

5.11 (5) create new and support existing
5.12 opportunities for social, economic, and cultural
5.13 benefits and meaningful and mutually
5.14 beneficial relationships for users of off-road
5.15 vehicles and the communities that host trails
5.16 for off-road vehicles; and

5.17 (6) require the commissioner to cooperate with
5.18 local governments, organizations, and other
5.19 interested partners.

5.20 (g) \$200,000 the second year is from the
5.21 off-road vehicle account in the natural
5.22 resources fund to reimburse federal, county,
5.23 and township entities for additional needs on
5.24 forest roads when the needs are a result of
5.25 increased use by off-road vehicles and are
5.26 attributable to a border-to-border touring route
5.27 established by the commissioner. This
5.28 paragraph does apply to roads that are operated
5.29 by a public road authority as defined in
5.30 Minnesota Statutes, section 160.02,
5.31 subdivision 25. This is a onetime appropriation
5.32 and is available until June 30, 2023. To be
5.33 eligible for reimbursement under this
5.34 paragraph, the claimant must demonstrate that

6.1 the needs result from additional traffic
 6.2 generated by the border-to-border touring
 6.3 route.

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

6.5 \$650,000 the second year is for wildlife
 6.6 disease surveillance and response. This is a
 6.7 onetime appropriation.

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

6.9 (a) \$100,000 the second year is for response
 6.10 to escaped animals from cervidae farms,
 6.11 including inspection of farmed Cervidae,
 6.12 farmed Cervidae facilities, and farmed
 6.13 Cervidae records when the commissioner has
 6.14 reasonable suspicion that laws protecting
 6.15 native wild animals have been violated. This
 6.16 is a onetime appropriation.

6.17 (b) \$40,000 the second year is from the
 6.18 all-terrain vehicle account in the natural
 6.19 resources fund to develop a voluntary online
 6.20 youth all-terrain vehicle training program
 6.21 under Minnesota Statutes, section 84.925,
 6.22 subdivision 1. This is a onetime appropriation.

6.23 **Sec. 4. NATURAL RESOURCES DAMAGES**
 6.24 **ACCOUNT TRANSFER**

6.25 By June 30, 2018, any money in the general
 6.26 portion of the remediation fund dedicated for
 6.27 the purposes of the natural resources damages
 6.28 account must be transferred to the natural
 6.29 resources damages account.

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

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

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

7.1 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources
 7.2 from the all-terrain vehicle account in the natural resources fund for a grant to the city of
 7.3 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, ~~so that it~~
 7.4 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron
 7.5 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available
 7.6 until ~~spent~~ June 30, 2020.

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

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

7.9 Appropriations by Fund

7.10	2016	2017
7.11 General	-0-	2,929,000
7.12 Natural Resources	-0-	3,530,000

7.13 \$2,800,000 the second year is a onetime
 7.14 appropriation.

7.15 \$2,300,000 the second year is from the state
 7.16 parks account in the natural resources fund.

7.17 Of this amount, \$1,300,000 is onetime, of
 7.18 which \$1,150,000 is for strategic park
 7.19 acquisition.

7.20 \$20,000 the second year is from the natural
 7.21 resources fund to design and erect signs
 7.22 marking the David Dill trail designated in this
 7.23 act. Of this amount, \$10,000 is from the
 7.24 snowmobile trails and enforcement account
 7.25 and \$10,000 is from the all-terrain vehicle
 7.26 account. This is a onetime appropriation.

7.27 \$100,000 the second year is for the
 7.28 improvement of the infrastructure for sanitary
 7.29 sewer service at the Woodenfrog Campground
 7.30 in Kabetogama State Forest. This is a onetime
 7.31 appropriation.

7.32 \$29,000 the second year is for computer
 7.33 programming related to the transfer-on-death

8.1 title changes for watercraft. This is a onetime
8.2 appropriation.

8.3 \$210,000 the first year is from the water
8.4 recreation account in the natural resources
8.5 fund for implementation of Minnesota
8.6 Statutes, section 86B.532, established in this
8.7 act. This is a onetime appropriation. The
8.8 commissioner of natural resources shall seek
8.9 federal and other nonstate funds to reimburse
8.10 the department for the initial costs of
8.11 producing and distributing carbon monoxide
8.12 boat warning labels. All amounts collected
8.13 under this paragraph shall be deposited into
8.14 the water recreation account.

8.15 \$1,000,000 the second year is from the natural
8.16 resources fund for a grant to Lake County for
8.17 construction, including bridges, of the
8.18 Prospectors ATV Trail System linking the
8.19 communities of Ely, Babbitt, Embarrass, and
8.20 Tower; Bear Head Lake and Lake
8.21 Vermilion-Soudan Underground Mine State
8.22 Parks; the Taconite State Trail; and the Lake
8.23 County Regional ATV Trail System. Of this
8.24 amount, \$900,000 is from the all-terrain
8.25 vehicle account, \$50,000 is from the
8.26 off-highway motorcycle account, and \$50,000
8.27 is from the off-road vehicle account. This is
8.28 a onetime appropriation and is available until
8.29 June 30, 2019.

8.30 Sec. 7. Laws 2017, chapter 93, article 1, section 3, subdivision 6, is amended to read:

8.31			67,750,000
8.32	Subd. 6. Fish and Wildlife Management	68,207,000	<u>69,210,000</u>

8.33	Appropriations by Fund		
8.34		2018	2019
8.35	Natural Resources	1,912,000	1,912,000

9.1			65,838,000
9.2	Game and Fish	66,295,000	<u>67,298,000</u>

9.3 (a) \$8,283,000 the first year and \$8,386,000
 9.4 the second year are from the heritage
 9.5 enhancement account in the game and fish
 9.6 fund only for activities specified in Minnesota
 9.7 Statutes, section 297A.94, paragraph (e),
 9.8 clause (1). Notwithstanding Minnesota
 9.9 Statutes, section 297A.94, five percent of this
 9.10 appropriation may be used for expanding
 9.11 hunter and angler recruitment and retention.

9.12 (b) Notwithstanding Minnesota Statutes,
 9.13 section 297A.94, \$30,000 the first year is from
 9.14 the heritage enhancement account in the game
 9.15 and fish fund for the commissioner of natural
 9.16 resources to contract with a private entity to
 9.17 search for a site to construct a world-class
 9.18 shooting range and club house for use by the
 9.19 Minnesota State High School League and for
 9.20 other regional, statewide, national, and
 9.21 international shooting events. The
 9.22 commissioner must provide public notice of
 9.23 the search, including making the public aware
 9.24 of the process through the Department of
 9.25 Natural Resources' media outlets, and solicit
 9.26 input on the location and building options for
 9.27 the facility. The siting search process must
 9.28 include a public process to determine if any
 9.29 business or individual is interested in donating
 9.30 land for the facility, anticipated to be at least
 9.31 500 acres. The site search team must meet
 9.32 with interested third parties affected by or
 9.33 interested in the facility. The commissioner
 9.34 must submit a report with the results of the
 9.35 site search to the chairs and ranking minority
 9.36 members of the legislative committees and

10.1 divisions with jurisdiction over environment
 10.2 and natural resources by March 1, 2018. This
 10.3 is a onetime appropriation.

10.4 (c) Notwithstanding Minnesota Statutes,
 10.5 section 297A.94, \$30,000 the first year is from
 10.6 the heritage enhancement account in the game
 10.7 and fish fund for a study of lead shot
 10.8 deposition on state lands. By March 1, 2018,
 10.9 the commissioner shall provide a report of the
 10.10 study to the chairs and ranking minority
 10.11 members of the legislative committees with
 10.12 jurisdiction over natural resources policy and
 10.13 finance. This is a onetime appropriation.

10.14 (d) Notwithstanding Minnesota Statutes,
 10.15 section 297A.94, \$500,000 the first year is
 10.16 from the heritage enhancement account in the
 10.17 game and fish fund for planning and
 10.18 emergency response to disease outbreaks in
 10.19 wildlife. This is a onetime appropriation and
 10.20 is available until June 30, 2019.

10.21 (e) \$8,606,000 the second year is from the
 10.22 deer management account in the game and
 10.23 fish fund for the purposes specified under
 10.24 Minnesota Statutes, section 97A.075,
 10.25 subdivision 1, paragraph (b).

10.26 Sec. 8. Laws 2017, chapter 93, article 1, section 4, is amended to read:

10.27 **Sec. 4. BOARD OF WATER AND SOIL**
 10.28 **RESOURCES**

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

10.29 (a) \$3,423,000 the first year and \$3,423,000
 10.30 the second year are for natural resources block
 10.31 grants to local governments. Grants must be
 10.32 matched with a combination of local cash or
 10.33 in-kind contributions. The base grant portion
 10.34 related to water planning must be matched by

11.1 an amount as specified by Minnesota Statutes,
11.2 section 103B.3369. The board may reduce the
11.3 amount of the natural resources block grant
11.4 to a county by an amount equal to any
11.5 reduction in the county's general services
11.6 allocation to a soil and water conservation
11.7 district from the county's previous year
11.8 allocation when the board determines that the
11.9 reduction was disproportionate.

11.10 (b) \$3,116,000 the first year and \$3,116,000
11.11 the second year are for grants to soil and water
11.12 conservation districts for the purposes of
11.13 Minnesota Statutes, sections 103C.321 and
11.14 103C.331, and for general purposes, nonpoint
11.15 engineering, and implementation and
11.16 stewardship of the reinvest in Minnesota
11.17 reserve program. Expenditures may be made
11.18 from these appropriations for supplies and
11.19 services benefiting soil and water conservation
11.20 districts. Any district receiving a payment
11.21 under this paragraph shall maintain a Web
11.22 page that publishes, at a minimum, its annual
11.23 report, annual audit, annual budget, and
11.24 meeting notices.

11.25 (c) \$260,000 the first year and \$260,000 the
11.26 second year are for feedlot water quality cost
11.27 share grants for feedlots under 300 animal
11.28 units and nutrient and manure management
11.29 projects in watersheds where there are
11.30 impaired waters.

11.31 (d) \$1,200,000 the first year and \$1,200,000
11.32 the second year are for soil and water
11.33 conservation district cost-sharing contracts for
11.34 perennially vegetated riparian buffers, erosion

- 12.1 control, water retention and treatment, and
12.2 other high-priority conservation practices.
- 12.3 (e) \$100,000 the first year and \$100,000 the
12.4 second year are for county cooperative weed
12.5 management cost-share programs and to
12.6 restore native plants in selected invasive
12.7 species management sites.
- 12.8 (f) \$761,000 the first year and \$761,000 the
12.9 second year are for implementation,
12.10 enforcement, and oversight of the Wetland
12.11 Conservation Act, including administration of
12.12 the wetland banking program and in-lieu fee
12.13 mechanism.
- 12.14 (g) \$300,000 the first year is for improving
12.15 the efficiency and effectiveness of Minnesota's
12.16 wetland regulatory programs through
12.17 continued examination of United States Clean
12.18 Water Act section 404 assumption including
12.19 negotiation of draft agreements with the
12.20 United States Environmental Protection
12.21 Agency and the United States Army Corps of
12.22 Engineers, planning for an online permitting
12.23 system, upgrading the existing wetland
12.24 banking database, and developing an in-lieu
12.25 fee wetland banking program as authorized
12.26 by statute. This is a onetime appropriation and
12.27 is available until June 30, 2019.
- 12.28 (h) \$166,000 the first year and \$166,000 the
12.29 second year are to provide technical assistance
12.30 to local drainage management officials and
12.31 for the costs of the Drainage Work Group. The
12.32 Board of Water and Soil Resources must
12.33 coordinate the stakeholder drainage work
12.34 group in accordance with Minnesota Statutes,
12.35 section 103B.101, subdivision 13, to evaluate

13.1 and make recommendations to accelerate
13.2 drainage system acquisition and establishment
13.3 of ditch buffer strips under Minnesota Statutes,
13.4 chapter 103E, or compatible alternative
13.5 practices required by Minnesota Statutes,
13.6 section 103F.48. The evaluation and
13.7 recommendations must be submitted in a
13.8 report to the senate and house of
13.9 representatives committees with jurisdiction
13.10 over agriculture and environment policy by
13.11 February 1, 2018.

13.12 (i) \$100,000 the first year and \$100,000 the
13.13 second year are for a grant to the Red River
13.14 Basin Commission for water quality and
13.15 floodplain management, including
13.16 administration of programs. This appropriation
13.17 must be matched by nonstate funds. If the
13.18 appropriation in either year is insufficient, the
13.19 appropriation in the other year is available for
13.20 it.

13.21 (j) \$140,000 the first year and \$140,000 the
13.22 second year are for grants to Area II
13.23 Minnesota River Basin Projects for floodplain
13.24 management.

13.25 (k) \$125,000 the first year and \$125,000 the
13.26 second year are for conservation easement
13.27 stewardship.

13.28 (l) \$240,000 the first year and \$240,000 the
13.29 second year are for a grant to the Lower
13.30 Minnesota River Watershed District to defray
13.31 the annual cost of operating and maintaining
13.32 sites for dredge spoil to sustain the state,
13.33 national, and international commercial and
13.34 recreational navigation on the lower Minnesota
13.35 River.

14.1 (m) \$4,380,000 the first year and \$4,533,000
14.2 the second year are for Board of Water and
14.3 Soil Resources agency administration and
14.4 operations.

14.5 (n) Notwithstanding Minnesota Statutes,
14.6 section 103C.501, the board may shift
14.7 cost-share funds in this section and may adjust
14.8 the technical and administrative assistance
14.9 portion of the grant funds to leverage federal
14.10 or other nonstate funds or to address
14.11 high-priority needs identified in local water
14.12 management plans or comprehensive water
14.13 management plans.

14.14 (o) The appropriations for grants in this section
14.15 are available until June 30, 2021, except
14.16 returned grants are available for two years
14.17 after they are returned. If an appropriation for
14.18 grants in either year is insufficient, the
14.19 appropriation in the other year is available for
14.20 it.

14.21 (p) Notwithstanding Minnesota Statutes,
14.22 section 16B.97, the appropriations for grants
14.23 in this section are exempt from Department
14.24 of Administration, Office of Grants
14.25 Management Policy 08-08 Grant Payments
14.26 and 08-10 Grant Monitoring.

14.27 **ARTICLE 2**

14.28 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

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

14.31 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
14.32 or outside counsel to render title opinions, represent the department in severed mineral
14.33 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute

15.1 to the contrary, represent the state in quiet title or title registration actions affecting land or
15.2 interests in land administered by the commissioner and in all proceedings relating to road
15.3 vacations.

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

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

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

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

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

15.15 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
15.16 3b agricultural land as a result of the application of pesticides or other agricultural chemical
15.17 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
15.18 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
15.19 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste
15.20 land, or other land for which the owner receives a state paid wetlands or native prairie tax
15.21 credit.

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

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

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

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

16.1 (2) for acquisition, development, and maintenance of state recreational snowmobile
16.2 trails;

16.3 (3) for snowmobile safety programs; and

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

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

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

16.11 Sec. 4. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

16.20 (5) Specifications relating to snowmobile mufflers.

16.21 (6) A comprehensive snowmobile information and safety education and training program,
16.22 including but not limited to the preparation and dissemination of snowmobile information
16.23 and safety advice to the public, the training of snowmobile operators, and the issuance of
16.24 snowmobile safety certificates to snowmobile operators who successfully complete the
16.25 snowmobile safety education and training course. For the purpose of administering such
16.26 program and to defray expenses of training and certifying snowmobile operators, the
16.27 commissioner shall collect a fee from each person who receives the youth or adult training.
16.28 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
16.29 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
16.30 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
16.31 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
16.32 provisions of chapter 14 and section 14.386 does not apply. The fees may be established

17.1 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
17.2 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
17.3 and enforcement account in the natural resources fund and the amount thereof, except for
17.4 the electronic licensing system commission established by the commissioner under section
17.5 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
17.6 annually to the Enforcement Division of the Department of Natural Resources for the
17.7 administration of such programs. In addition to the fee established by the commissioner,
17.8 instructors may charge each person any fee paid by the instructor for the person's online
17.9 training course and up to the established fee amount for class materials and expenses. The
17.10 commissioner shall cooperate with private organizations and associations, private and public
17.11 corporations, and local governmental units in furtherance of the program established under
17.12 this clause. School districts may cooperate with the commissioner and volunteer instructors
17.13 to provide space for the classroom portion of the training. The commissioner shall consult
17.14 with the commissioner of public safety in regard to training program subject matter and
17.15 performance testing that leads to the certification of snowmobile operators.

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

17.22 Sec. 5. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended to
17.23 read:

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

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

17.33 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
17.34 anywhere in this state or on the ice of any boundary water of this state is subject to chapter

18.1 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
18.2 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~
18.3 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit
18.4 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity
18.5 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period
18.6 of one year. The commissioner shall notify the person of the time period during which the
18.7 person is prohibited from operating a snowmobile or all-terrain vehicle.

18.8 (d) Administrative and judicial review of the operating privileges prohibition is governed
18.9 by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving
18.10 conviction or prior license revocation, as defined in section 169A.03. Otherwise,
18.11 administrative and judicial review of the prohibition is governed by section 169A.53 or
18.12 171.177.

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

18.15 (1) this section and chapters;

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

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

18.18 (4) section 171.177.

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

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

18.25 Sec. 6. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended
18.26 to read:

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

18.29 (1) a comprehensive all-terrain vehicle environmental and safety education and training
18.30 certification program, including the preparation and dissemination of vehicle information
18.31 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
18.32 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who

19.1 successfully complete the all-terrain vehicle environmental and safety education and training
19.2 course; and

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

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

19.8 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
19.9 training and certifying vehicle operators, the commissioner shall collect a fee from each
19.10 person who receives the training for certification under paragraph (a), clause (1). The
19.11 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
19.12 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
19.13 in a manner that neither significantly overrecovers nor underrecovers costs, including
19.14 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
19.15 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
19.16 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
19.17 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
19.18 account in the natural resources fund and the amount thereof, except for the electronic
19.19 licensing system commission established by the commissioner under section 84.027,
19.20 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
19.21 the Enforcement Division of the Department of Natural Resources for the administration
19.22 of the programs. In addition to the fee established by the commissioner, instructors may
19.23 charge each person up to the established fee amount for class materials and expenses.

19.24 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
19.25 private and public corporations, and local governmental units in furtherance of the ~~program~~
19.26 programs established under this section. School districts may cooperate with the
19.27 commissioner and volunteer instructors to provide space for the classroom portion of the
19.28 training. The commissioner shall consult with the commissioner of public safety in regard
19.29 to ~~training program~~ the subject matter of the training programs and performance testing that
19.30 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
19.31 component in the ~~safety education and training program~~ programs established under this
19.32 section.

20.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended
20.2 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.22 **Sec. 8. [84.9258] HAYES LAKE STATE PARK ALL-TERRAIN VEHICLE PILOT**
21.23 **PROJECT.**

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

21.31 (b) By August 1, 2018, the commissioner of natural resources, in cooperation with
21.32 Roseau County and the Friends of Hayes Lake State Park, must designate campground areas

22.1 at Hayes Lake State Park and access routes to those campgrounds from nearby all-terrain
22.2 vehicle trails as accessible to all-terrain vehicles. The campground areas and access routes
22.3 designated must have been previously open to motorized vehicle use.

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

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

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

22.8 Sec. 9. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended
22.9 to read:

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

22.13 (b) In waters that are listed as infested waters, except those listed as infested with
22.14 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
22.15 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

23.6 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River
23.7 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors
23.8 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota
23.9 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for
23.10 noncommercial personal use as bait for angling, as provided in a permit issued under section
23.11 84D.11, is allowed as follows:

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

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

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

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

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

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

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

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

23.27 Sec. 10. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended
23.28 to read:

23.29 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
23.30 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
23.31 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that

24.1 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
24.2 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
24.3 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
24.4 license or permit. Tagged gear must not be used in water bodies other than those specified
24.5 in the license or permit. The license or permit may authorize department staff to remove
24.6 tags ~~after the~~ from gear is that has been decontaminated according to a protocol specified
24.7 by the commissioner if the use of the decontaminated gear in other water bodies would not
24.8 pose an unreasonable risk of harm to natural resources or the use of natural resources in the
24.9 state. This tagging requirement does not apply to commercial fishing equipment used in
24.10 Lake Superior.

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

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

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

24.25 Sec. 11. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended
24.26 to read:

24.27 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
24.28 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
24.29 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~
24.30 ~~Gull East State water access Site~~ sites on Gull Lake (DNR Division of Waters number
24.31 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,
24.32 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake
24.33 service providers participating in the Gull Lake targeted pilot study place of business must
24.34 be located in Cass or Crow Wing County.

25.1 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
 25.2 the report to the chairs and ranking minority members of the senate and house of
 25.3 representatives committees having jurisdiction over natural resources required under Laws
 25.4 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
 25.5 recommendations and assessments.

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

25.7 Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended
 25.8 to read:

25.9 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
 25.10 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
 25.11 ~~Cross Lake #1 State~~ water access Site sites on Cross Lake (DNR Division of Waters number
 25.12 18-0312) in Crow Wing County using the same authorities, general procedures, and
 25.13 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place
 25.14 of business of lake service providers participating in the Cross Lake targeted pilot study
 25.15 must be located in Cass or Crow Wing County.

25.16 (b) If an additional targeted pilot project for Cross Lake is implemented under this
 25.17 section, the report to the chairs and ranking minority members of the senate and house of
 25.18 representatives committees having jurisdiction over natural resources required under Laws
 25.19 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
 25.20 study recommendations and assessments.

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

25.22 Sec. 13. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended
 25.23 to read:

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

25.26 (1) a representative of ~~the Cuyuna Range Minneland Recreation Area Joint Powers Board~~
 25.27 Cuyuna Range Economic Development Inc.;

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

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

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

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

26.2 (6) the member from the state house of representatives representing the state recreation
26.3 area;

26.4 (7) a representative of the Grand Rapids regional office of the Department of Natural
26.5 Resources;

26.6 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

26.7 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of
26.8 commerce;

26.9 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing
26.10 County District 5 commissioner;

26.11 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton
26.12 School Board;

26.13 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna
26.14 Range Chamber of Commerce; and

26.15 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

26.16 Sec. 14. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

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

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

26.23 Sec. 15. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

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

26.28 (b) ~~After May 1, 2017,~~ No new motorboat that has an enclosed accommodation
26.29 compartment may be sold or offered for sale in Minnesota unless the motorboat is equipped

27.1 with a new functioning marine carbon monoxide detection system installed according to
27.2 the manufacturer's instructions and this subdivision.

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

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

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

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

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

27.9 Sec. 16. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to
27.10 read:

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

27.14 Sec. 17. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

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

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

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

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

28.10 Sec. 18. Minnesota Statutes 2016, section 89.551, is amended to read:

28.11 **89.551 APPROVED FIREWOOD REQUIRED.**

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

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

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

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

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

28.23 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~
28.24 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~
28.25 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~
28.26 ~~of this section and sold for use on land administered by the commissioner.~~

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

29.1 Sec. 19. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

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

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

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

29.12 Sec. 20. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended
29.13 to read:

29.14 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
29.15 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
29.16 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
29.17 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

29.18 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,
29.19 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2
29.20 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses
29.21 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,
29.22 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in
29.23 section 97A.4742, for each license issued to a person 18 years of age or older under section
29.24 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for
29.25 each license issued to a person under 18 years of age shall be credited to the deer management
29.26 account and is appropriated to the commissioner for deer habitat improvement or deer
29.27 management programs. The deer management account is established as an account in the
29.28 game and fish fund and may be used only for deer habitat improvement or deer management
29.29 programs.

29.30 (c) \$1 from each annual deer license and each bear license and \$1 annually from the
29.31 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued
29.32 under section 97A.473, subdivision 4, shall be credited to the deer and bear management

30.1 account and is appropriated to the commissioner for deer- and bear-management programs,
30.2 including a computerized licensing system.

30.3 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
30.4 Cervidae health-management account and is appropriated for emergency deer feeding and
30.5 wild Cervidae health management. Money appropriated for emergency deer feeding and
30.6 wild Cervidae health management is available until expended.

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

30.11 Sec. 21. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

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

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

30.23 Sec. 22. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

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

30.29 Sec. 23. Minnesota Statutes 2016, section 97A.56, subdivision 2, is amended to read:

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

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

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

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

31.9 Sec. 24. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

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

31.17 Sec. 25. Minnesota Statutes 2016, section 97B.081, subdivision 3, is amended to read:

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

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

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

31.23 (i) on foot;

31.24 (ii) using a shotgun;

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

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

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

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

31.30 (i) on foot; and

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

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

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

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

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

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

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

32.15 (2) is on foot; and

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

32.17 Sec. 26. Minnesota Statutes 2016, section 97B.1055, is amended to read:

32.18 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**
32.19 **DEVELOPMENTAL DISABILITY.**

32.20 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision
32.21 6₅:

32.22 (a) A "person with developmental disability" means a person who has been diagnosed
32.23 as having substantial limitations in present functioning, manifested as significantly
32.24 subaverage intellectual functioning, existing concurrently with demonstrated deficits in
32.25 adaptive behavior, and who manifests these conditions before the person's 22nd birthday.

32.26 (b) A "person with a related condition" means a person who meets the diagnostic
32.27 definition under section 252.27, subdivision 1a.

32.28 (c) A "person with a permanent physical disability" means a person who has a physical
32.29 disability that prevents them from being able to navigate natural terrain or hold a firearm
32.30 for the purpose of a required field component for the firearm safety training program under
32.31 section 97B.020.

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

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

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

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

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

33.19 Sec. 27. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

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

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

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

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

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

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

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

34.5 Sec. 28. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

34.6 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a
34.7 county or other local unit of government that provides a match utilizing a water
34.8 implementation tax or other local source. A water implementation tax that a county or other
34.9 local unit of government intends to use as a match to the base grant must be levied at a rate
34.10 sufficient to generate a minimum amount determined by the board. The board may award
34.11 performance-based or watershed-based grants, contracts, or payments to local units of
34.12 government that are responsible for implementing elements of applicable portions of
34.13 watershed management plans, comprehensive plans, local water management plans, or
34.14 comprehensive watershed management plans, developed or amended, adopted and approved,
34.15 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the
34.16 board may also award performance-based grants to local units of government to carry out
34.17 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation
34.18 plan has been incorporated into the local water management plan according to the procedures
34.19 for approving comprehensive plans, watershed management plans, local water management
34.20 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,
34.21 or if the TMDL implementation plan has undergone a public review process. Notwithstanding
34.22 section 16A.41, the board may award ~~performance-based~~ grants, contracts, or payments on
34.23 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or
34.24 as a supplement to state funding to accomplish implementation of comprehensive plans,
34.25 watershed management plans, local water management plans, or comprehensive watershed
34.26 management plans under this chapter and chapter 103C or 103D.

34.27 Sec. 29. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

34.28 Subd. 9. **Performance-based criteria.** The board shall develop and utilize
34.29 performance-based or eligibility criteria for local water resources restoration, protection,
34.30 and management programs and projects. The criteria may include but are not limited to
34.31 science-based assessments, organizational capacity, priority resource issues, community
34.32 outreach and support, partnership potential, potential for multiple benefits, and program
34.33 and project delivery efficiency and effectiveness.

35.1 Sec. 30. Minnesota Statutes 2016, section 103B.3369, is amended by adding a subdivision
35.2 to read:

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

35.6 (b) For the purposes of this subdivision, the "Red River Basin Commission" means a
35.7 Red River of the North transboundary nonprofit corporation organized under section
35.8 501(c)(3) of the United States Internal Revenue Code and respective by-laws with the
35.9 purpose of facilitating transboundary and basin-wide dialogue, consulting with citizens,
35.10 land users, organizations, and governments and coordinating basin-wide interstate and
35.11 international efforts on water management including but not limited to flood mitigation,
35.12 water quality, water supply, drainage, aquatic health, and recreation.

35.13 Sec. 31. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

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

35.16 (1) align local water planning purposes and procedures under this chapter and chapters
35.17 103C and 103D on watershed boundaries to create a systematic, watershed-wide,
35.18 science-based approach to watershed management;

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

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

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

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

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

36.1 Sec. 32. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

36.2 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June
36.3 30, 2016, a transition plan for development, approval, adoption, and coordination of plans
36.4 consistent with section 103A.212. The transition plan must include a goal of completing
36.5 statewide transition to comprehensive watershed management plans by 2025. The
36.6 metropolitan area may be considered for inclusion in the transition plan. The board may
36.7 amend the transition plan no more often than once every two years.

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

36.11 Sec. 33. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

36.12 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**
36.13 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring
36.14 appointment of viewers and redetermination of benefits and damages, a drainage authority
36.15 may ~~implement~~ make findings and order the establishment of permanent buffer strips of
36.16 perennial vegetation approved by the drainage authority or side inlet controls, or both,
36.17 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,
36.18 improve water quality, or maintain the efficiency of the drainage system. The drainage
36.19 authority's finding that the establishment of permanent buffer strips of perennial vegetation
36.20 or side inlet controls is necessary to control erosion and sedimentation, improve water
36.21 quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction
36.22 under this subdivision. Preference should be given to planting native species of a local
36.23 ecotype. The approved perennial vegetation shall not impede future maintenance of the
36.24 ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured
36.25 outward from the top edge of the existing constructed channel. Drainage system rights-of-way
36.26 for the acreage and additional property required for the permanent strips must be acquired
36.27 by the authority having jurisdiction.

36.28 (b) A project under this subdivision shall be implemented as a repair according to section
36.29 103E.705, except that the drainage authority may appoint an engineer to examine the drainage
36.30 system and prepare an engineer's repair report for the project.

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

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

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

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

37.14 Sec. 34. Minnesota Statutes 2016, section 103E.071, is amended to read:

37.15 **103E.071 COUNTY ATTORNEY.**

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

37.21 Sec. 35. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

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

37.24 (1) account maintenance annual fee: one percent of the value of credits not to exceed
37.25 \$500;

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

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

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

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

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

38.8 Sec. 36. Minnesota Statutes 2017 Supplement, section 103G.271, subdivision 7, is amended
38.9 to read:

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

38.17 Sec. 37. [103G.276] IRRIGATION TEST WELLS.

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

38.20 Sec. 38. Minnesota Statutes 2016, section 103G.287, is amended by adding a subdivision
38.21 to read:

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

38.26 (b) Before the commissioner approves a management plan or modification to a
38.27 management plan for appropriating groundwater, the commissioner must consider the
38.28 economic impact of the plan or modification.

39.1 Sec. 39. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
39.2 to read:

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

39.5 Sec. 40. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
39.6 to read:

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

39.9 Sec. 41. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

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

39.14 Sec. 42. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

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

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

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

39.20 (i) a comprehensive watershed management plan;

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

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

39.23 Sec. 43. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

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

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

40.3 Sec. 44. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

40.22 Sec. 45. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

41.25 Sec. 46. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

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

42.1 ~~Consideration to,~~ groundwater and high-quality waters and watersheds watershed protection,
42.2 waters and watersheds with declining water quality trends, and waters and watersheds:

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

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

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

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

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

42.15 Sec. 47. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

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

42.21 Sec. 48. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
42.22 to read:

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

42.31 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for
42.32 waters or watersheds when the commissioner of the Pollution Control Agency determines

43.1 that comprehensive watershed management plan, a comprehensive local water management
 43.2 plan, or a statewide or regional strategy published by the Pollution Control Agency meets
 43.3 the definitions in section 114D.15, subdivisions 11 or 13.

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

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

43.12 Sec. 49. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
 43.13 to read:

43.14 Subd. 9. **Coordinating of municipal and local water quality activities.** A project,
 43.15 practice, or program for water quality improvement or protection that is conducted by a
 43.16 watershed management organization or a local government unit with a comprehensive
 43.17 watershed management plan or other water management plan approved according to chapter
 43.18 103B, 103C, or 103D may be considered as contributing to the requirements of a storm
 43.19 water pollution prevention plan (SWPPP) for a municipal separate storm sewer systems
 43.20 (MS4) permit unless the project, practice, or program was previously documented as
 43.21 contributing to a different SWPPP for an MS4 permit.

43.22 Sec. 50. Minnesota Statutes 2016, section 114D.26, is amended to read:

43.23 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

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

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

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

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

43.29 (4) informing comprehensive local water management plans and comprehensive
 43.30 watershed management plans.

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

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

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

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

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

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

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

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

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

44.26 (i) water quality parameters of concern;

44.27 (ii) current water quality conditions;

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

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

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

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

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

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

45.9 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~
 45.10 ~~Control Agency must complete WRAPS's for at least ten percent of watershed restoration~~
 45.11 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~
 45.12 ~~2023, unless the commissioner determines that a comprehensive watershed management~~
 45.13 ~~plan or comprehensive local water management plan, in whole or part, meets the definition~~
 45.14 ~~in section 114D.15, subdivisions 11 or 13. As needed, the commissioner must update the~~
 45.15 ~~strategies, in whole or part, after consultation with the Board of Water and Soil Resources~~
 45.16 ~~and local government units.~~

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

45.20 Sec. 51. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

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

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

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

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

46.10 Sec. 52. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

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

46.17 Sec. 53. Minnesota Statutes 2016, section 115.03, subdivision 1, is amended to read:

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

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

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

46.26 (c) to establish and alter such reasonable pollution standards for any waters of the state
46.27 in relation to the public use to which they are or may be put as it shall deem necessary for
46.28 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
46.29 116;

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

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

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

47.9 (2) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
47.10 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
47.11 municipal disposal system where the same is likely to get into any waters of the state in
47.12 violation of this chapter and, with respect to the pollution of waters of the state, chapter
47.13 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
47.14 the schedule of compliance within which such prohibition or abatement must be
47.15 accomplished;

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

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

47.24 (5) establishing, and from time to time revising, standards of performance for new sources
47.25 taking into consideration, among other things, classes, types, sizes, and categories of sources,
47.26 processes, pollution control technology, cost of achieving such effluent reduction, and any
47.27 nonwater quality environmental impact and energy requirements. Said standards of
47.28 performance for new sources shall encompass those standards for the control of the discharge
47.29 of pollutants which reflect the greatest degree of effluent reduction which the agency
47.30 determines to be achievable through application of the best available demonstrated control
47.31 technology, processes, operating methods, or other alternatives, including, where practicable,
47.32 a standard permitting no discharge of pollutants. New sources shall encompass buildings,
47.33 structures, facilities, or installations from which there is or may be the discharge of pollutants,
47.34 the construction of which is commenced after the publication by the agency of proposed

48.1 rules prescribing a standard of performance which will be applicable to such source.

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

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

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

48.23 (8) notwithstanding any other provision of this chapter, and with respect to the pollution
48.24 of waters of the state, chapter 116, requiring the achievement of more stringent limitations
48.25 than otherwise imposed by effluent limitations in order to meet any applicable water quality
48.26 standard by establishing new effluent limitations, based upon section 115.01, subdivision
48.27 13, clause (b), including alternative effluent control strategies for any point source or group
48.28 of point sources to insure the integrity of water quality classifications, whenever the agency
48.29 determines that discharges of pollutants from such point source or sources, with the
48.30 application of effluent limitations required to comply with any standard of best available
48.31 technology, would interfere with the attainment or maintenance of the water quality
48.32 classification in a specific portion of the waters of the state. Prior to establishment of any
48.33 such effluent limitation, the agency shall hold a public hearing to determine the relationship
48.34 of the economic and social costs of achieving such limitation or limitations, including any
48.35 economic or social dislocation in the affected community or communities, to the social and

49.1 economic benefits to be obtained and to determine whether or not such effluent limitation
49.2 can be implemented with available technology or other alternative control strategies. If a
49.3 person affected by such limitation demonstrates at such hearing that, whether or not such
49.4 technology or other alternative control strategies are available, there is no reasonable
49.5 relationship between the economic and social costs and the benefits to be obtained, such
49.6 limitation shall not become effective and shall be adjusted as it applies to such person;

49.7 (9) modifying, in its discretion, any requirement or limitation based upon best available
49.8 technology with respect to any point source for which a permit application is filed after July
49.9 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the
49.10 agency that such modified requirements will represent the maximum use of technology
49.11 within the economic capability of the owner or operator and will result in reasonable further
49.12 progress toward the elimination of the discharge of pollutants; and

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

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

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

49.23 (h) to conduct such investigations, issue such notices, public and otherwise, and hold
49.24 such hearings as are necessary or which it may deem advisable for the discharge of its duties
49.25 under this chapter and, with respect to the pollution of waters of the state, under chapter
49.26 116, including, but not limited to, the issuance of permits, and to authorize any member,
49.27 employee, or agent appointed by it to conduct such investigations or, issue such notices and
49.28 hold such hearings;

49.29 (i) for the purpose of water pollution control planning by the state and pursuant to the
49.30 Federal Water Pollution Control Act, as amended, to establish and revise planning areas,
49.31 adopt plans and programs and continuing planning processes, including, but not limited to,
49.32 basin plans and areawide waste treatment management plans, and to provide for the
49.33 implementation of any such plans by means of, including, but not limited to, standards, plan

50.1 elements, procedures for revision, intergovernmental cooperation, residual treatment process
50.2 waste controls, and needs inventory and ranking for construction of disposal systems;

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

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

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

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

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

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

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

50.30 Sec. 54. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

50.31 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)
50.32 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with
50.33 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall

51.1 have the authority to perform any and all acts minimally necessary including, but not limited
51.2 to, the establishment and application of standards, procedures, rules, orders, variances,
51.3 stipulation agreements, schedules of compliance, and permit conditions, consistent with
51.4 and, therefore not less stringent than the provisions of the Federal Water Pollution Control
51.5 Act, as amended, applicable to the participation by the state of Minnesota in the national
51.6 pollutant discharge elimination system (NPDES); provided that this provision shall not be
51.7 construed as a limitation on any powers or duties otherwise residing with the agency pursuant
51.8 to any provision of law.

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

51.13 Sec. 55. Minnesota Statutes 2016, section 115.035, is amended to read:

51.14 **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

51.15 ~~(a) When the commissioner convenes an external peer review panel during the~~
51.16 ~~promulgation or amendment of water quality standards, the commissioner must provide~~
51.17 ~~notice and take public comment on the charge questions for the external peer review panel~~
51.18 ~~and must allow written and oral public comment as part of the external peer review panel~~
51.19 ~~process. Every new or revised numeric water quality standard must be supported by a~~
51.20 ~~technical support document that provides the scientific basis for the proposed standard and~~
51.21 ~~that has undergone external, scientific peer review. Numeric water quality standards in~~
51.22 ~~which the agency is adopting, without change, a United States Environmental Protection~~
51.23 ~~Agency criterion that has been through peer review are not subject to this paragraph.~~
51.24 Documentation of the external peer review panel, including the name or names of the peer
51.25 reviewer or reviewers, must be included in the statement of need and reasonableness for
51.26 the water quality standard. ~~If the commissioner does not convene an external peer review~~
51.27 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~
51.28 ~~must state the reason an external peer review panel will not be convened in the statement~~
51.29 ~~of need and reasonableness.~~

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

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

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

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

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

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

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

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

52.23 (f) In response to the findings of the external peer review, the draft technical support
52.24 document must be revised as appropriate. The findings of the external peer review must be
52.25 documented and attached to the final technical support document, which must be an exhibit
52.26 as part of the statement of need and reasonableness in the rulemaking to adopt the new or
52.27 revised numeric water quality standard. The final technical support document must note
52.28 changes made in response to the external peer review.

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

53.1 Sec. 56. **[115.455] EFFLUENT LIMITATIONS; COMPLIANCE.**

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

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

53.9 Sec. 57. Minnesota Statutes 2016, section 115.77, subdivision 1, is amended to read:

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

53.14 Sec. 58. Minnesota Statutes 2016, section 115.84, subdivision 2, is amended to read:

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

53.18 Sec. 59. Minnesota Statutes 2016, section 115.84, subdivision 3, is amended to read:

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

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

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

53.29 Sec. 60. Minnesota Statutes 2016, section 115A.51, is amended to read:

53.30 **115A.51 APPLICATION REQUIREMENTS.**

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

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

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

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

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

54.15 (5) that the applicant has identified waste management objectives in applicable county
54.16 and regional solid waste management plans consistent with sections 115A.46, subdivision
54.17 2, paragraphs (e) and (f) and 473.149, subdivision 1, and other solid waste facilities identified
54.18 in the county and regional plans; and

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

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

54.24 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision
54.25 2, paragraphs (e) and (f), and 473.149, subdivisions 1; and

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

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

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

55.1 Sec. 61. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

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

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

55.9 Sec. 62. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

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

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

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

55.19 Sec. 63. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

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

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

55.23 (i) the existing system of collection;

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

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

55.28 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods
55.29 selected for examination will be evaluated, which may include: costs to residential
55.30 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste
55.31 service based on the desired level of service, costs and other factors, the impact of miles

56.1 driven by ~~collection vehicles~~ on city streets and alleys and the incremental impact of miles
56.2 driven by collection vehicles, initial and operating costs to the city of implementing the
56.3 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts
56.4 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and
56.5 aesthetic impacts;

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

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

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

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

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

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

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

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

56.20 Sec. 64. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

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

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

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

57.2 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing
57.3 a committee under subdivision 4a to consider organizing residential solid waste collection,
57.4 a city or town with more than one licensed collector must notify the public and all licensed
57.5 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60
57.6 days in which meetings and negotiations shall occur exclusively between licensed collectors
57.7 and the city or town to develop a proposal in which interested licensed collectors, as members
57.8 of an organization of collectors, collect solid waste from designated sections of the city or
57.9 town. The proposal shall include identified city or town priorities, including issues related
57.10 to zone creation, traffic, safety, environmental performance, service provided, and price,
57.11 and shall reflect existing haulers maintaining their respective market share of business as
57.12 determined by each hauler's average customer count during the six months prior to the
57.13 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be
57.14 excluded from the proposal, the city may allocate their customers proportionally based on
57.15 market share to the participating collectors who choose to negotiate. The initial organized
57.16 collection agreement executed under this subdivision must be for a ~~period of three to seven~~
57.17 years. Upon execution of an agreement between the participating licensed collectors and
57.18 city or town, the city or town shall establish organized collection through appropriate local
57.19 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except
57.20 that the governing body must provide the public notification and hearing required under
57.21 subdivision 4c.

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

57.25 Sec. 66. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
57.26 to read:

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

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

58.1 Sec. 67. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
58.2 to read:

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

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

58.11 Sec. 68. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

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

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

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

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

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

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

58.28 Sec. 69. **[115B.171] TESTING FOR PRIVATE WELLS; EAST METROPOLITAN**
58.29 **AREA.**

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

59.1 (b) "East metropolitan area" means:

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

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

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

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

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

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

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

59.25 **Sec. 70. [115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.**

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

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

59.29 (1) revenues from actions taken by the attorney general on behalf of the commissioner
59.30 of natural resources, including settlement agreements, under section 115B.17, subdivisions
59.31 6 and 7, excluding money received under the settlement defined under section 115B.52,
59.32 subdivision 1;

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

60.2 (3) interest earned on the account; and

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

60.5 Subd. 3. **Expenditures.** (a) Money in the account is appropriated to the commissioner
60.6 of natural resources for the purposes authorized in section 115B.20, subdivision 2, paragraph
60.7 8.

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

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

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

60.20 Sec. 71. Minnesota Statutes 2016, section 115B.20, subdivision 2, is amended to read:

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

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

60.29 (2) removal and remedial actions taken or authorized by the agency or the commissioner
60.30 of the Pollution Control Agency under section 115B.17, or taken or authorized by the
60.31 commissioner of agriculture under chapter 18D including related enforcement and compliance
60.32 efforts under section 115B.17 or 115B.18, or chapter 18D, and payment of the state share

61.1 of the cost of remedial action which may be carried out under a cooperative agreement with
61.2 the federal government pursuant to the federal Superfund Act, under United States Code,
61.3 title 42, section 9604(c)(3) for actions related to facilities other than commercial hazardous
61.4 waste facilities located under the siting authority of chapter 115A;

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

61.9 (4) assessment and recovery of natural resource damages by the agency ~~and the~~
61.10 ~~commissioner of natural resources~~ for administration, planning, and implementation by the
61.11 commissioner of natural resources of the rehabilitation, restoration, or acquisition of natural
61.12 resources to remedy injuries or losses to natural resources resulting from the release of a
61.13 hazardous substance; before implementing a project to rehabilitate, restore, or acquire natural
61.14 resources under this clause, the commissioner of natural resources shall provide written
61.15 notice of the proposed project to the chairs of the senate and house of representatives
61.16 committees with jurisdiction over environment and natural resources finance;

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

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

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

61.24 (8) assessment and recovery of natural resource damages by the commissioner of natural
61.25 resources for administration, planning, and implementation by the commissioner of natural
61.26 resources of the rehabilitation, restoration, or acquisition of natural resources to remedy
61.27 injuries or losses to natural resources resulting from the release of a hazardous substance;
61.28 before implementing a project to rehabilitate, restore, or acquire natural resources under
61.29 this clause, the commissioner of natural resources shall provide written notice of the proposed
61.30 project to the chairs of the senate and house of representatives committees with jurisdiction
61.31 over environment and natural resources finance.

62.1 Sec. 72. **[115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.**

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

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

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

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

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

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

62.20 Sec. 73. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

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

62.26 Sec. 74. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
62.27 read:

62.28 Subd. 2c. **Exemption from standards for temporary storage facilities subject to**
62.29 **control.** (a) A temporary storage facility located at a commodity facility that is required to
62.30 be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota
62.31 Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions

63.1 directly associated with the temporary storage facility, it is determined that there is no
63.2 applicable specific standard of performance.

63.3 (b) For the purposes of this subdivision, the following terms have the meanings given
63.4 to them:

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

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

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

63.8 (iii) provides adequate aeration; and

63.9 (iv) provides an acceptable covering; and

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

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

63.14 Sec. 75. Minnesota Statutes 2017 Supplement, section 116.07, subdivision 4d, is amended
63.15 to read:

63.16 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
63.17 than those necessary to cover the reasonable costs of developing, reviewing, and acting
63.18 upon applications for agency permits and implementing and enforcing the conditions of the
63.19 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
63.20 fee schedule must reflect reasonable and routine direct and indirect costs associated with
63.21 permitting, implementation, and enforcement. The agency may impose an additional
63.22 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
63.23 of implementing and enforcing the conditions of a permit under the rules of the agency.
63.24 Water fees under this paragraph are subject to legislative approval under section 16A.1283.
63.25 Any money collected under this paragraph shall be deposited in the environmental fund.

63.26 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner
63.27 or operator of all stationary sources, emission facilities, emissions units, air contaminant
63.28 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage
63.29 facilities subject to a notification, permit, or license requirement under this chapter,
63.30 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401
63.31 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and
63.32 indirect reasonable costs, including legal costs, required to develop and administer the

64.1 notification, permit, or license program requirements of this chapter, subchapters I and V
64.2 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules
64.3 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon
64.4 an application for a permit; implementing and enforcing statutes, rules, and the terms and
64.5 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally
64.6 applicable regulations; responding to federal guidance; modeling, analyses, and
64.7 demonstrations; preparing inventories and tracking emissions; and providing information
64.8 to the public about these activities.

64.9 (c) The agency shall set fees that:

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

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

64.18 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount
64.19 needed to match grant funds received by the state under United States Code, title 42, section
64.20 7405 (section 105 of the federal Clean Air Act).

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

64.27 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
64.28 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
64.29 year by the percentage, if any, by which the Consumer Price Index for the most recent
64.30 calendar year ending before the beginning of the year the fee is collected exceeds the
64.31 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
64.32 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
64.33 all-urban consumers published by the United States Department of Labor, as of the close
64.34 of the 12-month period ending on August 31 of each calendar year. The revision of the

65.1 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
65.2 year 1989 shall be used.

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

65.5 (f) Permit applicants who wish to construct, reconstruct, or modify a project may offer
65.6 to reimburse the agency for the costs of staff time or consultant services needed to expedite
65.7 the preapplication process and permit development process through the final decision on
65.8 the permit, including the analysis of environmental review documents. The reimbursement
65.9 shall be in addition to permit application fees imposed by law. When the agency determines
65.10 that it needs additional resources to develop the permit application in an expedited manner,
65.11 and that expediting the development is consistent with permitting program priorities, the
65.12 agency may accept the reimbursement. The commissioner must give the applicant an estimate
65.13 of costs to be incurred by the commissioner. The estimate must include a brief description
65.14 of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for
65.15 each task. The applicant and the commissioner must enter into a written agreement detailing
65.16 the estimated costs for the expedited permit decision-making process to be incurred by the
65.17 agency. The agreement must also identify staff anticipated to be assigned to the project.
65.18 The commissioner must not issue a permit until the applicant has paid all fees in full. The
65.19 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted
65.20 by the agency are appropriated to the agency for the purpose of developing the permit or
65.21 analyzing environmental review documents. Reimbursement by a permit applicant shall
65.22 precede and not be contingent upon issuance of a permit; shall not affect the agency's decision
65.23 on whether to issue or deny a permit, what conditions are included in a permit, or the
65.24 application of state and federal statutes and rules governing permit determinations; and shall
65.25 not affect final decisions regarding environmental review.

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

65.27 Sec. 76. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

65.28 **116.0714 NEW OPEN-AIR SWINE BASINS.**

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

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

66.3 Sec. 77. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

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

66.12 Sec. 78. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision
66.13 to read:

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

66.16 Sec. 79. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision
66.17 to read:

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

66.20 Sec. 80. [116.2025] **DEICER APPLICATORS; VOLUNTARY CERTIFICATION**
66.21 **PROGRAM.**

66.22 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have
66.23 the meanings given:

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

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

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

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

67.3 Subd. 2. **Voluntary certification program; best management practices.** (a) The
67.4 commissioner of the Pollution Control Agency must develop a training program that promotes
67.5 best management practices for removing snow and ice and applying deicer and must allow
67.6 individuals who are commercial applicators to obtain certification as a water-friendly
67.7 applicator. The commissioner must certify an individual who is a commercial applicator as
67.8 a water-friendly applicator if the individual successfully completes the program and passes
67.9 the examination.

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

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

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

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

67.19 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for
67.20 damages arising from hazards resulting from snow and ice accumulation on any real estate
67.21 maintained by the certified commercial applicator when the hazards are solely caused by
67.22 snow or ice and the certified commercial applicator has used the best management practices
67.23 approved by the commissioner for removing snow and ice and applying deicer.

67.24 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial
67.25 applicator or owner if the certified commercial applicator or owner:

67.26 (1) commits an act or omission that constitutes negligence or willful or wanton disregard
67.27 for the safety of entrants to real estate of the owner that is maintained by the certified
67.28 commercial applicator, and that act or omission proximately causes injury, damage, or death;

67.29 (2) has actual knowledge or reasonably should have known of a dangerous condition on
67.30 the real estate of an owner maintained by the certified commercial applicator;

67.31 (3) intentionally injures an entrant to real estate of an owner that is maintained by the
67.32 certified commercial applicator; or

68.1 (4) fails to comply with the best management practices approved by the commissioner
68.2 for removing snow and ice and applying deicer.

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

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

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

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

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

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

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

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

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

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

68.24 Sec. 81. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

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

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

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

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

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

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

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

69.4 Sec. 82. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

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

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

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

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

69.10 Sec. 83. Minnesota Statutes 2017 Supplement, section 169A.07, is amended to read:

69.11 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

69.12 A person who violates section 169A.20 (driving while impaired) while using an off-road
69.13 recreational vehicle or motorboat and who does not have a qualified prior impaired driving
69.14 incident is subject only to the criminal penalty provided in section 169A.25 (second-degree
69.15 driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27
69.16 (fourth-degree driving while impaired); and loss of operating privileges as provided in
69.17 section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons
69.18 under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation
69.19 of motorboats while using alcohol or with a physical or mental disability), whichever is
69.20 applicable. The person is not subject to the provisions of section 169A.275, subdivision 5
69.21 (submission to the level of care recommended in chemical use assessment for repeat offenders
69.22 and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring);
69.23 169A.285 (penalty assessment); 169A.44 (conditional release); ~~169A.54 (impaired driving~~
69.24 ~~convictions and adjudications; administrative penalties); or 169A.54, subdivision 11~~
69.25 ~~(chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53~~
69.26 ~~(implied consent law) or 171.177 (revocation; search warrant); or the plate impoundment~~
69.27 provisions of section 169A.60 (administrative impoundment of plates).

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

70.1 Sec. 84. Minnesota Statutes 2016, section 180.03, subdivision 2, is amended to read:

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

70.14 Sec. 85. Minnesota Statutes 2016, section 180.03, subdivision 3, is amended to read:

70.15 Subd. 3. **Abandoned mines.** Except as described in subdivision 4, when a mine is idle
70.16 or abandoned it is the duty of the inspector of mines to notify the person, firm, or corporation
70.17 that is or has been engaged in the business of mining to erect and maintain around all the
70.18 shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination
70.19 of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the
70.20 possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been
70.21 idled or abandoned, or if the person, firm, or corporation that has been engaged in the
70.22 business of mining no longer exists, the fee owner shall erect and maintain the fence, barrier,
70.23 or signs required by this section. If the fee owner fails to act, the county in which the mining
70.24 operation is located may, in addition to any other remedies available, abate the nuisance by
70.25 erecting or maintaining the fence, barrier, or signs and assessing the costs and related
70.26 expenses pursuant to section 429.101.

70.27 Sec. 86. Minnesota Statutes 2016, section 180.03, subdivision 4, is amended to read:

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

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

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

- 71.1 (i) grants-in-aid trails as defined in section 85.018;
- 71.2 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision
71.3 1, that is intended or permitted to be used as a park, an open area for recreational purposes,
71.4 or for the provision of recreational services, including the creation of trails or paths without
71.5 artificial surfaces; or
- 71.6 (iii) recreational use, as defined in section 604A.21, subdivisions 5 and 6, provided the
71.7 use is administered by a municipality, as defined in section 466.01, subdivision 1;
- 71.8 (3) it is for economic development purposes under chapter 469; or
- 71.9 (4) upon written application by the property owner, the county mine inspector may
71.10 exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or
71.11 shaft which determines that it is provided with fencing, barriers, appropriate signs, or
71.12 combinations of them, in a manner that is reasonably similar to the standards in subdivision
71.13 2, or which if, in the inspector's judgment, it does not constitute a safety hazard.
- 71.14 (b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted
71.15 by the recipient of the exemption consistent with section 97B.001, subdivision 4:
- 71.16 (1) at each location of public access to the mining area restricting access to designated
71.17 areas and warning of possible dangers due to the presence of excavations, shafts, caves, or
71.18 open or water-filled pits;
- 71.19 (2) prohibiting public access beyond the boundaries of the designated public access area;
71.20 and
- 71.21 (3) identifying those areas where the property on which public access is allowed abuts
71.22 private property.
- 71.23 (c) Where an exemption applies, to reduce the possibility of inadvertent access beyond
71.24 the boundaries of the designated public access area, any new fencing erected by the recipient
71.25 of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient
71.26 of the exemption.
- 71.27 (d) Notwithstanding section 180.10, limited openings in preexisting fencing may be
71.28 created and maintained by the recipient of the exemption or its agent to provide public
71.29 access to the designated public access area.
- 71.30 (e) The county mine inspector has the authority to enter, examine, and inspect any and
71.31 all property exempted under this section at all reasonable times by day or by night, and, in

72.1 addition to enforcing the provisions of this chapter, may make recommendations regarding
72.2 the erection of fences, barriers, signs, or a combination of them.

72.3 Sec. 87. Minnesota Statutes 2016, section 180.10, is amended to read:

72.4 **180.10 REMOVAL OF FENCE; GUARD.**

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

72.13 Sec. 88. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**
72.14 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

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

72.18 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of
72.19 Commissioners has the duties and authorities of a soil and water conservation district. All
72.20 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil
72.21 and Water Conservation District is a party remain in force and effect for the period provided
72.22 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the
72.23 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the
72.24 district's rights and duties.

72.25 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board
72.26 of Supervisors shall transfer the assets of the district to the Ramsey County Board of
72.27 Commissioners. The Ramsey County Board of Commissioners shall use the transferred
72.28 assets for the purposes of implementing the transferred duties and authorities.

72.29 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition
72.30 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water
72.31 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources
72.32 under its authority in section 103C.201, and after giving notice of corrective actions and

73.1 time to implement the corrective actions, may reestablish the Ramsey Soil and Water
 73.2 Conservation District if it determines the goals established in section 103C.005 are not
 73.3 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the
 73.4 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

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

73.8 Sec. 89. Minnesota Statutes 2016, section 444.075, subdivision 1a, is amended to read:

73.9 Subd. 1a. **Authorization.** Any municipality may build, construct, reconstruct, repair,
 73.10 enlarge, improve, or in any other manner obtain facilities, and maintain and operate the
 73.11 facilities inside or outside its corporate limits, and acquire by gift, purchase, lease,
 73.12 condemnation, or otherwise any and all land and easements required for that purpose. The
 73.13 authority hereby granted is in addition to all other powers with reference to the facilities
 73.14 otherwise granted by the laws of this state or by the charter of any municipality. The authority
 73.15 regarding storm sewers granted to municipalities which have territory within a watershed
 73.16 which has adopted a watershed plan pursuant to section 103B.231 shall be exercised, with
 73.17 respect to facilities acquired following the adoption of the watershed plan, only for facilities
 73.18 which are not inconsistent with the watershed plan. The authority regarding storm sewers
 73.19 granted to municipalities which have adopted local water management plans pursuant to
 73.20 section 103B.235 shall be exercised, with respect to facilities acquired following the adoption
 73.21 of a local plan, only for facilities which are not inconsistent with the local plan. Counties;
 73.22 ~~except counties in the seven-county metropolitan area,~~ shall have the same authority granted
 73.23 to municipalities by this subdivision except for areas of the county organized into cities and
 73.24 areas of the county incorporated within a sanitary district established by special act of the
 73.25 legislature.

73.26 Sec. 90. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

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

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

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

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

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

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

74.11 Sec. 91. Laws 2015, First Special Session chapter 4, article 4, section 136, as amended
74.12 by Laws 2017, chapter 93, article 2, section 149, is amended to read:

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

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

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

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

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

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

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

75.1 (e) ~~The commissioner shall complete the rulemaking described in paragraph (a) by~~
75.2 ~~January 15, 2019.~~

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

75.4 Sec. 92. Laws 2016, chapter 189, article 3, section 48, is amended to read:

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

75.6 The commissioner of natural resources shall report to the chairs of the house of
75.7 representatives and senate committees with jurisdiction over natural resources by January
75.8 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as
75.9 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in
75.10 the state. The report must:

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

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

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

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

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

75.21 Sec. 94. Laws 2017, chapter 93, article 2, section 163, is amended to read:

75.22 Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**
75.23 **COUNTY.**

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

75.27 Sec. 95. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

75.28 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
75.29 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township

76.1 that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26
76.2 (a)(9)(i)(A), and other platted areas within that jurisdiction.

76.3 **Sec. 96. RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

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

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

76.11 **Sec. 97. RECREATIONAL TRAILS; ENVIRONMENTAL REVIEW;**
76.12 **RULEMAKING.**

76.13 (a) The Environmental Quality Board must amend Minnesota Rules, chapter 4410, to
76.14 be consistent with this section, including amending Minnesota Rules, part 4410.4300, subpart
76.15 37, as follows:

76.16 (1) item A must be amended to read: "Constructing a trail at least 25 miles long on
76.17 forested or other naturally vegetated land for a recreational use unless exempted by part
76.18 4410.4600, subpart 14, item D. In applying this item, if a proposed trail will contain segments
76.19 of newly constructed trail and segments that will follow an existing trail but be designated
76.20 for a new motorized use, an EAW must be prepared if the sum of the quotients obtained by
76.21 dividing the length of the new construction by 25 miles and length of the existing but newly
76.22 designated trail by 25 miles equals or exceeds one. Additions and designations under items
76.23 C and D do not apply to this formula.";

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

76.31 (3) a new item C must be adopted to read: "When adding a new motorized recreational
76.32 use or seasonal motorized recreational use to an existing motorized recreational trail if the

77.1 treadway width is not expanded as a result of the added use, a mandatory EAW is not
 77.2 required."; and

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

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

77.9 Sec. 98. **WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE**
 77.10 **PROGRAM.**

77.11 The Board of Water and Soil Resources, in cooperation with the United States Army
 77.12 Corps of Engineers, may complete the planning frameworks and other program application
 77.13 requirements necessary for federal approval of an in-lieu fee program, as authorized under
 77.14 Minnesota Statutes, section 103G.2242, in the Red River Basin and the greater than 80
 77.15 percent area. The planning frameworks must contain a prioritization strategy for selecting
 77.16 and implementing mitigation activities based on a watershed approach that includes
 77.17 consideration of historic resource loss within watersheds and the extent to which mitigation
 77.18 can address priority watershed needs. The board must consider the recommendations of the
 77.19 report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and
 77.20 implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in
 77.21 developing proposed planning frameworks for applicable watersheds. When completing
 77.22 the work and pursuing approval of an in-lieu fee program, the board must do so consistent
 77.23 with the applicable requirements, stakeholder and agency review processes, and approval
 77.24 time frames in Code of Federal Regulations, title 33, section 332. The board must submit
 77.25 any completed planning frameworks to the chairs and ranking minority members of the
 77.26 house of representatives and the senate committees and divisions with jurisdiction over
 77.27 environment and natural resources upon receiving federal approval.

77.28 Sec. 99. **TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION**
 77.29 **PERMIT REQUIREMENTS.**

77.30 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to
 77.31 suspend or revoke a water appropriation permit, issue an order requiring a violation to be
 77.32 corrected, assess monetary penalties, or otherwise take enforcement action against a water
 77.33 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement

78.1 action is based solely on a violation of a permit requirement added to a groundwater
78.2 appropriation permit within the north and east metro groundwater management area as a
78.3 result of a court order issued in 2017.

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

78.7 **Sec. 100. GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

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

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

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

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

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

78.20 **Sec. 101. 1837 CEDED TERRITORY FISHERIES TECHNICAL COMMITTEE.**

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

78.24 **Sec. 102. CARBON MONOXIDE EXPOSURE; FISH HOUSES AND ICE**
78.25 **SHELTERS; REPORT.**

78.26 The commissioner of natural resources must work with fish house and ice shelter
78.27 manufacturers and other interested parties to identify best practices to reduce fish house
78.28 and ice shelter user exposure to carbon monoxide. The commissioner must increase outreach
78.29 efforts relating to the dangers of carbon monoxide exposure in fish houses, and report
78.30 recommendations to the chairs of the house of representatives and senate committees and

79.1 divisions with jurisdiction over environment and natural resources policy by January 15,
79.2 2019.

79.3 **Sec. 103. NONPOINT PRIORITY FUNDING PLAN; REPORT.**

79.4 The Board of Water and Soil Resources, in cooperation with representatives of state
79.5 agencies, local governments, tribal governments, private and nonprofit organizations, and
79.6 others must review the nonpoint priority funding plan under Minnesota Statutes, section
79.7 114D.50, subdivision 3a. By January 31, 2019, the board must submit a report to the chairs
79.8 and ranking minority members of the house of representatives and senate committees and
79.9 divisions with jurisdiction over environment and natural resources that contains
79.10 recommendations to improve the effectiveness of nonpoint priority funding plans to meet
79.11 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, and the purposes
79.12 in Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater
79.13 restoration and protection goals of chapters 114D and 103B.

79.14 **Sec. 104. HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

79.15 (a) The commissioner of natural resources must operate the Hill-Annex Mine State Park
79.16 for the purposes it was established for through June 30, 2021. The commissioner must work
79.17 with the group established under Laws 2017, chapter 93, article 2, section 156, to review
79.18 park activities and the alternate operating model developed, and identify options for
79.19 sustainable and viable operation of the park site. The commissioner must submit
79.20 recommendations to the chairs and ranking minority members of the house of representatives
79.21 and senate committees and divisions with jurisdiction over the environment and natural
79.22 resources by January 15, 2021.

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

79.27 **Sec. 105. DEMOLITION DEBRIS LANDFILLS; PERMITTING; GROUNDWATER**
79.28 **EVALUATION.**

79.29 (a) In issuing or reissuing a class I demolition land disposal facility permit, the Minnesota
79.30 Pollution Control Agency must consider environmental benefits and impacts, social and
79.31 economic factors, the feasibility and practicability of the permit conditions, and whether
79.32 the burden of any resulting tax or fee is reasonable, feasible, or practicable. A permit issued

80.1 under this section must be in accordance with Minnesota Rules, part 7035.2825 and the
80.2 Pollution Control Agency's Demolition Landfill Guidance published in August 2005. The
80.3 Pollution Control Agency shall not impose permit conditions on class 1 demolition land
80.4 disposal facilities, including requirements for enhanced cover, and hydrogeologic sampling,
80.5 analysis, and reporting, that are not contained in current rules or the Demolition Landfill
80.6 Guidance unless revised rules are adopted reflecting the restrictions on permits required by
80.7 this paragraph.

80.8 (b) The Pollution Control Agency must use existing appropriations to contract with an
80.9 independent laboratory to develop a sampling protocol and to collect, analyze, and evaluate
80.10 groundwater quality data from demolition debris land disposal facilities under a monitoring
80.11 program in accord with the Pollution Control Agency's Demolition Landfill Guidance
80.12 published in August 2005. Data on groundwater quality must be evaluated in reference to
80.13 and in accordance with the definition of pollutant as defined in Minnesota Statutes, section
80.14 103H.005, subdivision 11, based on the Minnesota Department of Health's adopted health
80.15 risk limits and health risk values. In evaluating pollutants, a laboratory must consider whether
80.16 pollutant concentrations may originate from activities not associated with the permitted
80.17 demolition debris land disposal facility. By November 1, 2018, the agency must submit a
80.18 report of the evaluation to the chairs and ranking minority members of the senate and house
80.19 of representatives committees with jurisdiction over environment and natural resources
80.20 finance.

80.21 **Sec. 106. PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**
80.22 **MAINTENANCE.**

80.23 With the consent of the property owner where the drainage ditch buffer will be located,
80.24 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,
80.25 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation
80.26 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating
80.27 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and
80.28 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This
80.29 section expires June 30, 2019.

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

80.31 **Sec. 107. WILD RICE; LEGISLATIVE FINDINGS.**

80.32 (a) The legislature finds that naturally occurring wild rice is an ecologically and culturally
80.33 important aquatic plant resource found in certain waters within the state, which serves as a

81.1 food source for wildlife and humans. The legislature further finds that in recognition of the
81.2 unique importance of this resource, the Pollution Control Agency, in conjunction with
81.3 Minnesota Indian tribes, has identified and listed, in rule, select wild-rice waters for which
81.4 the water quality and the aquatic habitat necessary to support the propagation and
81.5 maintenance of wild rice must not be materially impaired or degraded. The legislature also
81.6 finds that identifying and listing additional wild-rice waters based upon their exceptional
81.7 wild-rice characteristics is an appropriate method of protecting naturally occurring wild
81.8 rice.

81.9 (b) The legislature further finds that federal law vests broad authority in the state to
81.10 define beneficial uses for waters for the state and grants the state the primary responsibility
81.11 and right to plan the development and use of the state's water resources and to specify
81.12 appropriate water uses to be achieved and protected. The legislature also finds that certain
81.13 waters of the state are used to irrigate wild rice intentionally grown as an agricultural crop,
81.14 which is an appropriate beneficial use to be achieved and protected and which is the only
81.15 established beneficial use specifically pertaining to wild rice. The legislature also finds that
81.16 Minnesota has a unique numeric water quality standard for sulfate in rule to protect this
81.17 beneficial use to permit the use of waters for irrigation for the production of wild rice that
81.18 is based on outdated information and ignores the current scientific understanding of the
81.19 potential impacts of sulfate on wild rice.

81.20 (c) The legislature further finds that it is contrary to the public welfare to impose
81.21 requirements or burdens on regulated parties in Minnesota on the basis of a water quality
81.22 standard that ignores current science. The legislature also finds that the water quality standard
81.23 for sulfate has not been enforced in Minnesota since it was adopted in 1973, that the Pollution
81.24 Control Agency has not designated in rules any waters subject to the water quality standard
81.25 for sulfate, and that initiating enforcement of the existing obsolete standard would impose
81.26 prohibitively expensive burdens on regulated parties with potentially grave economic impacts
81.27 on Minnesota communities and industry.

81.28 (d) In recognition of the existence in rule of a water quality standard for sulfate that is
81.29 not supported by current scientific information, in recognition of the potentially grave
81.30 consequences that would occur from enforcement of that obsolete standard, and recognizing
81.31 that the administrative process to repeal the rule has proven to be inefficient and will not
81.32 provide the regulatory certainty required in a timely manner in the absence of legislative
81.33 action, the legislature finds that the most effective means to serve the welfare of the state
81.34 is to enact sections 108 to 113 to eliminate the water quality standard for sulfate, leaving

82.1 in place sufficient other provisions in law and rule for the protection of naturally occurring
82.2 wild rice, including but not limited to the listing of additional select wild-rice waters.

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

82.4 Sec. 108. **WATER QUALITY STANDARD FOR SULFATE; RULEMAKING.**

82.5 The commissioner of the Pollution Control Agency may not adopt, modify, or proceed
82.6 with any revisions to the rules pertaining to water quality standards for sulfate for wild-rice
82.7 waters in Minnesota Rules, part 7050.0224, subpart 2, that were disapproved by the chief
82.8 administrative law judge on January 11, 2018, without again going through the rulemaking
82.9 procedures under Minnesota Statutes, sections 14.05 to 14.28, except Minnesota Statutes,
82.10 section 14.101, does not apply.

82.11 **EFFECTIVE DATE.** This section is effective retroactively from January 11, 2018.

82.12 Sec. 109. **IDENTIFICATION AND LISTING OF WILD-RICE WATERS.**

82.13 The commissioner of the Pollution Control Agency may evaluate the waters of the state
82.14 to determine if any additional waters containing naturally occurring wild rice have exceptional
82.15 wild-rice characteristics. The commissioner may, by rule, identify and list these waters as
82.16 [WR] waters where the water quality and the aquatic habitat necessary to support the
82.17 propagation and maintenance of wild rice must not be materially impaired or degraded.
82.18 Before identifying and listing a wild-rice water, the commissioner must establish, in a
82.19 separate and prior rulemaking, criteria to be used in identifying and listing wild-rice waters.
82.20 The criteria must include the following, each of which must be met before a water body
82.21 can be identified and listed as a wild-rice water:

82.22 (1) the history of harvesting wild rice;

82.23 (2) minimum acreage; and

82.24 (3) minimum density of wild rice.

82.25 Sec. 110. **APPLICATION OF WATER QUALITY STANDARD FOR SULFATE**
82.26 **FOR WILD-RICE WATERS.**

82.27 The commissioner of the Pollution Control Agency must not apply the water quality
82.28 standard for sulfate for wild-rice waters nullified in this act when issuing, modifying, or
82.29 renewing national pollutant discharge elimination system or state disposal system permits.
82.30 The commissioner of the Pollution Control Agency must take all steps necessary to conform
82.31 the agency's rules and practices to this act and to ensure that no regulated party is required

83.1 to take any action or bear any burden arising from the nullified water quality standard for
83.2 sulfate unless requested by the permittee.

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

83.4 Sec. 111. **APPLICATION OF EQUATION-BASED WATER QUALITY STANDARD**
83.5 **FOR WILD-RICE WATERS.**

83.6 The commissioner of the Pollution Control Agency must not apply the proposed
83.7 equation-based sulfate standard rejected by the chief administrative law judge on January
83.8 11, 2018, including as a numeric translator to the narrative sulfate standard for wild rice
83.9 under Minnesota Rules, part 7050.0150, subpart 3, or 7050.0224, subpart 1, when issuing,
83.10 modifying, or renewing national pollutant discharge elimination system or state disposal
83.11 system permits.

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

83.13 Sec. 112. **APPLICATION OF WATER QUALITY STANDARDS; IRRIGATION.**

83.14 The commissioner of the Pollution Control Agency must not apply a water quality
83.15 standard established to protect water quality for purposes of permitting the water's use for
83.16 irrigation without significant damage or adverse effects upon crops or vegetation, including
83.17 water used for the production of wild rice, unless the water is appropriated for irrigation
83.18 use.

83.19 Sec. 113. **NULLIFICATION OF WATER QUALITY STANDARD FOR SULFATE**
83.20 **IN WILD-RICE WATERS.**

83.21 (a) Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, there is no numeric,
83.22 nonnarrative, water quality standard for sulfates in class 4A waters in the state until the
83.23 commissioner of the Pollution Control Agency adopts a standard in accordance with section
83.24 3.

83.25 (b) That portion of Minnesota Rules, part 7050.0224, subpart 2, that conflicts with
83.26 paragraph (a) is nullified and does not have the force and effect of law.

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

83.28 Sec. 114. **WILD RICE REPORT.**

83.29 (a) The commissioner of natural resources must convene a work group consisting of
83.30 state, tribal, and public experts familiar with the agronomy and hydrology that supports

84.1 naturally occurring wild rice. The work group's purpose is to advise the commissioner in
84.2 the preparation of a report on wild rice.

84.3 (b) The commissioner of natural resources must submit a report to the state's tribal
84.4 governments and the chairs and ranking minority members of the legislative committees
84.5 and divisions with jurisdiction over environment and natural resources by January 15, 2019,
84.6 that:

84.7 (1) provides recommendations on actions necessary to preserve and improve the health
84.8 of existing natural wild rice beds;

84.9 (2) includes recommendations on monitoring the effectiveness of restoration and
84.10 protection activities;

84.11 (3) identifies best management practices for natural wild rice protection and restoration
84.12 and recommendations for expanding the use of effective best management practices; and

84.13 (4) identifies areas in which to implement the best management practices.

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

84.15 Amend the title accordingly