

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3141

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DATE	D-PG	OFFICIAL STATUS
03/08/2018	6369	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/29/2018	7058a	Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance

1.1 A bill for an act

1.2 relating to environment; modifying environment and natural resources provisions;

1.3 adding to and deleting from state parks, recreation areas, and forests; modifying

1.4 drainage law; requiring rulemaking; amending Minnesota Statutes 2016, sections

1.5 17.117, subdivisions 1, 4, 11; 17.494; 17.4982, by adding subdivisions; 84.0895,

1.6 subdivision 2; 84.86, subdivision 1; 86B.005, subdivision 8a; 86B.532, subdivision

1.7 1; 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; 92.50, by adding

1.8 a subdivision; 94.10, subdivision 2; 97A.051, subdivision 2; 97A.433, subdivisions

1.9 4, 5; 97B.015, subdivision 6; 97B.1055; 97C.345, subdivision 3a; 103E.005, by

1.10 adding subdivisions; 103E.021, subdivision 6; 103E.071; 103E.095; 103E.215,

1.11 subdivision 5; 103E.351, subdivision 1; 103E.401, subdivision 4; 103E.411,

1.12 subdivision 5; 103E.615, subdivisions 1, 2, 3, 5, 7; 103E.711, subdivision 1;

1.13 103E.715, subdivisions 4, 5; 103E.725; 103E.728, subdivisions 1, 2, by adding a

1.14 subdivision; 103E.731, subdivisions 1, 2, 6; 103E.735, subdivision 1; 103F.361,

1.15 subdivision 2; 103F.363, subdivision 1; 103F.365, by adding a subdivision;

1.16 103F.371; 103F.373, subdivisions 1, 3, 4; 115A.94, subdivisions 2, 4a, 4b, 4c, 4d,

1.17 5, by adding subdivisions; 116.07, by adding a subdivision; 116.993, subdivisions

1.18 2, 6; 473.8441, subdivision 4; Minnesota Statutes 2017 Supplement, sections 84.01,

1.19 subdivision 6; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivisions

1.20 3, 4; 84D.108, subdivisions 2b, 2c; 85.0146, subdivision 1; 89.17; 97A.075,

1.21 subdivision 1; 116.0714; proposing coding for new law in Minnesota Statutes,

1.22 chapters 17; 115; 383A; repealing Laws 2008, chapter 368, article 1, section 21,

1.23 subdivision 2.

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

1.25 **ARTICLE 1**

1.26 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

1.27 Section 1. Minnesota Statutes 2016, section 17.494, is amended to read:

1.28 **17.494 AQUACULTURE PERMITS; RULES.**

1.29 (a) The commissioner shall act as permit or license coordinator for aquatic farmers and

1.30 shall assist aquatic farmers to obtain licenses or permits.

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

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

2.11 Sec. 2. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to
 2.12 read:

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

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

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

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

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

2.27 Sec. 5. [17.499] **TRANSPORTATION OR IMPORTATION OF SALTWATER**
 2.28 **AQUATIC LIFE; QUARANTINE REQUIREMENT.**

2.29 Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase
 2.30 private saltwater aquaculture production and processing in this state under the coordination
 2.31 of the commissioner of agriculture. Additional private production will reduce dependence

3.1 on foreign suppliers and benefit the rural economy by creating new jobs and economic
3.2 activity.

3.3 Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section
3.4 17.4985, saltwater aquatic life transportation and importation requirements are governed
3.5 by this section. A transportation permit is required prior to any importation or intrastate
3.6 transportation of saltwater aquatic life not exempted under subdivision 3. A transportation
3.7 permit may be used for multiple shipments within the 30-day term of the permit if the source
3.8 and the destination remain the same. Transportation permits must be obtained from the
3.9 commissioner prior to shipment of saltwater aquatic life.

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

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

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

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

3.25 If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic
3.26 life that originated in a foreign country, the shipment must be quarantined at the receiving
3.27 facility according to a quarantine plan approved by the commissioner. A shipment authorized
3.28 by the commissioner under clause (2) must be quarantined at the receiving facility according
3.29 to a quarantine plan approved by the commissioner.

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

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

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

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

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

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

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

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

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

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

4.22 or

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

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

4.29 Sec. 6. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended to
4.30 read:

4.31 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
4.32 or outside counsel to render title opinions, represent the department in severed mineral

5.1 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute
5.2 to the contrary, represent the state in quiet title or title registration actions affecting land or
5.3 interests in land administered by the commissioner and in all proceedings relating to road
5.4 vacations.

5.5 Sec. 7. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

5.7 (1) plants on land classified for property tax purposes as class 2a or 2c agricultural land
5.8 under section 273.13, ~~or on ditches and roadways~~ a ditch, or on an existing public road
5.9 right-of-way as defined in section 84.92, subdivision 6a; and

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

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

5.15 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
5.16 3b agricultural land as a result of the application of pesticides or other agricultural chemical
5.17 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
5.18 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
5.19 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste
5.20 land, or other land for which the owner receives a state paid wetlands or native prairie tax
5.21 credit.

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

5.24 Sec. 8. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

6.3 (5) Specifications relating to snowmobile mufflers.

6.4 (6) A comprehensive snowmobile information and safety education and training program,
6.5 including but not limited to the preparation and dissemination of snowmobile information
6.6 and safety advice to the public, the training of snowmobile operators, and the issuance of
6.7 snowmobile safety certificates to snowmobile operators who successfully complete the
6.8 snowmobile safety education and training course. For the purpose of administering such
6.9 program and to defray expenses of training and certifying snowmobile operators, the
6.10 commissioner shall collect a fee from each person who receives the youth or adult training.
6.11 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
6.12 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
6.13 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
6.14 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
6.15 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
6.16 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
6.17 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
6.18 and enforcement account in the natural resources fund and the amount thereof, except for
6.19 the electronic licensing system commission established by the commissioner under section
6.20 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
6.21 annually to the Enforcement Division of the Department of Natural Resources for the
6.22 administration of such programs. In addition to the fee established by the commissioner,
6.23 instructors may charge each person any fee paid by the instructor for the person's online
6.24 training course and up to the established fee amount for class materials and expenses. The
6.25 commissioner shall cooperate with private organizations and associations, private and public
6.26 corporations, and local governmental units in furtherance of the program established under
6.27 this clause. School districts may cooperate with the commissioner and volunteer instructors
6.28 to provide space for the classroom portion of the training. The commissioner shall consult
6.29 with the commissioner of public safety in regard to training program subject matter and
6.30 performance testing that leads to the certification of snowmobile operators.

6.31 (7) The operator of any snowmobile involved in an accident resulting in injury requiring
6.32 medical attention or hospitalization to or death of any person or total damage to an extent
6.33 of \$500 or more, shall forward a written report of the accident to the commissioner on such
6.34 form as the commissioner shall prescribe. If the operator is killed or is unable to file a report

7.1 due to incapacitation, any peace officer investigating the accident shall file the accident
7.2 report within ten business days.

7.3 Sec. 9. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended
7.4 to read:

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

7.7 (1) a comprehensive all-terrain vehicle environmental and safety education and training
7.8 certification program, including the preparation and dissemination of vehicle information
7.9 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
7.10 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
7.11 successfully complete the all-terrain vehicle environmental and safety education and training
7.12 course; and

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

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

7.18 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
7.19 training and certifying vehicle operators, the commissioner shall collect a fee from each
7.20 person who receives the training for certification under paragraph (a), clause (1). The
7.21 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
7.22 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
7.23 in a manner that neither significantly overrecovers nor underrecovers costs, including
7.24 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
7.25 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
7.26 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
7.27 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
7.28 account in the natural resources fund and the amount thereof, except for the electronic
7.29 licensing system commission established by the commissioner under section 84.027,
7.30 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
7.31 the Enforcement Division of the Department of Natural Resources for the administration
7.32 of the programs. In addition to the fee established by the commissioner, instructors may
7.33 charge each person up to the established fee amount for class materials and expenses.

8.1 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
8.2 private and public corporations, and local governmental units in furtherance of the ~~program~~
8.3 programs established under this section. School districts may cooperate with the
8.4 commissioner and volunteer instructors to provide space for the classroom portion of the
8.5 training. The commissioner shall consult with the commissioner of public safety in regard
8.6 to ~~training program~~ the subject matter of the training programs and performance testing that
8.7 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
8.8 component in the ~~safety education and training program~~ programs established under this
8.9 section.

8.10 Sec. 10. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended
8.11 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.6 (b) In waters that are listed as infested waters, except those listed as infested with
10.7 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
10.8 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

11.1 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for
 11.2 noncommercial personal use as bait for angling, as provided in a permit issued under section
 11.3 84D.11, is allowed as follows:

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

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

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

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

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

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

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

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

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

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

12.1 state. This tagging requirement does not apply to commercial fishing equipment used in
12.2 Lake Superior.

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

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

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

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

12.19 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
12.20 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
12.21 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~
12.22 ~~Gull East State~~ water access Site sites on Gull Lake (DNR Division of Waters number
12.23 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,
12.24 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake
12.25 service providers participating in the Gull Lake targeted pilot study place of business must
12.26 be located in Cass or Crow Wing County.

12.27 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
12.28 the report to the chairs and ranking minority members of the senate and house of
12.29 representatives committees having jurisdiction over natural resources required under Laws
12.30 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
12.31 recommendations and assessments.

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

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

13.3 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
13.4 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
13.5 ~~Cross Lake #1 State~~ water access ~~Site~~ sites on Cross Lake (DNR Division of Waters number
13.6 18-0312) in Crow Wing County using the same authorities, general procedures, and
13.7 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place
13.8 of business of lake service providers participating in the Cross Lake targeted pilot study
13.9 must be located in Cass or Crow Wing County.

13.10 (b) If an additional targeted pilot project for Cross Lake is implemented under this
13.11 section, the report to the chairs and ranking minority members of the senate and house of
13.12 representatives committees having jurisdiction over natural resources required under Laws
13.13 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
13.14 study recommendations and assessments.

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

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

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

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

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

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

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

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

13.31 (6) the member from the state house of representatives representing the state recreation
13.32 area;

14.1 (7) a representative of the Grand Rapids regional office of the Department of Natural
 14.2 Resources;

14.3 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

14.4 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of
 14.5 commerce;

14.6 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing
 14.7 County District 5 commissioner;

14.8 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton
 14.9 School Board;

14.10 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna
 14.11 Range Chamber of Commerce; and

14.12 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.28 (d) At any time the state, or any political subdivision thereof, either of its own motion,
 15.29 or at the suggestion or request of the director, may bring an action in any court of competent
 15.30 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,
 15.31 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any
 15.32 person from proceeding further in, with, or at any timber cutting or other operations without

16.1 complying with the provisions of those sections, or the requirements of the director pursuant
16.2 thereto; and the court may grant such relief, or any other appropriate relief, whenever it
16.3 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid
16.4 in accomplishing the purposes of sections 88.03 to 88.22.

16.5 Sec. 20. Minnesota Statutes 2017 Supplement, section 89.17, is amended to read:

16.6 **89.17 LEASES AND PERMITS.**

16.7 (a) Notwithstanding the permit procedures of chapter 90, the commissioner may grant
16.8 and execute, in the name of the state, leases and permits for the use of any forest lands under
16.9 the authority of the commissioner for any purpose that in the commissioner's opinion is not
16.10 inconsistent with the maintenance and management of the forest lands, on forestry principles
16.11 for timber production. Every such lease or permit is revocable at the discretion of the
16.12 commissioner at any time subject to such conditions as may be agreed on in the lease. The
16.13 approval of the commissioner of administration is not required upon any such lease or
16.14 permit. No such lease or permit for a period exceeding 21 years shall be granted except with
16.15 the approval of the Executive Council.

16.16 (b) Public access to the leased land for outdoor recreation is the same as access would
16.17 be under state management.

16.18 (c) Notwithstanding section 16A.125, subdivision 5, after deducting the reasonable costs
16.19 incurred for preparing and issuing the lease, all remaining proceeds from leasing school
16.20 trust land and university land for roads on forest lands must be deposited into the respective
16.21 permanent fund for the lands.

16.22 (d) The commissioner may require a performance bond, security deposit, or other form
16.23 of security for removing any improvements or personal property left on the leased premises
16.24 by the lessee upon termination or cancellation of the lease.

16.25 Sec. 21. Minnesota Statutes 2016, section 89.551, is amended to read:

16.26 **89.551 APPROVED FIREWOOD REQUIRED.**

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

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

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

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

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

17.8 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~
17.9 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~
17.10 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~
17.11 ~~of this section and sold for use on land administered by the commissioner.~~

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

17.14 Sec. 22. Minnesota Statutes 2016, section 92.50, is amended by adding a subdivision to
17.15 read:

17.16 Subd. 3. Security requirement. The commissioner may require a performance bond,
17.17 security deposit, or other form of security for removing any improvements or personal
17.18 property left on the leased premises by the lessee upon termination or cancellation of the
17.19 lease.

17.20 Sec. 23. Minnesota Statutes 2016, section 94.10, subdivision 2, is amended to read:

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

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

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

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

18.6 (e) The commissioner may retain the services of a licensed real estate broker to find a
18.7 buyer for parcels remaining unsold after the offering. The sale price may be negotiated by
18.8 the broker, but must not be less than 90 percent of the appraised value as determined by the
18.9 commissioner. The broker's fee must be established by prior agreement between the
18.10 commissioner and the broker and must not exceed ten percent of the sale price for sales of
18.11 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

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

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

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

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

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

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

18.26 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
18.27 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
18.28 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
18.29 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

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

19.1 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,
 19.2 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in
 19.3 section 97A.4742, for each license issued to a person 18 years of age or older under section
 19.4 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for
 19.5 each license issued to a person under 18 years of age shall be credited to the deer management
 19.6 account and is appropriated to the commissioner for deer habitat improvement or deer
 19.7 management programs.

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

19.13 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
 19.14 Cervidae health-management account and is appropriated for emergency deer feeding and
 19.15 wild Cervidae health management. Money appropriated for emergency deer feeding and
 19.16 wild Cervidae health management is available until expended.

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

19.21 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2018.

19.22 Sec. 26. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

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

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

20.1 Sec. 27. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

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

20.7 Sec. 28. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

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

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

20.16 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**
20.17 **DEVELOPMENTAL DISABILITY.**

20.18 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision
20.19 6:

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

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

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

20.30 Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a
20.31 permanent physical disability or developmental disability may obtain a firearms hunting

21.1 license with a provisional firearms safety certificate issued under section 97B.015,
21.2 subdivision 6.

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

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

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

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

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

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

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

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

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

21.29 ~~(e) This subdivision expires December 1, 2017. The commissioner must report to the~~
21.30 ~~chairs and ranking minority members of the house of representatives and senate committees~~
21.31 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~

22.1 ~~of permits issued, conservation impacts from the use of east nets, and recommendations for~~
 22.2 ~~any necessary changes in statutes or rules.~~

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

22.4 Sec. 31. Minnesota Statutes 2016, section 103F.361, subdivision 2, is amended to read:

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

22.8 Sec. 32. Minnesota Statutes 2016, section 103F.363, subdivision 1, is amended to read:

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

22.12 Sec. 33. Minnesota Statutes 2016, section 103F.365, is amended by adding a subdivision
 22.13 to read:

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

22.18 Sec. 34. Minnesota Statutes 2016, section 103F.371, is amended to read:

22.19 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

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

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

23.1 Sec. 35. Minnesota Statutes 2016, section 103F.373, subdivision 1, is amended to read:

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

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

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

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

23.11 Sec. 36. Minnesota Statutes 2016, section 103F.373, subdivision 3, is amended to read:

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

23.20 Sec. 37. Minnesota Statutes 2016, section 103F.373, subdivision 4, is amended to read:

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

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

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

23.29 (2) certify approval of the proposed action.

24.1 Sec. 38. [115.455] EFFLUENT LIMITATIONS; COMPLIANCE.

24.2 To the extent allowable under federal law, for a municipality that constructs a publicly
 24.3 owned treatment works to comply with a new or modified effluent limitation, compliance
 24.4 with any new or modified effluent limitation adopted after construction begins that would
 24.5 require additional capital investment is required no sooner than 16 years after the date the
 24.6 facility begins operating.

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

24.8 Sec. 39. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

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

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

24.16 Sec. 40. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

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

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

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

24.26 Sec. 41. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

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

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

24.30 (i) the existing system of collection;

25.1 (+) (ii) a system in which a single collector collects solid waste from all sections of a
 25.2 city or town; and

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

25.5 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods
 25.6 selected for examination will be evaluated, which may include: costs to residential
 25.7 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste
 25.8 service based on the desired level of service, costs and other factors, the impact of miles
 25.9 driven by collection vehicles on city streets and alleys and the incremental impact of miles
 25.10 driven by collection vehicles, initial and operating costs to the city of implementing the
 25.11 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts
 25.12 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and
 25.13 aesthetic impacts;

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

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

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

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

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

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

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

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

25.28 Sec. 42. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

25.29 Subd. 4c. **Governing body; implementation.** The governing body of the city or town
 25.30 shall consider the report and recommendations of the ~~organized~~ solid waste collection
 25.31 options committee. The governing body must provide public notice and hold at least one
 25.32 public hearing before deciding whether to implement organized collection. Organized

26.1 collection may begin no sooner than six months after the effective date of the decision of
26.2 the governing body of the city or town to implement organized collection.

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

26.6 Sec. 43. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

26.7 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing
26.8 a committee under subdivision 4a to consider organizing residential solid waste collection,
26.9 a city or town with more than one licensed collector must notify the public and all licensed
26.10 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60
26.11 days in which meetings and negotiations shall occur exclusively between licensed collectors
26.12 and the city or town to develop a proposal in which interested licensed collectors, as members
26.13 of an organization of collectors, collect solid waste from designated sections of the city or
26.14 town. The proposal shall include identified city or town priorities, including issues related
26.15 to zone creation, traffic, safety, environmental performance, service provided, and price,
26.16 and shall reflect existing haulers maintaining their respective market share of business as
26.17 determined by each hauler's average customer count during the six months prior to the
26.18 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be
26.19 excluded from the proposal, the city may allocate their customers proportionally based on
26.20 market share to the participating collectors who choose to negotiate. The initial organized
26.21 collection agreement executed under this subdivision must be for a ~~period of three to seven~~
26.22 years. Upon execution of an agreement between the participating licensed collectors and
26.23 city or town, the city or town shall establish organized collection through appropriate local
26.24 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except
26.25 that the governing body must provide the public notification and hearing required under
26.26 subdivision 4c.

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

26.30 Sec. 44. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
26.31 to read:

26.32 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations
26.33 under subdivision 4d, participating licensed collectors and elected officials of the city or

27.1 town must meet and confer regarding waste collection issues, including but not limited to
27.2 road deterioration, public safety, pricing mechanisms, and contractual considerations unique
27.3 to organized collection.

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

27.7 Sec. 45. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
27.8 to read:

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

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

27.17 Sec. 46. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

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

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

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

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

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

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

28.4 Sec. 47. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
28.5 read:

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

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

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

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

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

28.17 (iii) provides adequate aeration; and

28.18 (iv) provides an acceptable covering; and

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

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

28.23 Sec. 48. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

28.24 **116.0714 NEW OPEN-AIR SWINE BASINS.**

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

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

29.3 Sec. 49. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

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

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

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

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

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

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

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

29.13 Sec. 50. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

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

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

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

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

29.19 Sec. 51. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**
 29.20 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

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

29.24 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of
 29.25 Commissioners has the duties and authorities of a soil and water conservation district. All
 29.26 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil
 29.27 and Water Conservation District is a party remain in force and effect for the period provided
 29.28 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the

30.1 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the
 30.2 district's rights and duties.

30.3 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board
 30.4 of Supervisors shall transfer the assets of the district to the Ramsey County Board of
 30.5 Commissioners. The Ramsey County Board of Commissioners shall use the transferred
 30.6 assets for the purposes of implementing the transferred duties and authorities.

30.7 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition
 30.8 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water
 30.9 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources
 30.10 under its authority in section 103C.201, and after giving notice of corrective actions and
 30.11 time to implement the corrective actions, may reestablish the Ramsey Soil and Water
 30.12 Conservation District if it determines the goals established in section 103C.005 are not
 30.13 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the
 30.14 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

30.15 Sec. 52. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

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

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

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

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

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

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

31.1 **Sec. 53. ADDITIONS TO STATE PARKS.**

31.2 **Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The**
 31.3 **following area is added to Frontenac State Park, Goodhue County:**

31.4 **That part of the Northeast Quarter of Section 10, that part of the Southeast Quarter of**
 31.5 **Section 10, that part of the Northwest Quarter of Section 11, and that part of the Southwest**
 31.6 **Quarter of Section 11, all in Township 112 North, Range 13 West, Goodhue County,**
 31.7 **Minnesota, described as follows:**

31.8 **Commencing at the east quarter corner of said Section 10; thence on an assumed bearing**
 31.9 **South 00 degrees 25 minutes 27 seconds East, along the east line of the Southeast Quarter**
 31.10 **of said Section 10, a distance of 1,654.63 feet; thence South 89 degrees 34 minutes 33**
 31.11 **seconds West, a distance of 2,219.43 feet to the point of beginning of the land to be described;**
 31.12 **thence North 19 degrees 04 minutes 33 seconds East, a distance of 3,905.90 feet to the**
 31.13 **centerline of Hill Avenue; thence southeasterly, along said centerline, to the northwesterly**
 31.14 **right-of-way boundary of County Road Number 2, as designated on Goodhue County**
 31.15 **Highway Right-Of-Way Plat No. 25, as recorded in the Goodhue County Recorder's Office;**
 31.16 **thence southwesterly along said northwesterly right-of-way boundary and along the**
 31.17 **northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue**
 31.18 **County Highway Right-Of-Way Plat No. 24, and along the northwesterly right-of-way**
 31.19 **boundary of County Road Number 2, as designated in Goodhue County Highway**
 31.20 **Right-of-Way Plat No. 23, to the intersection with a line bearing South 76 degrees 25 minutes**
 31.21 **27 seconds East from the point of beginning; thence North 76 degrees 25 minutes 27 seconds**
 31.22 **West, a distance of 907.89 feet to the point of beginning.**

31.23 **EXCEPT that part lying within the boundaries of the following described parcel:**

31.24 **That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,**
 31.25 **and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13 West,**
 31.26 **Goodhue County, Minnesota, described as follows:**

31.27 **Commencing at the northeast corner of the Southeast Quarter of said Section 10; thence**
 31.28 **southerly on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along**
 31.29 **the east line of the Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence**
 31.30 **westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point**
 31.31 **of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds**
 31.32 **azimuth, a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds**
 31.33 **azimuth, a distance of 286.97 feet to the centerline of County Road Number 2, as now**
 31.34 **located and established; thence southerly and southwesterly, along said centerline, to the**

32.1 intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from
32.2 the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a
32.3 distance of 51.66 feet to the point of beginning.

32.4 EXCEPT that part lying within the boundaries of the following described parcel:

32.5 That part of the Southeast Quarter of Section 10, Township 112, Range 13, Goodhue
32.6 County, Minnesota, described as follows:

32.7 Commencing at the northeast corner of said Southeast Quarter; thence southerly, on an
32.8 assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of
32.9 said Southeast Quarter; a distance of 1,491.88 feet; thence westerly 269 degrees 34 minutes
32.10 33 seconds azimuth, a distance of 870.79 feet to an iron pipe on the centerline of County
32.11 Road Number 2, as now located and established, being the point of beginning of the land
32.12 to be described; thence northerly 24 degrees 07 minutes 23 seconds azimuth, a distance of
32.13 132.28 feet to an iron pipe; thence northwesterly 301 degrees 14 minutes 43 seconds azimuth,
32.14 a distance of 524.46 feet to an iron pipe; thence southerly 180 degrees 51 minutes 58 seconds
32.15 azimuth a distance of 342.82 feet to an iron pipe; thence southeasterly 118 degrees 29
32.16 minutes 28 seconds azimuth, a distance of 273.01 feet to an iron pipe on the centerline of
32.17 said County Road Number 2, as now located and established; thence northeasterly along
32.18 said centerline to the point of beginning.

32.19 EXCEPT that part described as follows:

32.20 That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,
32.21 Goodhue County, Minnesota, described as follows:

32.22 Commencing at the northeast corner of said Southeast Quarter of Section 10; thence
32.23 southerly, on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along
32.24 the east line of said Southeast Quarter of Section 10, a distance of 1,100.31 feet; thence
32.25 westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point
32.26 of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds
32.27 azimuth, a distance of 300.00 feet; thence westerly 250 degrees 42 minutes 19 seconds
32.28 azimuth, a distance of 300.00 feet; thence southerly 160 degrees 42 minutes 19 seconds
32.29 azimuth, a distance of 384.25 feet, to the northwesterly right-of-way boundary of County
32.30 Road Number 2, as designated in Goodhue County Highway Right-of-Way Plat No. 23, as
32.31 recorded in the Goodhue County Recorder's Office; thence northeasterly, along said
32.32 northwesterly right-of-way boundary, to the intersection with a line drawn southerly 160
32.33 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340
32.34 degrees 42 minutes 19 seconds azimuth, a distance of 10.01 feet to the point of beginning.

33.1 Subd. 2. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following
33.2 areas are added to the Frontenac State Park, Goodhue County:

33.3 (1) all that part of Sections 31 and 32, Township 113 North, Range 13 West, in the
33.4 County of Goodhue and State of Minnesota, described as follows:

33.5 All of Block 7, Wacouta Beach, in said Section 32 lying on the south side of and adjoining
33.6 Lake View Drive and adjoining the south and west lines of said Section 32. Also that part
33.7 of said Section 31 described as follows:

33.8 Beginning at the southeast corner of said Section 31; thence run North along the east
33.9 line of said Section 31 a distance of 961.0 feet more or less to the southerly right-of-way
33.10 line of Lake View Drive; thence run North 61 degrees 30 minutes West along the southerly
33.11 right-of-way of Lake View Drive a distance of 170.0 feet; thence run South 34 degrees West
33.12 320.0 feet; thence run North 77 degrees East 125.0 feet; thence run South 13 degrees West
33.13 610.0 feet; thence run South 76 degrees West 600.0 feet; thence run South 88 degrees 30
33.14 minutes West 1,100.0 feet; thence run North 54 degrees 45 minutes West 1,140.0 feet;
33.15 thence run North 37 degrees 15 minutes West 400.0 feet; thence run North 72 degrees West
33.16 1,000.0 feet; thence run South 89 degrees 45 minutes West 200.0 feet; thence run North 70
33.17 degrees 45 minutes West 250.0 feet to a point on or near the east right-of-way line of public
33.18 road; thence run South 15 degrees 45 minutes West 720.0 feet along or near said east
33.19 right-of-way line of public road to a point at or near the northerly right-of-way line of State
33.20 Trunk Highway 61; thence run easterly along said northerly right-of-way line of State Trunk
33.21 Highway 61 a distance of 2,050.0 feet more or less to the south line of said Section 31;
33.22 thence run East 2,925.0 feet more or less along said south line of Section 31 to the point of
33.23 beginning;

33.24 (2) the West Half of the Northeast Quarter of Section 6, Township 112 North, Range
33.25 13 West, EXCEPT THE FOLLOWING:

33.26 All that part of the West Half of the Northeast Quarter of Section 6, Township 112 North,
33.27 Range 13 West, in Goodhue County and State of Minnesota, described as follows:

33.28 Beginning at the center of said Section 6; thence North 1,970 feet to the centerline of
33.29 State Trunk Highway 61; thence southeasterly along the centerline of said highway for 335
33.30 feet; thence North 66 degrees 31 minutes East 380 feet; thence deflect to the left on a six
33.31 degree curve for 570 feet to the south line of Borrow Pit No. 225; (Borrow Pit No. 225
33.32 being described in that certain Notice of Lis Pendens dated May 19, 1952, and recorded
33.33 May 20, 1952, in Book 115 of Mortgages, page 77); thence East 430 feet to the east line of
33.34 the West Half of said Northeast Quarter; thence South 2,250 feet to the southeast corner of

34.1 said West Half of the Northeast Quarter; thence West 1,320 feet to the place of beginning.
 34.2 EXCEPTING from the above all rights-of-way of state highway and excepting the
 34.3 right-of-way of the railroad company.

34.4 ALSO an easement for right-of way purposes on a strip of land 50 feet in width adjoining
 34.5 and northwesterly of the northwesterly line of the above conveyed tract;

34.6 (3) that part of the Northwest Quarter of Section 6, Township 112 North, Range 13 West,
 34.7 Goodhue County, Minnesota, lying northeasterly of the northeasterly right-of-way line of
 34.8 the Canadian Pacific Railroad (formerly the Chicago, Milwaukee and St. Paul Railway Co.);
 34.9 and

34.10 (4) Block 8 and Block 9, Wacouta Beach, according to the plat thereof, on file and of
 34.11 record in the Goodhue County Recorder's Office.

34.12 Subd. 3. **[85.012] [Subd. 43.] Minneopa State Park, Blue Earth County.** The following
 34.13 area is added to Minneopa State Park, Blue Earth County: the East Half of Government Lot
 34.14 5, Section 2, Township 108 North, Range 28 West, together with an easement 33 feet in
 34.15 width for access to said property, as now located, extending from the southwest corner of
 34.16 the East Half of Government Lot 5 in said Section 2, Township 108, Range 28, to Minnesota
 34.17 Highway 68.

34.18 Subd. 4. **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area
 34.19 is added to the St. Croix State Park, Pine County: the Northwest Quarter of the Northwest
 34.20 Quarter, Section 30, Township 41 North, Range 17 West.

34.21 Sec. 54. **DELETION FROM STATE PARK.**

34.22 **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area is deleted
 34.23 from St. Croix State Park, Pine County: all that part of the Southeast Quarter of the Southeast
 34.24 Quarter, Section 21, and that part of the Southwest Quarter of the Southwest Quarter, Section
 34.25 22, Township 41 North, Range 18 West, bounded by the following described lines: beginning
 34.26 at the southeast corner of Section 21; thence West 1,025 feet along the south section line;
 34.27 thence North 515 feet; thence East 350 feet; thence northeasterly 1,070 feet to a point on
 34.28 the centerline of County State-Aid Highway 22 a distance of 1,130 feet northerly of the
 34.29 southeast corner of Section 21 as measured along said County State-Aid Highway 22; thence
 34.30 southerly 1,130 feet along the centerline of County State-Aid Highway 22 to the point of
 34.31 beginning.

35.1 Sec. 55. ADDITIONS TO STATE FORESTS.

35.2 Subdivision 1. [89.021] [Subd. 2.] Badoura State Forest. The following areas are added
35.3 to Badoura State Forest, Hubbard County:

35.4 (1) the Southwest Quarter, Section 35, Township 140 North, Range 32 West;

35.5 (2) the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the
35.6 Northeast Quarter, Section 11, Township 139 North, Range 33 West;

35.7 (3) the South Half of the Northeast Quarter, the West Half, and the Southeast Quarter,
35.8 Section 26, Township 140 North, Range 33 West; and

35.9 (4) the North Half, Section 26, Township 139 North, Range 33 West.

35.10 Subd. 2. [89.021] [Subd. 48a.] Snake River State Forest. The following areas are
35.11 added to Snake River State Forest, Kanabec County:

35.12 (1) the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section
35.13 8, Township 42 North, Range 22 West;

35.14 (2) Section 17, Township 42 North, Range 22 West;

35.15 (3) Section 20, Township 42 North, Range 22 West;

35.16 (4) the West Half of the Northwest Quarter and the West Half of the Southwest Quarter,
35.17 Section 21, Township 42 North, Range 22 West;

35.18 (5) the Northeast Quarter and the East Half of the Southeast Quarter, Section 8, Township
35.19 42 North, Range 23 West;

35.20 (6) Section 9, Township 42 North, Range 23 West;

35.21 (7) the Southwest Half of the Southwest Quarter, Section 10, Township 42 North, Range
35.22 23 West;

35.23 (8) the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest
35.24 Quarter of the Southwest Quarter, Section 15, Township 42 North, Range 23 West;

35.25 (9) Section 16, Township 42 North, Range 23 West;

35.26 (10) the Northeast Quarter and the East Half of the Northwest Quarter, Section 17,
35.27 Township 42 North, Range 23 West; and

35.28 (11) Section 23, Township 42 North, Range 23 West.

36.1 Sec. 56. **TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION**
 36.2 **PERMIT REQUIREMENTS.**

36.3 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to
 36.4 suspend or revoke a water appropriation permit, issue an order requiring a violation to be
 36.5 corrected, assess monetary penalties, or otherwise take enforcement action against a water
 36.6 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement
 36.7 action is based solely on a violation of a permit requirement added as a result of a court
 36.8 order issued in 2017.

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

36.12 Sec. 57. **GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

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

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

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

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

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

36.25 Sec. 58. **VOLKSWAGEN SETTLEMENT; LIMITATION ON ADMINISTRATIVE**
 36.26 **EXPENSES; PROHIBITION ON HIRING.**

36.27 Subdivision 1. **Definition.** For purposes of this section, "settlement money" means
 36.28 money awarded to the state under the Environmental Mitigation Trust Agreement for State
 36.29 Beneficiaries described in Attachment A to the United States' Notice of Filing of Trust
 36.30 Agreements in the case of United States v. Volkswagen AG et al., Case No. 16-cv-295
 36.31 (N.D. Cal.).

37.1 Subd. 2. **Limitation on administrative expenses.** The commissioner of the Pollution
 37.2 Control Agency must use no more than three percent of any settlement money for
 37.3 administering grant programs, delivering technical services, providing fiscal oversight, and
 37.4 ensuring accountability.

37.5 Subd. 3. **Prohibition on hiring.** The commissioner of the Pollution Control Agency
 37.6 must not hire additional staff using settlement money or to administer settlement money.

37.7 **Sec. 59. RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

37.8 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,
 37.9 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew
 37.10 a type IV disposal facility certificate, by April 30, 2019, or nine months after enactment of
 37.11 this section, whichever is earlier.

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

37.16 **Sec. 60. APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

37.17 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
 37.18 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township
 37.19 that are designated as urbanized under Code of Federal Regulations, title 40, section
 37.20 122.26(a)(9)(i)(A) and other platted areas within that jurisdiction.

37.21 **Sec. 61. REPEALER.**

37.22 Laws 2008, chapter 368, article 1, section 21, subdivision 2, is repealed.

37.23 **ARTICLE 2**

37.24 **ACCELERATED BUFFER STRIP IMPLEMENTATION**

37.25 Section 1. Minnesota Statutes 2016, section 17.117, subdivision 1, is amended to read:

37.26 Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan
 37.27 program is to provide low or no interest financing to farmers, agriculture supply businesses,
 37.28 ~~rural~~ landowners, and ~~water-quality cooperatives~~ approved environmental service providers
 37.29 for the implementation of agriculture and other best management practices that reduce
 37.30 environmental pollution.

38.1 Sec. 2. Minnesota Statutes 2016, section 17.117, subdivision 4, is amended to read:

38.2 Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this
38.3 subdivision have the meanings given them.

38.4 (b) "Agricultural and environmental revolving accounts" means accounts in the
38.5 agricultural fund, controlled by the commissioner, which hold funds available to the program.

38.6 (c) "Agriculture supply business" means a person, partnership, joint venture, corporation,
38.7 limited liability company, association, firm, public service company, or cooperative that
38.8 provides materials, equipment, or services to farmers or agriculture-related enterprises.

38.9 (d) "Allocation" means the funds awarded to an applicant for implementation of best
38.10 management practices through a competitive or noncompetitive application process.

38.11 (e) "Applicant" means a local unit of government eligible to participate in this program
38.12 that requests an allocation of funds as provided in subdivision 6b.

38.13 (f) "Best management practices" has the meaning given in sections 103F.711, subdivision
38.14 3, and 103H.151, subdivision 2. Best management practices also means other practices,
38.15 techniques, and measures that have been demonstrated to the satisfaction of the
38.16 commissioner: (1) to prevent or reduce adverse environmental impacts by using the most
38.17 effective and practicable means of achieving environmental goals; or (2) to achieve drinking
38.18 water quality standards under chapter 103H or under Code of Federal Regulations, title 40,
38.19 parts 141 and 143, as amended.

38.20 (g) "Borrower" means a farmer, an agriculture supply business, ~~or a rural~~ a landowner,
38.21 or an approved environmental service provider applying for a low-interest loan.

38.22 (h) "Commissioner" means the commissioner of agriculture, including when the
38.23 commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee
38.24 of the commissioner.

38.25 (i) "Committed project" means an eligible project scheduled to be implemented at a
38.26 future date:

38.27 ~~(1) that has been approved and certified by the local government unit; and~~

38.28 ~~(2) for which a local lender has obligated itself to offer a loan.~~

38.29 (j) "Comprehensive water management plan" means a state-approved and locally adopted
38.30 plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or
38.31 103D.405.

39.1 (k) "Cost incurred" means expenses for implementation of a project accrued because
 39.2 the borrower has agreed to purchase equipment or is obligated to pay for services or materials
 39.3 already provided as a result of implementing an approved eligible project.

39.4 (l) "Environmental service providers" means public or private organizations and
 39.5 businesses approved by the commissioner that provide services or materials for
 39.6 implementation of eligible best management practices for, or on behalf of, eligible individuals
 39.7 or multiple individuals, including but not limited to drainage authorities, watershed districts,
 39.8 municipalities, counties, water-quality cooperatives, or private businesses providing
 39.9 environment-related services or materials, except as expressly limited in this section.

39.10 ~~(k)~~ (m) "Farmer" means a person, partnership, joint venture, corporation, limited liability
 39.11 company, association, firm, public service company, or cooperative that regularly participates
 39.12 in physical labor or operations management of farming and files a Schedule F as part of
 39.13 filing United States Internal Revenue Service Form 1040 or indicates farming as the primary
 39.14 business activity under Schedule C, K, or S, or any other applicable report to the United
 39.15 States Internal Revenue Service.

39.16 (n) "Landowner" means the owner of record of Minnesota real estate on which the project
 39.17 is located.

39.18 ~~(m)~~ (o) "Lender agreement" means an agreement entered into between the commissioner
 39.19 and a local lender which contains terms and conditions of participation in the program.

39.20 ~~(n)~~ (p) "Local government unit" means a county, soil and water conservation district, or
 39.21 an organization formed for the joint exercise of powers under section 471.59 with the
 39.22 authority to participate in the program.

39.23 ~~(o)~~ (q) "Local lender" means a local government unit as defined in paragraph ~~(n)~~ (p), a
 39.24 local municipality or county with taxing or special assessment authority, a watershed district,
 39.25 a drainage authority, a township, a state or federally chartered bank, a savings association,
 39.26 a state or federal credit union, Agribank and its affiliated organizations, or a nonprofit
 39.27 economic development organization or other financial lending institution approved by the
 39.28 commissioner.

39.29 ~~(p)~~ (r) "Local revolving loan account" means the account held by a local government
 39.30 unit and a local lender into which principal repayments from borrowers are deposited and
 39.31 new loans are issued in accordance with the requirements of the program and lender
 39.32 agreements.

39.33 ~~(q)~~ (s) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

40.1 ~~(t)~~ (t) "Program" means the agriculture best management practices loan program in this
40.2 section.

40.3 ~~(s)~~ (u) "Project" means one or more components or activities located within Minnesota
40.4 that are required by the local government unit to be implemented for satisfactory completion
40.5 of an eligible best management practice.

40.6 ~~(t)~~ "Rural landowner" means the owner of record of Minnesota real estate located in an
40.7 area determined by the local government unit to be rural after consideration of local land
40.8 use patterns, zoning regulations, jurisdictional boundaries, local community definitions,
40.9 historical uses, and other pertinent local factors.

40.10 ~~(u)~~ "Water quality cooperative" has the meaning given in section 115.58, paragraph (d),
40.11 except as expressly limited in this section.

40.12 Sec. 3. Minnesota Statutes 2016, section 17.117, subdivision 11, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

41.5 (g) Environmental service providers may request loans to finance projects implemented
41.6 on behalf of multiple eligible individuals in excess of the limits in paragraph (c), not to
41.7 exceed the total of the number of represented landowners multiplied by the limit in paragraph
41.8 (c), clause (1).

41.9 Sec. 4. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

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

41.26 (b) A project under this subdivision shall be implemented as a repair according to section
41.27 103E.705, except that the drainage authority may appoint an engineer to examine the drainage
41.28 system and prepare an engineer's repair report for the project.

41.29 (c) Damages shall be determined by the drainage authority, or viewers, appointed by
41.30 the drainage authority, according to section 103E.315, subdivision 8. A damages statement
41.31 shall be prepared, including an explanation of how the damages were determined for each
41.32 property affected by the project, and filed with the auditor or watershed district. Within 30
41.33 days after the damages statement is filed, the auditor or watershed district shall prepare
41.34 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),

42.1 (7), and (8), and mail a copy of the property owner's report and damages statement to each
 42.2 owner of property affected by the proposed project.

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

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

42.12 Sec. 5. Minnesota Statutes 2016, section 103E.071, is amended to read:

42.13 **103E.071 COUNTY ATTORNEY.**

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

42.19 Sec. 6. Minnesota Statutes 2016, section 103E.351, subdivision 1, is amended to read:

42.20 Subdivision 1. **Conditions to redetermine benefits and damages; appointment of**
 42.21 **viewers.** If the drainage authority determines that the ~~original~~ benefits or damages of record
 42.22 determined in a drainage proceeding do not reflect reasonable present day land values or
 42.23 that the benefited or damaged areas have changed, or if more than ~~50~~ 26 percent of the
 42.24 owners of property, or owners of 26 percent of the property, benefited or damaged by a
 42.25 drainage system petition for ~~correction of an error that was made at the time of the~~
 42.26 ~~proceedings that established the drainage system~~ a redetermination of benefits and damages,
 42.27 the drainage authority may appoint three viewers to redetermine and report the benefits and
 42.28 damages and the benefited and damaged areas.

42.29 Sec. 7. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**
 42.30 **MAINTENANCE.**

42.31 With the consent of the property owner where the drainage ditch buffer will be located,
 42.32 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,

43.1 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation
 43.2 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating
 43.3 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and
 43.4 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This
 43.5 section expires June 30, 2019.

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

43.7 **ARTICLE 3**

43.8 **RUNOFF AND SEDIMENT DELIVERY OPTION**

43.9 Section 1. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision
 43.10 to read:

43.11 Subd. 27a. **Relative runoff.** "Relative runoff" includes the surface and subsurface runoff
 43.12 potential from a specific property compared on an equitable basis to all other properties
 43.13 contributing runoff to the drainage system.

43.14 Sec. 2. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision
 43.15 to read:

43.16 Subd. 27b. **Relative sediment delivery.** "Relative sediment delivery" means the sediment
 43.17 delivery potential from a specific property compared on an equitable basis to all other
 43.18 properties contributing runoff to the drainage system.

43.19 Sec. 3. Minnesota Statutes 2016, section 103E.095, is amended to read:

43.20 **103E.095 APPEAL FROM ORDERS OF AN ORDER DISMISSING OR** 43.21 **ESTABLISHING A DRAINAGE SYSTEMS PROJECT, OR OF A REPAIR COST** 43.22 **APPORTIONMENT REPORT.**

43.23 Subdivision 1. **Notice of appeal.** A party may appeal an order made by the board that
 43.24 dismisses drainage project proceedings or, establishes ~~or refuses to establish~~ a drainage
 43.25 project, or approves a repair cost apportionment report to the district court of the county
 43.26 where the drainage proceedings or drainage system repair are pending. The appellant must
 43.27 serve notice of the appeal to the auditor or secretary within 30 days after the order is filed.
 43.28 ~~After notice of the appeal is served, the appeal may be brought to trial by the appellant or~~
 43.29 ~~the drainage authority after notifying the other party at least ten days before the trial date.~~

43.30 Subd. 2. **Trial.** The appeal must be tried by the court without a jury. The court shall
 43.31 examine the entire drainage proceeding and related matters and receive evidence to determine

44.1 whether the findings made by the board can be sustained. At the trial the findings made by
 44.2 the board are prima facie evidence of the matters stated in the findings, and the board's order
 44.3 is prima facie reasonable. If the court finds that the order appealed is lawful and reasonable,
 44.4 it shall be affirmed. If the court finds that the order appealed is arbitrary, unlawful, or not
 44.5 supported by the evidence, it shall make an order, justified by the court record, to take the
 44.6 place of the appealed order or repair cost apportionment report, or remand the order or report
 44.7 to the board for further proceedings. After the appeal has been determined by the court, the
 44.8 board shall proceed in conformity with the court order.

44.9 Subd. 3. **Determination of benefits and damages after court order.** If the order
 44.10 establishing a drainage project is appealed, the trial of appeals related to benefits or damages
 44.11 in the drainage proceeding must be stayed until the establishment appeal is determined. If
 44.12 the order establishing the drainage project is affirmed, appeals related to benefits and damages
 44.13 must then be tried.

44.14 Subd. 4. **Procedure if appeal order establishes drainage project.** If an order refusing
 44.15 to establish a drainage project is appealed, and the court, by order, establishes the drainage
 44.16 project, the auditor shall give notice by publication of the filed order. The notice is sufficient
 44.17 if it refers to the drainage project or system by number or other descriptive designation,
 44.18 states the meaning of the order, and states the date the court order was filed. A person may
 44.19 appeal the establishment order to the district court as provided in this section.

44.20 Subd. 5. **Appeal of appellate order.** A party aggrieved by a final order or judgment
 44.21 rendered on appeal to the district court may appeal as in other civil cases. The appeal must
 44.22 be made and perfected within 30 days after the filing of the order or entry of judgment.

44.23 Sec. 4. Minnesota Statutes 2016, section 103E.215, subdivision 5, is amended to read:

44.24 Subd. 5. **Subsequent proceedings.** When a petition and the bond required by section
 44.25 103E.202 are filed, the auditor shall present the petition to the board at its next meeting or,
 44.26 for a joint county drainage system, to the joint county drainage authority within ten days
 44.27 after the petition is filed. The drainage authority shall appoint an engineer to examine the
 44.28 drainage system and make an improvement report. The improvement proceedings must be
 44.29 conducted under this chapter as provided for the original proceedings for the establishment
 44.30 of a drainage project. The benefits and damages determined must be as a result of the
 44.31 proposed improvement. ~~Assessments for the repair of the improvement must be based on~~
 44.32 ~~the benefits determined for the improvement.~~

45.1 Sec. 5. Minnesota Statutes 2016, section 103E.401, subdivision 4, is amended to read:

45.2 Subd. 4. **Hearing.** At the hearing the drainage authority shall consider the capacity of
45.3 the outlet drainage system. If express authority is given to use the drainage system as an
45.4 outlet, the drainage authority shall state, by order, the terms and conditions for use of the
45.5 established drainage system as an outlet and shall set the amount to be paid as an outlet fee.
45.6 The order must describe the property to be benefited by the drainage system and must state
45.7 the amount of benefits to the property for the outlet. The property benefited is liable for
45.8 repair assessments levied after that time in the drainage system, ~~on the basis of the benefits~~
45.9 ~~as if the benefits had been determined in the order establishing the drainage system in~~
45.10 accordance with section 103E.728.

45.11 Sec. 6. Minnesota Statutes 2016, section 103E.411, subdivision 5, is amended to read:

45.12 Subd. 5. **Benefits and assessments if drainage system established.** If the drainage
45.13 system is established, the drainage authority must determine the amount the municipality
45.14 must pay for the privilege of using the drainage system as an outlet. The amount must be
45.15 paid to the ~~affected counties~~ drainage authority and credited to the account of the drainage
45.16 system used as an outlet. The municipality is liable for all subsequent liens and assessments
45.17 for the repair and maintenance of the drainage system in ~~proportion to the benefits, as though~~
45.18 ~~the benefits were determined in the order establishing the drainage system~~ accordance with
45.19 section 103E.728.

45.20 Sec. 7. Minnesota Statutes 2016, section 103E.615, subdivision 1, is amended to read:

45.21 Subdivision 1. **Municipalities.** Assessments filed ~~for benefits~~ to a municipality are a
45.22 liability of the municipality and are due and payable with interest in installments on
45.23 November 1 of each year as provided in section 103E.611. If the installments and interest
45.24 are not paid on or before November 1, the amount due with interest added as provided in
45.25 section 103E.611 must be extended by the county auditor against all property in the
45.26 municipality that is liable to taxation. A levy must be made and the amount due must be
45.27 paid and collected in the same manner and time as other taxes.

45.28 Sec. 8. Minnesota Statutes 2016, section 103E.615, subdivision 2, is amended to read:

45.29 Subd. 2. **County or state-aid road.** If a public road ~~benefited~~ assessed is a county or
45.30 state-aid road, the assessment filed is against the county and must be paid out of the road
45.31 and bridge fund of the county.

46.1 Sec. 9. Minnesota Statutes 2016, section 103E.615, subdivision 3, is amended to read:

46.2 Subd. 3. **State trunk highway.** An assessment against the state ~~for benefits~~ to trunk
46.3 highways is chargeable to and payable out of the trunk highway fund. The commissioner
46.4 of transportation shall pay assessments from the trunk highway fund after receipt of a
46.5 certified copy of the assessment against the state ~~for benefits~~ to a trunk highway.

46.6 Sec. 10. Minnesota Statutes 2016, section 103E.615, subdivision 5, is amended to read:

46.7 Subd. 5. **State property.** State property, including rural credit property, is assessable
46.8 for benefits received, or repair costs in accordance with section 103E.728. The assessment
46.9 must be paid by the state from funds appropriated and available for drainage assessments
46.10 after the state officer having jurisdiction over the assessed property certifies the assessment
46.11 to the commissioner of management and budget.

46.12 Sec. 11. Minnesota Statutes 2016, section 103E.615, subdivision 7, is amended to read:

46.13 Subd. 7. **Railroad and utility property.** Property owned by a railroad or other utility
46.14 corporation benefited by a drainage project is liable for the assessments ~~of~~ for benefits on
46.15 the property, and for repair costs apportioned in accordance with section 103E.728, as other
46.16 taxable property. From the date the drainage lien is recorded, the amount of the assessment
46.17 with interest is a lien against all property of the corporation within the county. Upon default
46.18 the assessment may be collected by civil action or the drainage lien may be foreclosed by
46.19 action in the same manner as provided by law for the foreclosure of mortgage liens. The
46.20 county where the drainage lien is filed has the right of action against the corporation to
46.21 enforce and collect the assessment.

46.22 Sec. 12. Minnesota Statutes 2016, section 103E.711, subdivision 1, is amended to read:

46.23 Subdivision 1. **Repair cost statement.** For a joint county drainage system the auditor
46.24 of a county that has made repairs may present a repair cost statement at the end of each
46.25 year, or other convenient period after completion, to each affected county. The repair cost
46.26 statement must show the nature and cost of the repairs to the drainage system and must be
46.27 ~~based on the original apportionment of cost following the establishment of the drainage~~
46.28 ~~system~~ apportioned in accordance with section 103E.728. If a board approves the repair
46.29 costs, the amount of the statement must be paid to the county submitting the statement.

47.1 Sec. 13. Minnesota Statutes 2016, section 103E.715, subdivision 4, is amended to read:

47.2 Subd. 4. **Hearing on repair report.** (a) The drainage authority shall make findings and
47.3 order the repair to be made if:

47.4 (1) the drainage authority determines from the repair report and the evidence presented
47.5 that the repairs recommended are necessary for the best interests of the affected property
47.6 owners; or

47.7 (2) the repair petition is signed by the owners of at least 26 percent of the property area
47.8 affected by and assessed for ~~the original construction~~ benefits of the drainage system, and
47.9 the drainage authority determines that the drainage system is in need of repair so that it no
47.10 longer serves its ~~original~~ purpose and the cost of the repair will not exceed the total benefits
47.11 ~~determined in the original drainage system proceeding~~ of record for the drainage system.

47.12 (b) The order must direct the auditor and the chair of the board or, for a joint county
47.13 drainage system, the auditors of the affected counties to proceed and prepare and award a
47.14 contract for the repair of the drainage system. The contract must be for the repair described
47.15 in the repair report and as determined necessary by the drainage authority, and be prepared
47.16 in the manner provided in this chapter ~~for the original drainage system construction.~~

47.17 Sec. 14. Minnesota Statutes 2016, section 103E.715, subdivision 5, is amended to read:

47.18 Subd. 5. **Apportionment of repair cost for joint county drainage system.** For the
47.19 repair of a joint county drainage system, the drainage authority shall, by order, apportion
47.20 the repair cost among affected counties in ~~the same manner required in the original~~
47.21 ~~construction of the drainage system~~ accordance with section 103E.728.

47.22 Sec. 15. Minnesota Statutes 2016, section 103E.725, is amended to read:

47.23 **103E.725 COST OF REPAIR.**

47.24 All fees and costs incurred for proceedings relating to the repair of a drainage system,
47.25 including inspections, engineering, viewing, determination and administration of repair cost
47.26 apportionment, hearings, and publications, as applicable, are costs of the repair ~~and must~~
47.27 ~~be assessed against the property and entities benefited.~~

47.28 Sec. 16. Minnesota Statutes 2016, section 103E.728, subdivision 1, is amended to read:

47.29 Subdivision 1. **Generally.** Except as otherwise provided in this section, the cost of
47.30 repairing a drainage system shall be apportioned:

48.1 (1) pro rata on all property and entities that have been assessed benefits for the drainage
 48.2 system ~~except as provided in this section~~ based on an applicable confirmed viewers' report
 48.3 of benefits and damages; or

48.4 (2) on all property contributing runoff to the drainage system, based on relative runoff
 48.5 and relative sediment delivery in an approved repair cost apportionment report, in accordance
 48.6 with subdivision 1a.

48.7 Repair costs apportioned using the method in clause (2) are charges for property contributing
 48.8 runoff to the drainage system that shall be considered repair cost assessments in this chapter.

48.9 Sec. 17. Minnesota Statutes 2016, section 103E.728, is amended by adding a subdivision
 48.10 to read:

48.11 Subd. 1a. **Relative runoff and relative sediment delivery method for repair cost**
 48.12 **apportionment.** (a) When the drainage authority has determined that a drainage system
 48.13 repair is necessary, the drainage authority may apportion costs for the repair of a drainage
 48.14 system based on relative runoff and relative sediment delivery from any property, public
 48.15 road, street, railway, or other utility contributing runoff to the drainage system as provided
 48.16 in this subdivision. If this cost apportionment method is used, costs must be determined
 48.17 prior to ordering the repair of all or any part of a drainage system as provided in section
 48.18 103E.705, subdivision 3, or 103E.715, subdivision 4, or prior to levying a repair fund
 48.19 assessment as provided in section 103E.735, subdivision 1.

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

48.25 (c) The person or persons conducting the cost apportionment shall file a repair cost
 48.26 apportionment report with the drainage authority explaining in nontechnical language the
 48.27 method, data, and interpretations used, and the cost apportionment results. The report shall
 48.28 present data and results in a format so that individual property owners, political subdivisions,
 48.29 and utilities can clearly examine the information applicable to their property, public road,
 48.30 street, railway, or other utility, including for each parcel having a separate property
 48.31 identification number.

48.32 (d) When a repair cost apportionment report is filed, the drainage authority, in consultation
 48.33 with the auditor or secretary, shall set a time, by order, for a hearing on the report not more

49.1 than 30 days after the date of the order. At least 20 days before the hearing, the auditor or
49.2 secretary shall give notice by mail of the time and location of the hearing to the owners of
49.3 property, political subdivisions, and utilities proposed to be assessed in the report. The
49.4 notice of hearing must include a copy of the portion of the report explaining in nontechnical
49.5 language the method, data, and interpretations used, the cost apportionment results applicable
49.6 to the property owner, political subdivision, or utility receiving notice, and a statement of
49.7 the location where the entire repair cost apportionment report has been filed for public
49.8 inspection.

49.9 (e) At the hearing, the drainage authority shall hear and consider the testimony presented
49.10 by all interested parties. At least one person responsible for preparing the repair cost
49.11 apportionment report shall be present at the initial hearing.

49.12 (f) If the drainage authority determines that the apportionment of costs is not equitable,
49.13 the drainage authority may amend the repair cost apportionment report and shall make
49.14 necessary and proper findings and an order in relation to the report, or resubmit matters to
49.15 the preparer of the repair cost apportionment report for further consideration. If matters are
49.16 resubmitted, the hearing may be continued as necessary to make and hear an amended report.
49.17 The report preparer shall proceed promptly to reconsider resubmitted matters and shall make
49.18 and file an amended report. The drainage authority may replace the original report with the
49.19 amended report for apportionment of repair costs and make necessary and proper findings
49.20 and an order to approve the amended report. The jurisdiction of the drainage authority
49.21 continues in the property given proper notice, and new or additional notice is not required
49.22 for that property.

49.23 (g) After consideration of the repair cost apportionment report, any amended report, and
49.24 all evidence presented, the drainage authority shall make findings, approve the report, and
49.25 apportion repair costs consistent with the values in the repair cost apportionment report if
49.26 it finds that the cost apportionment is equitable based on:

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

49.29 (2) the data inputs are reliable; and

49.30 (3) the computation method is reliable.

49.31 (h) The drainage authority may continue to apportion repair costs consistent with the
49.32 values in the repair cost apportionment report of record. After a repair cost apportionment
49.33 report has been approved under this subdivision, an owner of property, a political subdivision,
49.34 or a utility assessed in the repair cost apportionment report of record may request in writing

50.1 that the drainage authority update the report based on changed land use. The request shall
 50.2 be filed with the auditor of the county where the property is located or the secretary. Prior
 50.3 to the next approval by the drainage authority of a repair cost assessment for the drainage
 50.4 system, the drainage authority shall determine if the repair cost apportionment report of
 50.5 record reasonably reflects current land use, relative runoff, and relative sediment delivery.
 50.6 If it does not, the drainage authority shall make findings and shall appoint one or more
 50.7 persons to prepare and file an updated repair cost apportionment report for the drainage
 50.8 system in accordance with paragraphs (c), (d), (e), (f), and (g).

50.9 (i) Proper consideration must be given to property that is used for conservation that
 50.10 prohibits development or land use change by ownership, deed restriction, or conservation
 50.11 easement, or is enrolled in a program that prohibits agricultural crop production.

50.12 (j) The owner of any property subject to cost apportionment listed in the adopted repair
 50.13 cost apportionment report may appeal findings of the drainage authority under paragraph
 50.14 (g) as provided in section 103E.095.

50.15 Sec. 18. Minnesota Statutes 2016, section 103E.728, subdivision 2, is amended to read:

50.16 Subd. 2. **Additional assessment for agricultural practices on permanent strip of**
 50.17 **perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an
 50.18 additional assessment on property that has agricultural practices on or otherwise violates
 50.19 provisions related to the permanent strip of perennial vegetation acquired under section
 50.20 103E.021.

50.21 (b) The drainage authority may determine the cost of the repair per mile of open ditch
 50.22 on the ditch system. Property that is in violation of the ~~grass~~ section 103E.021 perennial
 50.23 buffer strip requirement shall be assessed ~~a~~ an additional cost of 20 percent of the repair
 50.24 cost per open ditch mile multiplied by the length of open ditch in miles on the property in
 50.25 violation.

50.26 (c) After the amount of the additional assessment is determined and applied to the repair
 50.27 cost, the balance of the repair cost may be apportioned ~~pro-rata~~ as provided in subdivision
 50.28 1.

50.29 Sec. 19. Minnesota Statutes 2016, section 103E.731, subdivision 1, is amended to read:

50.30 Subdivision 1. **Repair cost of assessments.** If there is not enough money in the drainage
 50.31 system account to make a repair, the board shall assess the costs of the repairs ~~on all property~~

51.1 ~~and entities that have been assessed benefits for the drainage system~~ in accordance with
 51.2 section 103E.728.

51.3 Sec. 20. Minnesota Statutes 2016, section 103E.731, subdivision 2, is amended to read:

51.4 Subd. 2. **Number of installments.** The assessments may be paid in up to 15 annual
 51.5 installments specified in the assessment order. ~~If the assessments are not more than 50~~
 51.6 ~~percent of the original cost of the drainage system, the installments may not exceed ten. If~~
 51.7 ~~the assessments are greater than 50 percent of the original cost of the drainage system, the~~
 51.8 ~~board may order the assessments to be paid in 15 or less installments.~~

51.9 Sec. 21. Minnesota Statutes 2016, section 103E.731, subdivision 6, is amended to read:

51.10 Subd. 6. **Repair of state drainage system when no benefits assessed.** For the repair
 51.11 of a drainage system established by the state where benefits were not assessed to the property,
 51.12 the drainage authority shall ~~proceed to appoint viewers to determine the benefits resulting~~
 51.13 ~~from the repair~~ apportion repair costs in accordance with section 103E.728, and collect
 51.14 assessments for the repair as provided in this chapter.

51.15 Sec. 22. Minnesota Statutes 2016, section 103E.735, subdivision 1, is amended to read:

51.16 Subdivision 1. **Authority and limits of fund.** To create or maintain a repair fund for a
 51.17 drainage system to be used only for repairs, the drainage authority may apportion and assess
 51.18 an amount ~~against all property and entities assessed for benefits in proceedings for~~
 51.19 ~~establishment of the drainage system, including property not originally assessed and~~
 51.20 ~~subsequently found to be benefited according to law~~ in accordance with section 103E.728.
 51.21 The fund may not exceed 20 percent of the assessed benefits of the drainage system or
 51.22 \$100,000, whichever is greater. If the account in a fund for a drainage system exceeds the
 51.23 larger of 20 percent of the assessed benefits of the drainage system or \$100,000, assessments
 51.24 for the fund may not be made until the account is less than the larger of 20 percent of the
 51.25 assessed benefits or \$100,000. ~~Assessments must be made pro rata according to the~~
 51.26 ~~determined benefits.~~ Assessments may be made payable, by order, in equal annual
 51.27 installments. The auditor shall file a tabular statement as provided in section 103E.731,
 51.28 subdivision 4, with the county recorder. Assessments must be collected as provided in
 51.29 section 103E.731.

APPENDIX
Article locations in SF3141-1

ARTICLE 1 ENVIRONMENT AND NATURAL RESOURCES POLICY..... Page.Ln 1.25
ARTICLE 2 ACCELERATED BUFFER STRIP IMPLEMENTATION..... Page.Ln 37.23
ARTICLE 3 RUNOFF AND SEDIMENT DELIVERY OPTION..... Page.Ln 43.7

Laws 2008, chapter 368, article 1, section 21, subdivision 2

Sec. 21. **DELETIONS FROM STATE PARKS.**

Subd. 2. [85.012][Subd. 30.] Jay Cooke State Park, Carlton County. Effective upon the commissioner of natural resources entering into an agreement with the commissioner of veterans affairs to transfer the property for use as a veterans cemetery, the following areas are deleted from Jay Cooke State Park:

(a) the Northeast Quarter of the Southeast Quarter lying southerly of the railroad right-of-way, Section 21, Township 48 North, Range 16 West;

(b) the Northwest Quarter of the Southwest Quarter lying southerly of the railroad right-of-way, Section 22, Township 48 North, Range 16 West; and

(c) the East 2 rods of the Southwest Quarter of the Southwest Quarter, Section 22, Township 48 North, Range 16 West.