

A bill for an act

1.1 relating to environment and natural resources finance; appropriating money  
1.2 for environment and natural resources; authorizing sale of gift cards and  
1.3 certificates; establishing composting competitive grant program; modifying  
1.4 regulation of storm water discharges; modifying waste management reporting  
1.5 requirements and creating a work group; requiring nonresident all-terrain  
1.6 vehicle state trail pass; modifying horse trail and state park pass requirements;  
1.7 requiring disclosure of certain chemicals in children's products by manufacturers;  
1.8 requiring plastic yard waste bags to be compostable and establishing labeling  
1.9 standards; authorizing uses of the Hennepin County solid and hazardous  
1.10 waste fund; modifying greenhouse gas emissions provisions and requiring a  
1.11 registry; establishing and authorizing fees; providing for disposition of certain  
1.12 fees; modifying and establishing assessments for certain regulatory expenses;  
1.13 providing for fish consumption advisories in different languages; limiting  
1.14 use of certain funds; requiring reports; amending Minnesota Statutes 2008,  
1.15 sections 84.0835, subdivision 3; 84.415, subdivision 5, by adding a subdivision;  
1.16 84.63; 84.631; 84.632; 84.922, subdivision 1a; 85.015, subdivision 1b; 85.053,  
1.17 subdivision 10; 85.46, subdivisions 3, 4, 7; 93.481, subdivisions 1, 3, 5, 7;  
1.18 97A.075, subdivision 1; 103G.301, subdivisions 2, 3; 115.03, subdivision  
1.19 5c; 115.073; 115.77, subdivision 1; 115A.1314, subdivision 2; 115A.557,  
1.20 subdivision 3; 115A.931; 116.07, subdivision 4d; 116.41, subdivision 2;  
1.21 116C.834, subdivision 1; 116D.045; 216H.10, subdivision 7; 216H.11; Laws  
1.22 2002, chapter 220, article 8, section 15; Laws 2007, chapter 57, article 1, section  
1.23 4, subdivision 2; Laws 2008, chapter 363, article 5, section 4, subdivision 7;  
1.24 proposing coding for new law in Minnesota Statutes, chapters 84; 93; 115A; 116;  
1.25 216H; 325E; 383B; repealing Laws 2008, chapter 363, article 5, section 30.

1.26  
1.27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.28 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.29 The amounts shown in this section summarize direct appropriations, by fund, made  
1.30 in this act.

1.31		<u>2010</u>	<u>2011</u>	<u>Total</u>
1.32	<u>General</u>	\$ <u>107,346,000</u>	\$ <u>106,571,000</u>	\$ <u>213,917,000</u>

2.1	<u>State Government Special</u>			
2.2	<u>Revenue</u>	<u>48,000</u>	<u>48,000</u>	<u>96,000</u>
2.3	<u>Miscellaneous Special</u>			
2.4	<u>Revenue</u>	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
2.5	<u>Environmental</u>	<u>70,399,000</u>	<u>70,659,000</u>	<u>141,058,000</u>
2.6	<u>Natural Resources</u>	<u>81,070,000</u>	<u>79,970,000</u>	<u>161,040,000</u>
2.7	<u>Game and Fish</u>	<u>93,942,000</u>	<u>93,792,000</u>	<u>187,734,000</u>
2.8	<u>Remediation</u>	<u>11,186,000</u>	<u>11,186,000</u>	<u>22,372,000</u>
2.9	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
2.10	<b><u>Total</u></b>	<b><u>\$ 364,391,000</u></b>	<b><u>\$ 362,626,000</u></b>	<b><u>\$ 727,017,000</u></b>

2.11 **Sec. 2. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.12 The sums shown in the columns marked "Appropriations" are appropriated to the  
 2.13 agencies and for the purposes specified in this act. The appropriations are from the general  
 2.14 fund, or another named fund, and are available for the fiscal years indicated for each  
 2.15 purpose. The figures "2010" and "2011" used in this act mean that the appropriations  
 2.16 listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011,  
 2.17 respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011.  
 2.18 "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending  
 2.19 June 30, 2009, are effective the day following final enactment.

2.20		<b><u>APPROPRIATIONS</u></b>	
2.21		<b><u>Available for the Year</u></b>	
2.22		<b><u>Ending June 30</u></b>	
2.23		<b><u>2010</u></b>	<b><u>2011</u></b>

2.24 **Sec. 3. POLLUTION CONTROL AGENCY**

2.25 **Subdivision 1. Total Appropriation** **\$ 92,124,000** **\$ 91,884,000**

2.26	<u>Appropriations by Fund</u>		
2.27		<u>2010</u>	<u>2011</u>
2.28	<u>General</u>	<u>10,591,000</u>	<u>10,091,000</u>
2.29	<u>State Government</u>		
2.30	<u>Special Revenue</u>	<u>48,000</u>	<u>48,000</u>
2.31	<u>Environmental</u>	<u>70,399,000</u>	<u>70,659,000</u>
2.32	<u>Remediation</u>	<u>11,086,000</u>	<u>11,086,000</u>

2.33 The amounts that may be spent for each  
 2.34 purpose are specified in the following  
 2.35 subdivisions.

2.36 The commissioner shall require the chief  
 2.37 financial officer or other financial staff to

3.1 display the agency's budget on the agency's  
3.2 Web site in a manner that will allow citizens  
3.3 to easily understand the value they are  
3.4 getting for their money. The agency must  
3.5 have an air permit and regulatory account,  
3.6 water permit and regulatory account, and  
3.7 solid waste permit and regulatory account to  
3.8 track revenues and expenses.

3.9 The proposed rules increasing permit fees  
3.10 first noticed on June 16, 2008, are effective  
3.11 July 1, 2009. The agency shall adopt  
3.12 amended permit fee rules incorporating  
3.13 these permit fee increases under Minnesota  
3.14 Statutes, section 14.389. The commissioner  
3.15 shall begin collecting the increased permit  
3.16 fees on July 1, 2009, even if the rule  
3.17 adoption process has not been completed.

3.18 Notwithstanding Minnesota Statutes, section  
3.19 14.18, subdivision 2, the increased permit  
3.20 fees reflecting the permit fee increases  
3.21 in this section and the rule amendments  
3.22 incorporating those permit fee increases do  
3.23 not require further legislative approval.

3.24 The commissioner shall adopt and implement  
3.25 rules in compliance with Minnesota Statutes,  
3.26 section 116.07, subdivision 4d, so that fees  
3.27 are collected beginning January 1, 2011.

3.28 Subd. 2. **Water** 33,752,000 32,252,000

<u>Appropriations by Fund</u>		
3.29		
3.30	<u>General</u>	<u>7,583,000</u> <u>7,083,000</u>
3.31	<u>State Government</u>	
3.32	<u>Special Revenue</u>	<u>48,000</u> <u>48,000</u>
3.33	<u>Environmental</u>	<u>26,121,000</u> <u>26,121,000</u>

3.34 \$1,498,000 the first year and \$1,498,000  
3.35 the second year are for the clean water  
3.36 partnership program. Priority shall be

4.1 given to projects preventing impairments  
4.2 and degradation of lakes, rivers, streams,  
4.3 and groundwater according to Minnesota  
4.4 Statutes, section 114D.20, subdivision 2,  
4.5 clause (4). Funds from this appropriation  
4.6 may not be used to purchase or use pesticides  
4.7 suspected of being endocrine disruptors. Any  
4.8 restoration conducted with money from this  
4.9 appropriation must plant vegetation or sow  
4.10 seed only of ecotypes native to Minnesota,  
4.11 and preferably of the local ecotype, using a  
4.12 high diversity of species originating from as  
4.13 close to the restoration site as possible, and  
4.14 protect existing native prairies from genetic  
4.15 contamination. Any balance remaining in the  
4.16 first year does not cancel and is available for  
4.17 the second year.

4.18 \$2,324,000 the first year and \$2,324,000 the  
4.19 second year must be distributed as grants to  
4.20 delegated counties to administer the county  
4.21 feedlot program. Distribution of funds  
4.22 must be as provided in Laws 2005, First  
4.23 Special Session chapter 1, article 2, section  
4.24 2, subdivision 2. The commissioner, in  
4.25 consultation with the Minnesota Association  
4.26 of County Feedlot Officers executive team,  
4.27 may use up to five percent of the annual  
4.28 appropriation for initiatives that will reduce  
4.29 feedlot-related pollution hazards. Any  
4.30 money remaining after the first year is  
4.31 available for the second year.

4.32 \$335,000 the first year and \$335,000 the  
4.33 second year are for community technical  
4.34 assistance and education, including grants  
4.35 and technical assistance to communities for  
4.36 local and basinwide water quality protection.

5.1 \$550,000 the first year and \$550,000 the  
5.2 second year are for challenge grants to  
5.3 counties for subsurface sewage treatment  
5.4 system (SSTS) inventories that will  
5.5 determine the number of systems that are  
5.6 failing or that pose an imminent health threat  
5.7 and are located on riparian land or a lake  
5.8 or near wetlands or other sensitive waters.  
5.9 Counties must provide a nonstate match of  
5.10 at least 50 percent that may be in cash or in  
5.11 kind. The commissioner shall, by county,  
5.12 report: the number of systems evaluated, the  
5.13 number of systems determined to be failing  
5.14 or that pose an imminent health threat located  
5.15 on riparian land or a lake or near wetlands or  
5.16 other sensitive waters, the number replaced  
5.17 or soon to be replaced, and the gallons of  
5.18 sewage that are prevented from threatening  
5.19 waters. The commissioner shall develop  
5.20 recommendations and a plan for directly  
5.21 or indirectly inspecting and providing an  
5.22 inventory for all subsurface sewage treatment  
5.23 systems and submit a report to the chairs of  
5.24 the legislative committees having primary  
5.25 jurisdiction over environment and natural  
5.26 resources policy and finance no later than  
5.27 September 15, 2010. Direct inspection  
5.28 methods shall include field verification of  
5.29 each SSTS on riparian land or a lake or  
5.30 near wetlands or other sensitive waters to  
5.31 determine the owner, location, and which  
5.32 systems are failing or are an imminent  
5.33 health threat. Indirect inspection methods  
5.34 may include census-type data collection to  
5.35 determine the owner and location of each  
5.36 SSTS in the remaining portion of each

6.1 county. An SSTS with a valid certificate of  
6.2 compliance may be considered inventoried  
6.3 without further work.

6.4 \$405,000 the first year and \$405,000 the  
6.5 second year are for subsurface sewage  
6.6 treatment system (SSTS) administration and  
6.7 grants. Of this amount, \$86,000 each year  
6.8 is for assistance to counties through grants  
6.9 for SSTS program administration. Any  
6.10 unexpended balance in the first year does not  
6.11 cancel but is available in the second year.

6.12 \$740,000 the first year and \$740,000 the  
6.13 second year are from the environmental  
6.14 fund to address the need for continued  
6.15 increased activity in the areas of new  
6.16 technology review, technical assistance  
6.17 for local governments, and enforcement  
6.18 under Minnesota Statutes, sections 115.55  
6.19 to 115.58, and to complete the requirements  
6.20 of Laws 2003, chapter 128, article 1, section  
6.21 165. Of this amount, \$48,000 each year is for  
6.22 administration of individual septic tank fees,  
6.23 as provided in this article.

6.24 \$100,000 the first year and the \$100,000  
6.25 second year are for a grant to the Red River  
6.26 Watershed Management Board to enhance  
6.27 and expand existing river watch activities in  
6.28 the Red River of the North and shall enhance  
6.29 student understanding of the causes of  
6.30 flooding, flood prevention, and the impacts  
6.31 of flood waters on land and water resources.

6.32 The Red River Watershed Management  
6.33 Board shall provide a report that includes  
6.34 formal evaluation results from the river watch  
6.35 program to the commissioners of education

7.1 and the Pollution Control Agency and to the  
7.2 legislative committees with jurisdiction over  
7.3 the environment and natural resources policy  
7.4 and finance and K-12 policy and finance by  
7.5 February 15, 2011.

7.6 \$7,540,000 the first year and \$7,540,000  
7.7 the second year are for completion of 20  
7.8 percent of the needed statewide assessments  
7.9 of surface water quality and trends.

7.10 \$500,000 the first year is to develop minimal  
7.11 impact design standards for urban storm  
7.12 water runoff. This is a onetime appropriation  
7.13 and is available until June 30, 2011. The  
7.14 commissioner shall report to the chairs and  
7.15 ranking minority members of the legislative  
7.16 committees and divisions having primary  
7.17 jurisdiction over environment and natural  
7.18 resources policy and finance no later than  
7.19 January 12, 2011, regarding the expenditure  
7.20 of this appropriation.

7.21 By October 1 each year, the commissioner  
7.22 shall report to the chairs of the legislative  
7.23 committees having primary jurisdiction  
7.24 over environment and natural resources  
7.25 policy and finance on the effectiveness of  
7.26 enforcement actions in the previous fiscal  
7.27 year in preventing water pollution.

7.28 Notwithstanding Minnesota Statutes, section  
7.29 16A.28, the appropriations encumbered on or  
7.30 before June 30, 2011, as grants or contracts  
7.31 for clean water partnership, SSTS's, surface  
7.32 water and groundwater assessments, total  
7.33 maximum daily loads, stormwater, and local  
7.34 basinwide water quality protection in this  
7.35 subdivision are available until June 30, 2013.

8.1 Subd. 3. Air 11,871,000 12,131,000

8.2 Up to \$150,000 the first year and \$150,000  
 8.3 the second year may be transferred from the  
 8.4 environmental fund to the small business  
 8.5 environmental improvement loan account  
 8.6 established in Minnesota Statutes, section  
 8.7 116.993.

8.8 \$200,000 the first year and \$200,000 the  
 8.9 second year are from the environmental fund  
 8.10 for a monitoring program under Minnesota  
 8.11 Statutes, section 116.454.

8.12 \$125,000 the first year and \$125,000 the  
 8.13 second year are from the environmental fund  
 8.14 for monitoring ambient air for hazardous  
 8.15 pollutants in the metropolitan area.

8.16 An agency report on the level of fine  
 8.17 particulate matter in Minnesota's air must  
 8.18 compare measured levels with a 24-hour  
 8.19 PM 2.5 standard of 13 to 14 micrograms  
 8.20 per cubic meter and an annual PM 2.5  
 8.21 standard of 30 to 35 micrograms per cubic  
 8.22 meter, as recommended by the Particulate  
 8.23 Matter Review Panel of the Environmental  
 8.24 Protection Agency's Clean Air Scientific  
 8.25 Advisory Committee in its June 2005 report,  
 8.26 EPA's Review of the National Ambient Air  
 8.27 Quality Standards for Particulate Matter  
 8.28 (Second Draft PM Staff Paper, January  
 8.29 2005).

8.30 Subd. 4. Land 18,502,000 18,502,000

8.31	<u>Appropriations by Fund</u>	
8.32	<u>General</u>	<u>500,000</u> <u>500,000</u>
8.33	<u>Environmental</u>	<u>6,916,000</u> <u>6,916,000</u>
8.34	<u>Remediation</u>	<u>11,086,000</u> <u>11,086,000</u>

9.1 All money for environmental response,  
9.2 compensation, and compliance in the  
9.3 remediation fund not otherwise appropriated  
9.4 is appropriated to the commissioners of the  
9.5 Pollution Control Agency and agriculture  
9.6 for purposes of Minnesota Statutes, section  
9.7 115B.20, subdivision 2, clauses (1), (2),  
9.8 (3), (6), and (7). At the beginning of each  
9.9 fiscal year, the two commissioners shall  
9.10 jointly submit an annual spending plan to  
9.11 the commissioner of finance that maximizes  
9.12 the utilization of resources and appropriately  
9.13 allocates the money between the two  
9.14 departments. This appropriation is available  
9.15 until June 20, 2011.

9.16 \$3,616,000 the first year and \$3,616,000 the  
9.17 second year are from the petroleum tank fund  
9.18 to be transferred to the remediation fund for  
9.19 purposes of the leaking underground storage  
9.20 tank program to protect the land.

9.21 \$252,000 the first year and \$252,000 the  
9.22 second year are from the remediation fund to  
9.23 be transferred to the Department of Health for  
9.24 private water supply monitoring and health  
9.25 assessment costs in areas contaminated  
9.26 by unpermitted mixed municipal solid  
9.27 waste disposal facilities and drinking water  
9.28 advisories and public information activities  
9.29 for areas contaminated by hazardous releases.

9.30 \$500,000 each year is for environmental  
9.31 health tracking and biomonitoring of a  
9.32 representative sample of the population  
9.33 including indigenous people and people of  
9.34 color. Of this amount, \$450,000 each year is  
9.35 for transfer to the Department of Health.

10.1 Subd. 5. Environmental Assistance and  
10.2 Cross-Media 26,605,000 26,605,000

10.3 Appropriations by Fund  
10.4 General 1,114,000 1,114,000  
10.5 Environmental 25,491,000 25,491,000

10.6 \$14,500,000 each year is from the  
10.7 environmental fund for SCORE block grants  
10.8 to counties.

10.9 \$500,000 the first year and \$500,000 the  
10.10 second year are from the environmental  
10.11 fund for composting grants under Minnesota  
10.12 Statutes, section 115A.559, and are available  
10.13 until June 30, 2011. This amount is added to  
10.14 the agency base.

10.15 Any unencumbered grant and loan balances  
10.16 in the first year do not cancel but are available  
10.17 for grants and loans in the second year.

10.18 All money deposited in the environmental  
10.19 fund for the metropolitan solid waste  
10.20 landfill fee in accordance with Minnesota  
10.21 Statutes, section 473.843, and not otherwise  
10.22 appropriated, is appropriated for the purposes  
10.23 of Minnesota Statutes, section 115B.39.

10.24 Notwithstanding Minnesota Statutes, section  
10.25 16A.28, the appropriations encumbered on  
10.26 or before June 30, 2011, as contracts or  
10.27 grants for surface water and groundwater  
10.28 assessments; environmental assistance  
10.29 awarded under Minnesota Statutes, section  
10.30 115A.0716; technical and research assistance  
10.31 under Minnesota Statutes, section 115A.152;  
10.32 technical assistance under Minnesota  
10.33 Statutes, section 115A.52; and pollution  
10.34 prevention assistance under Minnesota

11.1 Statutes, section 115D.04, are available until  
 11.2 June 30, 2013.

11.3 Before the governor makes budget  
 11.4 recommendations to the legislature in 2011,  
 11.5 the commissioner must report on revenues  
 11.6 received and expenditures made under  
 11.7 Minnesota Statutes, section 115A.1314,  
 11.8 subdivision 2, during fiscal years 2010  
 11.9 and 2011 to determine if fees collected are  
 11.10 covering the costs of the program.

11.11 **Subd. 6. Administrative Support** 1,394,000 1,394,000

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>1,394,000</u>	<u>1,394,000</u>

11.15 The commissioner may transfer money from  
 11.16 the environmental fund to the remediation  
 11.17 fund as necessary for the purposes of the  
 11.18 remediation fund under Minnesota Statutes,  
 11.19 section 116.155, subdivision 2.

11.20 **Sec. 4. NATURAL RESOURCES**

11.21 **Subdivision 1. Total Appropriation** **\$ 246,232,000 \$ 244,982,000**

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>75,980,000</u>	<u>75,980,000</u>
<u>Natural Resources</u>	<u>76,010,000</u>	<u>74,910,000</u>
<u>Game and Fish</u>	<u>93,942,000</u>	<u>93,792,000</u>
<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

11.29 The amounts that may be spent for each  
 11.30 purpose are specified in the following  
 11.31 subdivisions.

11.32 To the extent possible, any restoration  
 11.33 conducted with money appropriated in this  
 11.34 section must plant vegetation or sow seed  
 11.35 only of ecotypes native to Minnesota, and

12.1 preferably of the local ecotype, using a high  
 12.2 diversity of species originating from as  
 12.3 close to the restoration site as possible, and  
 12.4 protect existing native prairies from genetic  
 12.5 contamination.

12.6 The commissioner shall require the chief  
 12.7 financial officer or other financial staff  
 12.8 to display the department's budget on the  
 12.9 department's Web site in a manner that will  
 12.10 allow citizens to easily understand the value  
 12.11 they are getting for their money.

12.12 **Subd. 2. Land and Mineral Resources**  
 12.13 **Management**

10,398,000                      10,398,000

<u>Appropriations by Fund</u>			
12.14	<u>General</u>	<u>3,351,000</u>	<u>3,351,000</u>
12.15	<u>Natural Resources</u>	<u>5,461,000</u>	<u>5,461,000</u>
12.16	<u>Game and Fish</u>	<u>1,386,000</u>	<u>1,386,000</u>
12.17	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

12.19 \$1,202,000 the first year and \$1,202,000  
 12.20 the second year are from the mining  
 12.21 administration account in the natural  
 12.22 resources fund to cover the costs associated  
 12.23 with issuing mining permits.

12.24 \$612,000 each year is from the dedicated  
 12.25 receipts account in the natural resources fund  
 12.26 to cover the costs associated with issuing  
 12.27 licenses for land and water crossings and  
 12.28 road easements.

12.29 \$351,000 the first year and \$351,000 the  
 12.30 second year are for iron ore cooperative  
 12.31 research. Of this amount, \$200,000 each year  
 12.32 is from the minerals management account  
 12.33 in the natural resources fund. \$175,500 the  
 12.34 first year and \$175,500 the second year are  
 12.35 available only as matched by \$1 of nonstate

13.1	<u>money for each \$1 of state money. The</u>		
13.2	<u>match may be cash or in-kind.</u>		
13.3	<u>\$86,000 the first year and \$86,000 the</u>		
13.4	<u>second year are for minerals cooperative</u>		
13.5	<u>environmental research, of which \$43,000</u>		
13.6	<u>the first year and \$43,000 the second year are</u>		
13.7	<u>available only as matched by \$1 of nonstate</u>		
13.8	<u>money for each \$1 of state money. The</u>		
13.9	<u>match may be cash or in-kind.</u>		
13.10	<u>\$2,696,000 the first year and \$2,696,000</u>		
13.11	<u>the second year are from the minerals</u>		
13.12	<u>management account in the natural resources</u>		
13.13	<u>fund for use as provided in Minnesota</u>		
13.14	<u>Statutes, section 93.2236, paragraph (c),</u>		
13.15	<u>for mineral resource management, projects</u>		
13.16	<u>to enhance future mineral income, and</u>		
13.17	<u>projects to promote new mineral resource</u>		
13.18	<u>opportunities.</u>		
13.19	<u>\$200,000 the first year and \$200,000 the</u>		
13.20	<u>second year are from the state forest suspense</u>		
13.21	<u>account in the permanent school fund to</u>		
13.22	<u>accelerate land exchanges, land sales, and</u>		
13.23	<u>commercial leasing of school trust lands and</u>		
13.24	<u>to identify, evaluate, and lease construction</u>		
13.25	<u>aggregate located on school trust lands. This</u>		
13.26	<u>appropriation is to be used for securing</u>		
13.27	<u>maximum long-term economic return</u>		
13.28	<u>from the school trust lands consistent with</u>		
13.29	<u>fiduciary responsibilities and sound natural</u>		
13.30	<u>resources conservation and management</u>		
13.31	<u>principles.</u>		
13.32	<b>Subd. 3. <u>Water Resources Management</u></b>	<u>11,772,000</u>	<u>11,772,000</u>
13.33	<u>Appropriations by Fund</u>		
13.34	<u>General</u>	<u>11,492,000</u>	<u>11,492,000</u>
13.35	<u>Natural Resources</u>	<u>280,000</u>	<u>280,000</u>

14.1 \$11,109,000 the first year and \$11,109,000  
14.2 the second year are for:

14.3 (1) public waters protection by managing  
14.4 and regulating activities through floodplain  
14.5 management, shoreland management,  
14.6 public waters permitting, and outreach and  
14.7 education;

14.8 (2) water supply management by ensuring  
14.9 appropriate sources of water are available for  
14.10 current and future generations through water  
14.11 appropriation permitting, public water supply  
14.12 planning, and water use reporting; and

14.13 (3) hydrologic information that supports  
14.14 decision making by providing technical  
14.15 services through technical surface water  
14.16 and groundwater studies, dam safety and  
14.17 maintenance, regional hydrogeologic  
14.18 assessments, lake level monitoring, stream  
14.19 flow monitoring, ground water monitoring,  
14.20 surveying, climatology, and environmental  
14.21 review.

14.22 By January 15, 2010, the commissioner  
14.23 shall submit a report evaluating and  
14.24 recommending options to provide for the  
14.25 long-term protection of the state's surface  
14.26 water and groundwater resources and  
14.27 the funding of programs to provide this  
14.28 protection.

14.29 \$280,000 the first year and \$280,000 the  
14.30 second year are for grants for up to 50  
14.31 percent of the cost of implementation of  
14.32 the Red River mediation agreement. The  
14.33 commissioner shall submit a report to the  
14.34 chairs of the legislative committees having  
14.35 primary jurisdiction over environment and

15.1 natural resources policy and finance on the  
 15.2 accomplishments achieved with the grants  
 15.3 by January 15, 2012.  
 15.4 \$103,000 the first year and \$103,000  
 15.5 the second year are to assist the Red  
 15.6 River Watershed Management Board and  
 15.7 watershed districts in constructing flood  
 15.8 protection farmstead ring levees in the Red  
 15.9 River watershed. If the appropriation for  
 15.10 either year is insufficient, the appropriation  
 15.11 for the other year is available for it.  
 15.12 By October 1, 2009, the commissioner shall  
 15.13 develop a plan for the development of an  
 15.14 adequate groundwater level monitoring  
 15.15 network of wells in the 11-county  
 15.16 metropolitan area. The commissioner,  
 15.17 working with the Metropolitan Council and  
 15.18 the commissioner of the Pollution Control  
 15.19 Agency, shall design the network so that  
 15.20 the wells can be used to identify threats to  
 15.21 groundwater quality and institute practices to  
 15.22 protect the groundwater from degradation.  
 15.23 The network must be sufficient to ensure  
 15.24 that water use in the metropolitan area  
 15.25 does not harm ecosystems, degrade water  
 15.26 quality, or compromise the ability of future  
 15.27 generations to meet their own needs. The  
 15.28 plan should include recommendations on  
 15.29 the necessary payment rates for users of the  
 15.30 system expressed in cents per gallon for well  
 15.31 drilling, operation, and maintenance.

15.32 **Subd. 4. Forest Management** 39,359,000 38,259,000

15.33	<u>Appropriations by Fund</u>		
15.34	<u>General</u>	<u>25,952,000</u>	<u>25,952,000</u>
15.35	<u>Natural Resources</u>	<u>12,193,000</u>	<u>11,093,000</u>
15.36	<u>Game and Fish</u>	<u>1,214,000</u>	<u>1,214,000</u>

16.1 \$2,000,000 each year is to maintain forest  
16.2 management operations. This is a onetime  
16.3 appropriation.

16.4 \$500,000 the first year and \$500,000 the  
16.5 second year are reductions in the private  
16.6 forest landowner assistance program.

16.7 \$950,000 the first year and \$950,000  
16.8 the second year are from the heritage  
16.9 enhancement account in the game and fish  
16.10 fund to maintain and expand the ecological  
16.11 classification system program on state forest  
16.12 lands and prevent the introduction and spread  
16.13 of invasive species on state lands. This is a  
16.14 onetime appropriation.

16.15 \$7,217,000 the first year and \$7,217,000  
16.16 the second year are for prevention,  
16.17 presuppression, and suppression costs of  
16.18 emergency firefighting and other costs  
16.19 incurred under Minnesota Statutes, section  
16.20 88.12. If the appropriation for either  
16.21 year is insufficient to cover all costs of  
16.22 presuppression and suppression, the amount  
16.23 necessary to pay for these costs during the  
16.24 biennium is appropriated from the general  
16.25 fund.

16.26 By November 15 of each year, the  
16.27 commissioner of natural resources shall  
16.28 submit a report to the chairs of the house  
16.29 and senate committees and divisions having  
16.30 jurisdiction over environment and natural  
16.31 resources finance, identifying all firefighting  
16.32 costs incurred and reimbursements received  
16.33 in the prior fiscal year. These appropriations  
16.34 may not be transferred. Any reimbursement  
16.35 of firefighting expenditures made to the

17.1 commissioner from any source other than  
 17.2 federal mobilizations shall be deposited into  
 17.3 the general fund.

17.4 \$12,193,000 the first year and \$11,093,000  
 17.5 the second year are from the forest  
 17.6 management investment account in the  
 17.7 natural resources fund for only the purposes  
 17.8 specified in Minnesota Statutes, section  
 17.9 89.039, subdivision 2.

17.10 \$780,000 the first year and \$780,000 the  
 17.11 second year are for the Forest Resources  
 17.12 Council for implementation of the  
 17.13 Sustainable Forest Resources Act.

17.14	<b><u>Subd. 5. Parks and Trails Management</u></b>	<u>68,322,000</u>	<u>68,322,000</u>
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17.15	<u>Appropriations by Fund</u>		
17.16	<u>General</u>	<u>23,207,000</u>	<u>23,207,000</u>
17.17	<u>Natural Resources</u>	<u>42,921,000</u>	<u>42,921,000</u>
17.18	<u>Game and Fish</u>	<u>2,194,000</u>	<u>2,194,000</u>

17.19 \$1,400,000 the first year and \$1,400,000 the  
 17.20 second year are from the water recreation  
 17.21 account in the natural resources fund for  
 17.22 enhancing public water access facilities.

17.23 Of this amount, \$100,000 is a onetime  
 17.24 appropriation to provide downloadable  
 17.25 GPS coordinates and river gauge data  
 17.26 interpretation. The base appropriation is  
 17.27 \$1,300,000.

17.28 The appropriation in Laws 2003, chapter  
 17.29 128, article 1, section 5, subdivision 6, from  
 17.30 the water recreation account in the natural  
 17.31 resources fund for a cooperative project with  
 17.32 the United States Army Corps of Engineers  
 17.33 to develop the Mississippi Whitewater Park  
 17.34 is available until June 30, 2011. The project

18.1 must be designed to prevent the spread of  
18.2 aquatic invasive species.

18.3 \$3,996,000 the first year and \$3,996,000 the  
18.4 second year are from the natural resources  
18.5 fund for state park and recreation area  
18.6 operations. This appropriation is from the  
18.7 revenue deposited in the natural resources  
18.8 fund under Minnesota Statutes, section  
18.9 297A.94, paragraph (e), clause (2).

18.10 \$8,624,000 the first year and \$8,624,000  
18.11 the second year are from the snowmobile  
18.12 trails and enforcement account in the  
18.13 natural resources fund for the snowmobile  
18.14 grants-in-aid program. This additional  
18.15 money may be used for new grant-in-aid  
18.16 trails. Any unencumbered balance does not  
18.17 cancel at the end of the first year and is  
18.18 available for the second year.

18.19 \$1,360,000 the first year and \$1,360,000  
18.20 the second year are from the natural  
18.21 resources fund for the off-highway vehicle  
18.22 grants-in-aid program. Of this amount,  
18.23 \$1,110,000 each year is from the all-terrain  
18.24 vehicle account; \$150,000 each year is from  
18.25 the off-highway motorcycle account; and  
18.26 \$100,000 each year is from the off-road  
18.27 vehicle account. Any unencumbered balance  
18.28 does not cancel at the end of the first year  
18.29 and is available for the second year.

18.30 \$760,000 the first year and \$760,000 the  
18.31 second year are from the natural resources  
18.32 fund for state trail operations. This  
18.33 appropriation is from the revenue deposited  
18.34 in the natural resources fund under Minnesota

19.1 Statutes, section 297A.94, paragraph (e),  
 19.2 clause (2).

19.3 Subd. 6. **Fish and Wildlife Management** 68,557,000 68,407,000

19.4	<u>Appropriations by Fund</u>		
19.5	<u>General</u>	<u>2,323,000</u>	<u>2,323,000</u>
19.6	<u>Natural Resources</u>	<u>2,096,000</u>	<u>2,096,000</u>
19.7	<u>Game and Fish</u>	<u>64,138,000</u>	<u>63,988,000</u>

19.8 \$220,000 the first year and \$220,000 the  
 19.9 second year are from the nongame wildlife  
 19.10 account in the natural resources fund for gray  
 19.11 wolf management and research.

19.12 \$285,000 the first year and \$285,000 the  
 19.13 second year are from the walleye stamp  
 19.14 account in the game and fish fund for the  
 19.15 purposes specified under Minnesota Statutes,  
 19.16 section 97A.075, subdivision 6.

19.17 \$600,000 the first year and \$600,000 the  
 19.18 second year are to accelerate wildlife health  
 19.19 programs. This is a onetime appropriation.

19.20 \$1,860,000 the first year and \$1,860,000 the  
 19.21 second year are from the wildlife acquisition  
 19.22 surcharge account for only the purposes  
 19.23 specified in Minnesota Statutes, section  
 19.24 97A.071, subdivision 2a. This appropriation  
 19.25 is available until spent.

19.26 \$8,167,000 the first year and \$8,167,000  
 19.27 the second year are from the heritage  
 19.28 enhancement account in the game and  
 19.29 fish fund only for activities specified in  
 19.30 Minnesota Statutes, section 297A.94,  
 19.31 paragraph (e), clause (1). Of this amount, at  
 19.32 least 80 percent must be used to purchase  
 19.33 or restore land, and of this, over half must  
 19.34 be used for restoration. Notwithstanding  
 19.35 Minnesota Statutes, section 297A.94, five

20.1 percent of this appropriation may be used for  
20.2 expanding hunter and angler recruitment and  
20.3 retention. This appropriation may be used to  
20.4 leverage other funds and to provide fish and  
20.5 wildlife technical assistance for shallow lake  
20.6 management and restoration and stream and  
20.7 lake shoreland and habitat improvement and  
20.8 maintenance on private lands.

20.9 Notwithstanding Minnesota Statutes, section  
20.10 84.943, \$13,000 the first year and \$13,000  
20.11 the second year from the critical habitat  
20.12 private sector matching account may be used  
20.13 to publicize the critical habitat license plate  
20.14 match program.

20.15 \$830,000 the first year and \$830,000 the  
20.16 second year are from the trout and salmon  
20.17 management account for only the purposes  
20.18 specified in Minnesota Statutes, section  
20.19 97A.075, subdivision 3.

20.20 \$1,553,000 the first year and \$1,553,000  
20.21 the second year are from the deer habitat  
20.22 improvement account for only the purposes  
20.23 specified in Minnesota Statutes, section  
20.24 97A.075, subdivision 1, paragraph (b).

20.25 \$890,000 the first year and \$890,000 the  
20.26 second year are from the deer and bear  
20.27 management account for only the purposes  
20.28 specified in Minnesota Statutes, section  
20.29 97A.075, subdivision 1, paragraph (c).

20.30 \$700,000 the first year and \$700,000 the  
20.31 second year are from the waterfowl habitat  
20.32 improvement account for only the purposes  
20.33 specified in Minnesota Statutes, section  
20.34 97A.075, subdivision 2.

21.1 \$925,000 the first year and \$925,000 the  
 21.2 second year are from the pheasant habitat  
 21.3 improvement account for only the purposes  
 21.4 specified in Minnesota Statutes, section  
 21.5 97A.075, subdivision 4.

21.6 \$192,000 the first year and \$192,000 the  
 21.7 second year are from the wild turkey  
 21.8 management account for only the purposes  
 21.9 specified in Minnesota Statutes, section  
 21.10 97A.075, subdivision 5. Of this amount,  
 21.11 \$8,000 the first year and \$8,000 the second  
 21.12 year are appropriated from the game and  
 21.13 fish fund for transfer to the wild turkey  
 21.14 management account for purposes specified  
 21.15 in Minnesota Statutes, section 97A.075,  
 21.16 subdivision 5.

21.17 Notwithstanding Minnesota Statutes, section  
 21.18 16A.28, the appropriations encumbered  
 21.19 under contract on or before June 30, 2011, for  
 21.20 aquatic restoration grants and wildlife habitat  
 21.21 grants are available until June 30, 2012.

21.22 **Subd. 7. Ecological Services** 14,475,000 14,475,000

21.23	<u>Appropriations by Fund</u>		
21.24	<u>General</u>	<u>6,530,000</u>	<u>6,530,000</u>
21.25	<u>Natural Resources</u>	<u>3,994,000</u>	<u>3,994,000</u>
21.26	<u>Game and Fish</u>	<u>3,951,000</u>	<u>3,951,000</u>

21.27 \$1,223,000 the first year and \$1,223,000 the  
 21.28 second year are from the nongame wildlife  
 21.29 management account in the natural resources  
 21.30 fund for the purpose of nongame wildlife  
 21.31 management. Notwithstanding Minnesota  
 21.32 Statutes, section 290.431, \$100,000 the first  
 21.33 year and \$100,000 the second year may be  
 21.34 used for nongame information, education,  
 21.35 and promotion.

- 22.1 \$1,636,000 the first year and \$1,636,000  
 22.2 the second year are from the heritage  
 22.3 enhancement account in the game and  
 22.4 fish fund for only the purposes specified  
 22.5 in Minnesota Statutes, section 297A.94,  
 22.6 paragraph (e), clause (1).
- 22.7 \$2,142,000 the first year and \$2,142,000  
 22.8 the second year are from the invasive  
 22.9 species account and \$500,000 each year is  
 22.10 appropriated from the game and fish fund to  
 22.11 the invasive species account for management,  
 22.12 public awareness, assessment and monitoring  
 22.13 research, law enforcement, and water access  
 22.14 inspection to prevent the spread of invasive  
 22.15 species; management of invasive plants in  
 22.16 public waters; and management of terrestrial  
 22.17 invasive species on state-administered lands.
- 22.18 Funds from this appropriation may not be  
 22.19 used to purchase or use pesticides suspected  
 22.20 of being endocrine disruptors.
- 22.21 **Subd. 8. Enforcement** 31,519,000 31,519,000
- 22.22 Appropriations by Fund
- |                                |                   |                   |  |
|--------------------------------|-------------------|-------------------|--|
| 22.23 <u>General</u>           | <u>2,918,000</u>  | <u>2,918,000</u>  |  |
| 22.24 <u>Natural Resources</u> | <u>8,531,000</u>  | <u>8,531,000</u>  |  |
| 22.25 <u>Game and Fish</u>     | <u>19,970,000</u> | <u>19,970,000</u> |  |
| 22.26 <u>Remediation</u>       | <u>100,000</u>    | <u>100,000</u>    |  |
- 22.27 \$1,082,000 the first year and \$1,082,000 the  
 22.28 second year are from the water recreation  
 22.29 account in the natural resources fund for  
 22.30 grants to counties for boat and water safety.
- 22.31 \$315,000 the first year and \$315,000 the  
 22.32 second year are from the snowmobile  
 22.33 trails and enforcement account in the  
 22.34 natural resources fund for grants to local  
 22.35 law enforcement agencies for snowmobile  
 22.36 enforcement activities.

23.1 \$1,164,000 the first year and \$1,164,000  
 23.2 the second year are from the heritage  
 23.3 enhancement account in the game and  
 23.4 fish fund for only the purposes specified  
 23.5 in Minnesota Statutes, section 297A.94,  
 23.6 paragraph (e), clause (1).

23.7 \$510,000 the first year and \$510,000  
 23.8 the second year are from the natural  
 23.9 resources fund for grants to county law  
 23.10 enforcement agencies for off-highway  
 23.11 vehicle enforcement and public education  
 23.12 activities based on off-highway vehicle use  
 23.13 in the county. Of this amount, \$498,000 each  
 23.14 year is from the all-terrain vehicle account;  
 23.15 \$11,000 each year is from the off-highway  
 23.16 motorcycle account; and \$1,000 each year  
 23.17 is from the off-road vehicle account. The  
 23.18 county enforcement agencies may use  
 23.19 money received under this appropriation  
 23.20 to make grants to other local enforcement  
 23.21 agencies within the county that have a high  
 23.22 concentration of off-highway vehicle use. Of  
 23.23 this appropriation, \$25,000 each year is for  
 23.24 administration of these grants.

23.25 **Subd. 9. Operations Support** 1,830,000 1,830,000

23.26	<u>Appropriations by Fund</u>	
23.27 <u>General</u>	<u>207,000</u>	<u>207,000</u>
23.28 <u>Natural Resources</u>	<u>534,000</u>	<u>534,000</u>
23.29 <u>Game and Fish</u>	<u>1,089,000</u>	<u>1,089,000</u>

23.30 The commissioner may redirect the general  
 23.31 fund reduction of \$1,933,000 in fiscal year  
 23.32 2010 and \$1,933,000 in fiscal year 2011, to  
 23.33 other subdivisions of this section. No grants  
 23.34 may be reduced. The commissioner shall  
 23.35 report by October 1, 2011, to the chairs of  
 23.36 the legislative committees having primary

24.1 jurisdiction over environment and natural  
 24.2 resources policy and finance regarding any  
 24.3 redirection and what department outcomes  
 24.4 were affected by the redirection.  
 24.5 \$320,000 the first year and \$320,000 the  
 24.6 second year are from the natural resources  
 24.7 fund for grants to be divided equally between  
 24.8 the city of St. Paul for the Como Zoo  
 24.9 and Conservatory and the city of Duluth  
 24.10 for the Duluth Zoo. This appropriation  
 24.11 is from the revenue deposited to the fund  
 24.12 under Minnesota Statutes, section 297A.94,  
 24.13 paragraph (e), clause (5).

24.14 **Sec. 5. BOARD OF WATER AND SOIL**  
 24.15 **RESOURCES** **\$ 16,693,000 \$ 16,418,000**

24.16	<u>Appropriations by Fund</u>		
24.17		<u>2010</u>	<u>2011</u>
24.18	<u>General</u>	<u>16,493,000</u>	<u>16,218,000</u>
24.19	<u>Miscellaneous</u>		
24.20	<u>Special Revenue</u>	<u>200,000</u>	<u>200,000</u>

24.21 \$3,856,000 the first year and \$3,856,000 the  
 24.22 second year are for natural resources block  
 24.23 grants to local governments. The board may  
 24.24 reduce the amount of the natural resources  
 24.25 block grant to a county by an amount equal to  
 24.26 any reduction in the county's general services  
 24.27 allocation to a soil and water conservation  
 24.28 district from the county's previous year  
 24.29 allocation when the board determines that  
 24.30 the reduction was disproportionate. Grants  
 24.31 must be matched with a combination of local  
 24.32 cash or in-kind contributions. The base  
 24.33 grant portion related to water planning must  
 24.34 be matched by an amount as specified by  
 24.35 Minnesota Statutes, section 103B.3369.

25.1 \$3,506,000 the first year and \$3,506,000  
25.2 the second year are for grants requested  
25.3 by soil and water conservation districts for  
25.4 general purposes, nonpoint engineering,  
25.5 and implementation of the reinvest in  
25.6 Minnesota conservation reserve program.  
25.7 Upon approval of the board, expenditures  
25.8 may be made from these appropriations for  
25.9 supplies and services benefiting soil and  
25.10 water conservation districts. Any district  
25.11 requesting a grant under this paragraph shall  
25.12 maintain a Web page that publishes, at a  
25.13 minimum, its annual plan, annual report,  
25.14 annual audit, and annual budget, including  
25.15 membership dues and meeting notices and  
25.16 minutes.

25.17 \$500,000 the first year and \$500,00 the  
25.18 second year are for feedlot water quality  
25.19 grants for feedlots under 300 animal units  
25.20 where there are impaired waters.

25.21 \$1,169,000 the first year and \$1,169,000  
25.22 the second year are for grants to soil and  
25.23 water conservation districts for cost-sharing  
25.24 contracts for erosion control and related  
25.25 water quality management.

25.26 \$1,200,000 the first year and \$1,200,000 the  
25.27 second year are for grants for cost sharing  
25.28 contracts to establish and maintain vegetation  
25.29 buffers and restored native prairie.

25.30 \$200,000 the first year and \$200,000  
25.31 the second year are available for county  
25.32 cooperative weed management programs and  
25.33 to restore native plants in selected invasive  
25.34 species management sites by providing  
25.35 local native seeds and plants to landowners

26.1 for implementation. This appropriation is  
26.2 available until expended. If the appropriation  
26.3 in either year is insufficient, the appropriation  
26.4 in the other year is available for it. Any  
26.5 unencumbered balance in the board's  
26.6 program of grants does not cancel at the  
26.7 end of the first year and is available for the  
26.8 second year for the same grant program.  
26.9 Notwithstanding Minnesota Statutes, section  
26.10 103C.501, a balance in the board's cost-share  
26.11 program is available for \$150,000 each year  
26.12 for evaluating and reporting on performance,  
26.13 financial, and activity information of local  
26.14 water management entities as provided for  
26.15 in Minnesota Statutes, section 103B.102.  
26.16 Notwithstanding Minnesota Statutes, section  
26.17 103C.501, the board may shift cost-share  
26.18 funds in this section and may adjust the  
26.19 technical and administrative assistance  
26.20 portion of the grant funds to leverage  
26.21 federal or other nonstate funds or to address  
26.22 high-priority needs identified in local water  
26.23 management plans.  
26.24 \$500,000 the first year and \$500,000 the  
26.25 second year are for implementation and  
26.26 enforcement of the Wetland Conservation  
26.27 Act. The board must make available  
26.28 information about these activities on the  
26.29 board's Web site.  
26.30 \$60,000 each year is for staff to monitor and  
26.31 enforce wetland replacement, wetland bank  
26.32 sites, and the Wetland Conservation Act. The  
26.33 board must include in its biennial report to  
26.34 the legislature information on all state and  
26.35 local units of government, including special  
26.36 purpose districts and impacts on wetlands

27.1 in the state. This information must be made  
27.2 available on the board's Web site.

27.3 \$340,000 the first year and \$340,000 the  
27.4 second year are for cost-share grants to local  
27.5 governments for public drainage records  
27.6 modernization.

27.7 \$212,000 in each year is to provide assistance  
27.8 to local drainage management officials and  
27.9 for the costs of the Drainage Work Group.

27.10 \$90,000 the first year and \$90,000 the second  
27.11 year are for a grant to the Red River Basin  
27.12 Commission for water quality and floodplain  
27.13 management, including administration of  
27.14 programs. The commission shall submit  
27.15 a report to the chairs of the legislative  
27.16 committees having primary jurisdiction  
27.17 over environment and natural resources  
27.18 policy and finance on the accomplishments  
27.19 achieved with this appropriation by January  
27.20 15, 2012. If the appropriation in either year  
27.21 is insufficient, the appropriation in the other  
27.22 year is available for it.

27.23 \$90,000 each year is to the Minnesota River  
27.24 Basin Joint Powers Board, also known as  
27.25 the Minnesota River Board, for operating  
27.26 expenses to measure and report the results of  
27.27 projects in the 12 major watersheds within  
27.28 the Minnesota River basin. This amount  
27.29 may be matched by nonstate funds. The  
27.30 board shall submit a report to the chairs of  
27.31 the legislative committees with jurisdiction  
27.32 over environment and natural resources  
27.33 policy and finance on a plan to transition to  
27.34 self-sufficiency.

28.1 \$136,000 the first year and \$136,000  
 28.2 the second year are for a grant to Area  
 28.3 II, Minnesota River Basin Projects,  
 28.4 for floodplain management, including  
 28.5 administration of programs.

28.6 The appropriations for grants in this  
 28.7 section are available until expended. If an  
 28.8 appropriation for grants in either year is  
 28.9 insufficient, the appropriation in the other  
 28.10 year is available for it.

28.11 To the extent possible, any restoration  
 28.12 conducted with money appropriated in this  
 28.13 section must plant vegetation or sow seed  
 28.14 only of ecotypes native to Minnesota, and  
 28.15 preferably of the local ecotype, using a high  
 28.16 diversity of species originating from as  
 28.17 close to the restoration site as possible, and  
 28.18 protect existing native prairies from genetic  
 28.19 contamination.

28.20 The board shall require the chief financial  
 28.21 officer or other financial staff to display the  
 28.22 board's budget on the board's Web site in  
 28.23 a manner that will allow citizens to easily  
 28.24 understand the value they are getting for their  
 28.25 money.

28.26 **Sec. 6. METROPOLITAN COUNCIL                    \$            8,377,000 \$            8,377,000**

28.27	<u>Appropriations by Fund</u>		
28.28		<u>2010</u>	<u>2011</u>
28.29	<u>General</u>	<u>3,807,000</u>	<u>3,807,000</u>
28.30	<u>Natural Resources</u>	<u>4,570,000</u>	<u>4,570,000</u>

28.31 \$3,807,000 the first year and \$3,807,000  
 28.32 the second year are for metropolitan area  
 28.33 regional parks operation and maintenance  
 28.34 according to Minnesota Statutes, section  
 28.35 473.351.

29.1 \$4,570,000 the first year and \$4,570,000 the  
 29.2 second year are from the natural resources  
 29.3 fund for metropolitan area regional parks  
 29.4 and trails maintenance and operations. This  
 29.5 appropriation is from the revenue deposited  
 29.6 in the natural resources fund under Minnesota  
 29.7 Statutes, section 297A.94, paragraph (e),  
 29.8 clause (3).

29.9 **Sec. 7. MINNESOTA CONSERVATION**  
 29.10 **CORPS** **\$ 965,000 \$ 965,000**

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
29.11 <u>General</u>	<u>475,000</u>	<u>475,000</u>
29.12 <u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

29.13 The Minnesota Conservation Corps may  
 29.14 receive money appropriated from the  
 29.15 natural resources fund under this section  
 29.16 only as provided in an agreement with the  
 29.17 commissioner of natural resources.

29.18 Sec. 8. Minnesota Statutes 2008, section 84.0835, subdivision 3, is amended to read:

29.19 Subd. 3. **Citation authority.** Employees designated by the commissioner under  
 29.20 subdivision 1 may issue citations, as specifically authorized under this subdivision, for  
 29.21 violations of:

29.22 (1) sections 85.052, subdivision 3 (payment of camping fees in state parks),  
 29.23 85.45, subdivision 1 (cross-country ski pass), ~~and~~ 85.46 (horse trail pass), and 84.9275  
 29.24 (nonresident all-terrain vehicle state trail pass);

29.25 (2) rules relating to hours and days of operation, restricted areas, noise, fireworks,  
 29.26 environmental protection, fires and refuse, pets, picnicking, camping and dispersed  
 29.27 camping, nonmotorized uses, construction of unauthorized permanent trails, mooring of  
 29.28 boats, fish cleaning, swimming, storage and abandonment of personal property, structures  
 29.29 and stands, animal trespass, state park individual and group motor vehicle permits,  
 29.30 licensed motor vehicles, designated roads, and snowmobile operation off trails;

29.31 (3) rules relating to off-highway vehicle registration, display of registration numbers,  
 29.32 required equipment, operation restrictions, off-trail use for hunting and trapping, and  
 29.33 operation in lakes, rivers, and streams;

30.1 (4) rules relating to off-highway vehicle and snowmobile operation causing damage  
30.2 or in closed areas within the Richard J. Dorer Memorial Hardwood State Forest;

30.3 (5) rules relating to parking, snow removal, and damage on state forest roads; and

30.4 (6) rules relating to controlled hunting zones on major wildlife management units.

30.5 **EFFECTIVE DATE.** This section is effective January 1, 2010.

30.6 Sec. 9. **[84.0854] GIFT CARD AND CERTIFICATE SALES; RECEIPTS;**  
30.7 **TRANSFERS; APPROPRIATION.**

30.8 Subdivision 1. **Sales authorized; gift cards and certificates.** The commissioner  
30.9 may sell gift cards and certificates that can be used to purchase licenses, permits, products,  
30.10 or services sold by the commissioner. Gift cards and certificates are valid until they are  
30.11 redeemed. The commissioner may advertise the availability of this program and items  
30.12 offered for sale under this section.

30.13 Subd. 2. **Receipts; disposition.** Proceeds of gift card and certificate sales shall be  
30.14 deposited in an account in the special revenue fund. When gift cards or certificates are  
30.15 redeemed, funds shall be transferred to the appropriate account or fund based on the  
30.16 license, permit, product, or service purchased. Money in the gift card and certificate  
30.17 account shall accrue interest, which shall be credited to the account. Interest on funds in  
30.18 the account is appropriated to the commissioner to help cover the cost of administering  
30.19 the gift card and certificate program. Money from gift cards and certificates sold but  
30.20 unredeemed after three years shall be transferred to the various accounts and funds  
30.21 receiving revenue from purchases of licenses, permits, products, or services purchased  
30.22 with gift card or certificate redemptions in the last two fiscal years. Funds shall be  
30.23 distributed based on the dollar value of cards redeemed for the various licenses, permits,  
30.24 products, or services on a pro rata basis.

30.25 Subd. 3. **Exemption from rulemaking.** This section is not subject to the  
30.26 rulemaking provisions of chapter 14 and section 14.386 does not apply.

30.27 Sec. 10. Minnesota Statutes 2008, section 84.415, subdivision 5, is amended to read:

30.28 Subd. 5. **Fee Fees; disposition.** (a) In the event the construction of such lines causes  
30.29 damage to timber or other property of the state on or along the same, the license or permit  
30.30 shall also provide for payment to the commissioner of finance of the amount thereof as  
30.31 may be determined by the commissioner.

30.32 (b) The application fee specified in Minnesota Rules, chapter 6135, is credited  
30.33 to the general fund.

31.1 ~~All money received under such licenses or permits~~ (c) The utility crossing fees  
31.2 specified in Minnesota Rules, chapter 6135, shall be credited to the fund to which other  
31.3 income or proceeds of sale from such land would be credited, if provision therefor be  
31.4 made by law, otherwise to the general fund.

31.5 (d) Money received under subdivision 6 must be deposited in the land management  
31.6 account in the natural resources fund. Money in the land management account of the  
31.7 natural resources fund is appropriated to the commissioner of natural resources to cover  
31.8 the costs incurred for issuing and monitoring utility licenses.

31.9 Sec. 11. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision  
31.10 to read:

31.11 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to  
31.12 the application fee and utility crossing fees specified in Minnesota Rules, chapter 6135,  
31.13 the commissioner of natural resources shall assess the applicant for a utility license the  
31.14 following fees:

31.15 (1) a supplemental application fee of \$1,500 for a public water crossing license and  
31.16 a supplemental application fee of \$4,500 for a public lands crossing license, to cover  
31.17 reasonable costs for reviewing the application and preparing the license; and

31.18 (2) a monitoring fee to cover the projected reasonable costs for monitoring the  
31.19 construction of the utility line and preparing special terms and conditions of the license  
31.20 to ensure proper construction. The commissioner must give the applicant an estimate of  
31.21 the monitoring fee before the applicant submits the fee.

31.22 (b) The applicant shall pay fees under this subdivision to the commissioner of  
31.23 natural resources. The commissioner shall not issue the license until the applicant has  
31.24 paid all fees in full.

31.25 (c) Upon completion of construction, the commissioner shall refund any remaining  
31.26 balance left between the fee assessed for monitoring and the amount used by the  
31.27 commissioner in monitoring the construction of the utility line. The commissioner shall  
31.28 not return the application fees, even if the application is withdrawn or denied.

31.29 Sec. 12. Minnesota Statutes 2008, section 84.63, is amended to read:

31.30 **84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND**  
31.31 **FEDERAL GOVERNMENTS.**

31.32 (a) Notwithstanding any existing law to the contrary, the commissioner of natural  
31.33 resources is hereby authorized on behalf of the state to convey to the United States  
31.34 or to the state of Minnesota or any of its subdivisions, upon state-owned lands under

32.1 the administration of the commissioner of natural resources, permanent or temporary  
32.2 easements for specified periods or otherwise for trails, highways, roads including  
32.3 limitation of right of access from the lands to adjacent highways and roads, flowage for  
32.4 development of fish and game resources, stream protection, flood control, and necessary  
32.5 appurtenances thereto, such conveyances to be made upon such terms and conditions  
32.6 including provision for reversion in the event of non-user as the commissioner of natural  
32.7 resources may determine.

32.8 (b) In addition to the fee for the market value of the easement, the commissioner of  
32.9 natural resources shall assess the applicant the following fees:

32.10 (1) an application fee of \$2,000 to cover reasonable costs for reviewing the  
32.11 application and preparing the easement; and

32.12 (2) a monitoring fee to cover the projected reasonable costs for monitoring the  
32.13 construction of the easement and preparing special terms and conditions for the easement.

32.14 The commissioner must give the applicant an estimate of the monitoring fee before the  
32.15 applicant submits the fee.

32.16 (c) The applicant shall pay these fees to the commissioner of natural resources.  
32.17 The commissioner shall not issue the easement until the applicant has paid in full the  
32.18 application fee, the monitoring fee, and the market value payment for the easement.

32.19 (d) Upon completion of construction, the commissioner shall refund any remaining  
32.20 balance left between the monitoring fee assessed and the amount used by the commissioner  
32.21 in monitoring the construction of the easement. The commissioner shall not return the  
32.22 application fee, even if the application is withdrawn or denied.

32.23 (e) Money received under paragraph (b) must be deposited in the land management  
32.24 account in the natural resources fund. Money in the land management account of the  
32.25 natural resources fund is appropriated to the commissioner of natural resources to cover  
32.26 the reasonable costs incurred for issuing and monitoring easements.

32.27 Sec. 13. Minnesota Statutes 2008, section 84.631, is amended to read:

32.28 **84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

32.29 (a) Except as provided in section 85.015, subdivision 1b, the commissioner, on  
32.30 behalf of the state, may convey a road easement across state land under the commissioner's  
32.31 jurisdiction other than school trust land, to a private person requesting an easement for  
32.32 access to property owned by the person only if the following requirements are met: (1)  
32.33 there are no reasonable alternatives to obtain access to the property; and (2) the exercise  
32.34 of the easement will not cause significant adverse environmental or natural resource  
32.35 management impacts.

33.1 (b) The commissioner shall:

33.2 (1) require the applicant to pay the market value of the easement;

33.3 (2) provide that the easement reverts to the state in the event of nonuse; and

33.4 (3) impose other terms and conditions of use as necessary and appropriate under  
33.5 the circumstances.

33.6 (c) An applicant shall submit ~~a~~ an application fee of ~~up to~~ \$2,000 with each  
33.7 application for a road easement across state land. ~~The commissioner must give the~~  
33.8 ~~applicant an estimate of the costs of the road easement before the applicant submits the~~  
33.9 ~~fee.~~ The application fee is nonrefundable, even if the application is withdrawn or denied.

33.10 (d) In addition to the payment for the market value of the easement and the  
33.11 application fee, the commissioner of natural resources shall assess the applicant a  
33.12 monitoring fee to cover the projected reasonable costs for monitoring the construction  
33.13 of the easement and preparing special terms and conditions for the easement. The  
33.14 commissioner must give the applicant an estimate of the monitoring fee before the  
33.15 applicant submits the fee. The applicant shall pay the application and monitoring fees to  
33.16 the commissioner of natural resources. The commissioner shall not issue the easement  
33.17 until the applicant has paid in full the application fee, the monitoring fee, and the market  
33.18 value payment for the easement.

33.19 (e) Upon completion of construction, the commissioner shall refund any remaining  
33.20 balance left between the monitoring fee assessed and the amount used by the commissioner  
33.21 in monitoring the construction of the easement.

33.22 (f) Fees collected under ~~paragraph~~ paragraphs (c) and (d) must be deposited in the  
33.23 land management account in the natural resources fund. Money in the land management  
33.24 account of the natural resources fund is appropriated to the commissioner of natural  
33.25 resources to cover the reasonable costs incurred under this section.

33.26 Sec. 14. Minnesota Statutes 2008, section 84.632, is amended to read:

33.27 **84.632 CONVEYANCE OF UNNEEDED STATE EASEMENTS.**

33.28 (a) Notwithstanding section 92.45, the commissioner of natural resources may,  
33.29 in the name of the state, release all or part of an easement acquired by the state upon  
33.30 application of a landowner whose property is burdened with the easement if the easement  
33.31 is not needed for state purposes.

33.32 (b) All or part of an easement may be released by payment of ~~consideration of not~~  
33.33 ~~less than \$500, to be determined by the commissioner~~ the market value of the easement.  
33.34 The release must be in a form approved by the attorney general.

34.1 (c) Money received ~~for release of the easement~~ under paragraph (b) must be credited  
34.2 to the account from which money was expended for purchase of the easement. If there is  
34.3 no specific account, the money must be credited to the land acquisition account established  
34.4 in section 94.165.

34.5 (d) In addition to payment under paragraph (b), the commissioner of natural  
34.6 resources shall assess a landowner who applies for a release under this section an  
34.7 application fee of \$2,000 for reviewing the application and preparing the release of  
34.8 easement. The applicant shall pay the application fee to the commissioner of natural  
34.9 resources. The commissioner shall not issue the release of easement until the applicant  
34.10 has paid the application fee in full. The commissioner shall not return the application fee,  
34.11 even if the application is withdrawn or denied.

34.12 (e) Money received under paragraph (d) must be deposited in the land management  
34.13 account in the natural resources fund. Money in the land management account of the  
34.14 natural resources fund is appropriated to the commissioner of natural resources to cover  
34.15 the reasonable costs incurred under this section.

34.16 Sec. 15. Minnesota Statutes 2008, section 84.922, subdivision 1a, is amended to read:

34.17 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

34.18 (1) vehicles owned and used by the United States, the state, another state, or a  
34.19 political subdivision;

34.20 (2) vehicles registered in another state or country that have not been in this state for  
34.21 more than 30 consecutive days;

34.22 (3) vehicles that:

34.23 (i) are owned by a resident of another state or country that does not require  
34.24 registration of all-terrain vehicles;

34.25 (ii) have not been in this state for more than 30 consecutive days; and

34.26 (iii) are operated on state and grant-in-aid trails by a nonresident possessing a  
34.27 nonresident all-terrain vehicle state trail pass;

34.28 ~~(3)~~ (4) vehicles used exclusively in organized track racing events; and

34.29 ~~(4)~~ (5) vehicles that are 25 years old or older and were originally produced as a  
34.30 separate identifiable make by a manufacturer.

34.31 **EFFECTIVE DATE.** This section is effective January 1, 2010.

34.32 Sec. 16. **[84.9275] NONRESIDENT ALL-TERRAIN VEHICLE STATE TRAIL**  
34.33 **PASS.**

35.1           Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain  
35.2 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid  
35.3 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must  
35.4 be available for inspection by a peace officer, a conservation officer, or an employee  
35.5 designated under section 84.0835.

35.6           (b) The commissioner of natural resources shall issue a pass upon application and  
35.7 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees  
35.8 collected under this section, except for the issuing fee for licensing agents, shall be  
35.9 deposited in the state treasury and credited to the all-terrain vehicle account in the natural  
35.10 resources fund and, except for the electronic licensing system commission established by  
35.11 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to  
35.12 counties and municipalities for all-terrain vehicle organizations to construct and maintain  
35.13 all-terrain vehicle trails and use areas.

35.14           (c) A nonresident all-terrain vehicle state trail pass is not required for:

35.15           (1) an all-terrain vehicle that is owned and used by the United States, another state,  
35.16 or a political subdivision thereof that is exempt from registration under section 84.922,  
35.17 subdivision 1a; or

35.18           (2) a person operating an all-terrain vehicle only on the portion of a trail that is  
35.19 owned by the person or the person's spouse, child, or parent.

35.20           Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell  
35.21 nonresident all-terrain vehicle state trail passes. The commissioner may revoke the  
35.22 appointment of an agent at any time. The commissioner may adopt additional rules as  
35.23 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted  
35.24 by the commissioner for accounting and handling of passes pursuant to section 97A.485,  
35.25 subdivision 11. An agent shall promptly deposit and remit all money received from the  
35.26 sale of the passes, exclusive of the issuing fee, to the commissioner.

35.27           Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell  
35.28 nonresident all-terrain vehicle state trail passes. The commissioner shall also make the  
35.29 passes available through the electronic licensing system established under section 84.027,  
35.30 subdivision 15.

35.31           Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass  
35.32 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for  
35.33 passes issued by the commissioner shall be deposited in the all-terrain vehicle account in  
35.34 the natural resources fund and retained for the operation of the electronic licensing system.

35.35           Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate  
35.36 pass to persons whose pass is lost or destroyed using the process established under section

36.1 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident  
36.2 all-terrain vehicle state trail pass is \$2, with an issuing fee of 50 cents.

36.3 **EFFECTIVE DATE.** This section is effective January 1, 2010.

36.4 Sec. 17. Minnesota Statutes 2008, section 85.015, subdivision 1b, is amended to read:

36.5 Subd. 1b. **Easements for ingress and egress.** (a) Notwithstanding section  
36.6 16A.695, when a trail is established under this section, a private property owner who has a  
36.7 preexisting right of ingress and egress over the trail right-of-way is granted, ~~without~~  
36.8 ~~charge,~~ a permanent easement for ingress and egress purposes only. The easement is  
36.9 limited to the preexisting crossing and reverts to the state upon abandonment. Nothing  
36.10 in this subdivision is intended to diminish or alter any written or recorded easement that  
36.11 existed before the state acquired the land for the trail.

36.12 (b) The commissioner of natural resources shall assess the applicant an application  
36.13 fee of \$2,000 for reviewing the application and preparing the easement. The applicant  
36.14 shall pay the application fee to the commissioner of natural resources. The commissioner  
36.15 shall not issue the easement until the applicant has paid the application fee in full. The  
36.16 commissioner shall not return the application fee, even if the application is withdrawn  
36.17 or denied.

36.18 (c) Money received under paragraph (b) must be deposited in the land management  
36.19 account in the natural resources fund. Money in the land management account of the  
36.20 natural resources fund is appropriated to the commissioner of natural resources to cover  
36.21 the reasonable costs incurred under this section.

36.22 Sec. 18. Minnesota Statutes 2008, section 85.053, subdivision 10, is amended to read:

36.23 Subd. 10. **Free entrance; totally and permanently disabled veterans.** The  
36.24 commissioner shall issue an annual park permit for no charge ~~for~~ to any veteran with a  
36.25 total and permanent service-connected disability, as determined by the United States  
36.26 Department of Veterans Affairs, who presents each year a copy of their determination  
36.27 letter to a park attendant or commissioner's designee. For the purposes of this section,  
36.28 "veteran" ~~with a total and permanent service-connected disability~~ means a resident who  
36.29 ~~has a total and permanent service-connected disability as adjudicated by the United States~~  
36.30 ~~Veterans Administration or by the retirement board of one of the several branches of the~~  
36.31 ~~armed forces~~ has the meaning given in section 197.447.

36.32 **EFFECTIVE DATE.** This section is effective July 1, 2009, for state park permits  
36.33 issued on or after that date.

37.1 Sec. 19. Minnesota Statutes 2008, section 85.46, subdivision 3, is amended to read:

37.2 Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue  
37.3 and sell horse trail passes. The pass shall include the applicant's signature and other  
37.4 information deemed necessary by the commissioner. To be valid, a daily or annual pass  
37.5 must be signed by the person riding, leading, or driving the horse, and a commercial  
37.6 annual pass must be signed by the owner of the commercial trail riding facility.

37.7 **EFFECTIVE DATE.** This section is effective January 1, 2010.

37.8 Sec. 20. Minnesota Statutes 2008, section 85.46, subdivision 4, is amended to read:

37.9 Subd. 4. **Pass fees.** (a) The fee for an annual horse trail pass is \$20 for an individual  
37.10 16 years of age and over. The fee shall be collected at the time the pass is purchased.  
37.11 Annual passes are valid for one year beginning January 1 and ending December 31.

37.12 (b) The fee for a daily horse trail pass is \$4 for an individual 16 years of age and  
37.13 over. The fee shall be collected at the time the pass is purchased. The daily pass is valid  
37.14 only for the date designated on the pass form.

37.15 (c) The fee for a commercial annual horse trail pass is \$200 and includes issuance  
37.16 of 15 passes. Additional or individual commercial annual horse trail passes may be  
37.17 purchased by the commercial trail riding facility owner at a fee of \$20 each. Commercial  
37.18 annual horse trail passes are valid for one year beginning January 1 and ending December  
37.19 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse trail  
37.20 passes are not transferable. For the purposes of this section, a "commercial trail riding  
37.21 facility" is an operation where horses are used for riding instruction or other equestrian  
37.22 activities for hire.

37.23 **EFFECTIVE DATE.** This section is effective January 1, 2010.

37.24 Sec. 21. Minnesota Statutes 2008, section 85.46, subdivision 7, is amended to read:

37.25 Subd. 7. **Duplicate horse trail passes.** The commissioner of natural resources and  
37.26 agents shall issue a duplicate pass to a person or commercial trail riding facility owner  
37.27 whose pass is lost or destroyed using the process established under section 97A.405,  
37.28 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse trail pass is \$2,  
37.29 with an issuing fee of 50 cents.

37.30 **EFFECTIVE DATE.** This section is effective January 1, 2010.

37.31 Sec. 22. Minnesota Statutes 2008, section 93.481, subdivision 1, is amended to read:

38.1 Subdivision 1. **Prohibition against mining without permit; application for**  
38.2 **permit.** Except as provided in this subdivision, after June 30, 1975, no person shall  
38.3 engage in or carry out a mining operation for metallic minerals within the state unless the  
38.4 person has first obtained a permit to mine from the commissioner. Any person engaging  
38.5 in or carrying out a mining operation as of the effective date of the rules ~~promulgated~~  
38.6 adopted under section 93.47 shall apply for a permit to mine within 180 days after the  
38.7 effective date of such rules. Any such existing mining operation may continue during the  
38.8 pendency of the application for the permit to mine. The person applying for a permit shall  
38.9 apply on forms prescribed by the commissioner and shall submit such information as the  
38.10 commissioner may require, including but not limited to the following:

38.11 ~~(a)~~ (1) a proposed plan for the reclamation or restoration, or both, of any mining  
38.12 area affected by mining operations to be conducted on and after the date on which permits  
38.13 are required for mining under this section;

38.14 ~~(b)~~ (2) a certificate issued by an insurance company authorized to do business in  
38.15 the United States that the applicant has a public liability insurance policy in force for  
38.16 the mining operation for which the permit is sought, or evidence that the applicant has  
38.17 satisfied other state or federal self-insurance requirements, to provide personal injury  
38.18 and property damage protection in an amount adequate to compensate any persons who  
38.19 might be damaged as a result of the mining operation or any reclamation or restoration  
38.20 operations connected with the mining operation;

38.21 (3) an application fee of:

38.22 (i) \$25,000 for a permit to mine for a taconite mining operation;

38.23 (ii) \$50,000 for a permit to mine for a nonferrous metallic minerals operation;

38.24 (iii) \$10,000 for a permit to mine for a scam mining operation; or

38.25 (iv) \$5,000 for a permit to mine for a peat operation;

38.26 ~~(c)~~ (4) a bond which may be required pursuant to section 93.49; and

38.27 ~~(d)~~ (5) a copy of the applicant's advertisement of the ownership, location, and  
38.28 boundaries of the proposed mining area and reclamation or restoration operations, which  
38.29 advertisement shall be published in a legal newspaper in the locality of the proposed site  
38.30 at least once a week for four successive weeks before the application is filed, except that if  
38.31 the application is for a permit to conduct lean ore stockpile removal the advertisement  
38.32 need be published only once.

38.33 Sec. 23. Minnesota Statutes 2008, section 93.481, subdivision 3, is amended to read:

38.34 Subd. 3. **Term of permit; amendment.** A permit issued by the commissioner  
38.35 pursuant to this section shall be granted for the term determined necessary by the

39.1 commissioner for the completion of the proposed mining operation, including reclamation  
39.2 or restoration. A permit may be amended upon written application to the commissioner.  
39.3 A permit amendment application fee must be submitted with the written application. The  
39.4 permit amendment application fee is ten percent of the amount provided for in subdivision  
39.5 1, clause (3), for an application for the applicable permit to mine. If the commissioner  
39.6 determines that the proposed amendment constitutes a substantial change to the permit,  
39.7 the person applying for the amendment shall publish notice in the same manner as for a  
39.8 new permit, and a hearing shall be held if written objections are received in the same  
39.9 manner as for a new permit. An amendment may be granted by the commissioner if the  
39.10 commissioner determines that lawful requirements have been met.

39.11 Sec. 24. Minnesota Statutes 2008, section 93.481, subdivision 5, is amended to read:

39.12 Subd. 5. **Assignment.** A permit may not be assigned or otherwise transferred  
39.13 without the written approval of the commissioner. A permit assignment application fee  
39.14 must be submitted with the written application. The permit assignment application fee  
39.15 is ten percent of the amount provided for in subdivision 1, clause (3), for an application  
39.16 for the applicable permit to mine.

39.17 Sec. 25. Minnesota Statutes 2008, section 93.481, subdivision 7, is amended to read:

39.18 Subd. 7. **Mining administration account.** The mining administration account is  
39.19 established as an account in the natural resources fund. ~~Ferrous mining administrative~~ Fees  
39.20 charged to owners, operators, or managers of mines under sections 93.481 and 93.482 shall  
39.21 be credited to the account and may be appropriated to the commissioner to cover the costs  
39.22 of providing and monitoring permits to mine ~~ferrous metals under this section.~~ Interest  
39.23 accruing from investment of the account remains with the account until appropriated.

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

39.25 Sec. 26. **[93.482] RECLAMATION FEES.**

39.26 Subdivision 1. **Annual permit to mine fee.** (a) The commissioner shall charge  
39.27 every person holding a permit to mine an annual permit fee. The fee is payable to the  
39.28 commissioner by June 30 of each year, beginning in 2009.

39.29 (b) The annual permit to mine fee for a taconite mining operation is \$60,000 if the  
39.30 operation had production within the past calendar year to the year in which payment is due  
39.31 and \$30,000 if there has been no production within the past calendar year.

39.32 (c) The annual permit to mine fee for a nonferrous metallic minerals mining  
39.33 operation is \$75,000 if the operation had production within the past calendar year to the

40.1 year in which payment is due and \$37,500 if there has been no production within the  
40.2 past calendar year.

40.3 (d) The annual permit to mine fee for a scam mining operation is \$5,000 if the  
40.4 operation had production within the past calendar year to the year in which payment is due  
40.5 and \$2,500 if there has been no production within the past calendar year.

40.6 (e) The annual permit to mine fee for a peat mining operation is \$1,000 if the  
40.7 operation had production within the past calendar year to the year in which payment is due  
40.8 and \$500 if there has been no production within the past calendar year.

40.9 **Subd. 2. Supplemental application fee for taconite and nonferrous metallic**  
40.10 **minerals mining operation.** (a) In addition to the application fee specified in section  
40.11 93.481, the commissioner shall assess a person submitting an application for a permit to  
40.12 mine for a taconite or a nonferrous metallic minerals mining operation the reasonable  
40.13 costs for reviewing the application and preparing the permit to mine. For nonferrous  
40.14 metallic minerals mining, the commissioner shall assess reasonable costs for monitoring  
40.15 construction of the mining facilities.

40.16 (b) The commissioner must give the applicant an estimate of the supplemental  
40.17 application fee under this subdivision. The estimate must include a brief description  
40.18 of the tasks to be performed and the estimated cost of each task. The application fee  
40.19 under section 93.481 shall be subtracted from the estimate of costs to determine the  
40.20 supplemental application fee.

40.21 (c) The applicant and the commissioner shall enter into a written agreement to cover  
40.22 the estimated costs to be incurred by the commissioner.

40.23 (d) The commissioner shall not issue the permit to mine until the applicant has  
40.24 paid all fees in full. Upon completion of construction of a nonferrous metallic minerals  
40.25 facility, the commissioner shall refund any remaining balance between the fee assessed  
40.26 for monitoring construction and the amount used by the commissioner in monitoring  
40.27 construction of the mining facilities.

40.28 **Subd. 3. Reclamation fee on taconite iron ore produced.** (a) For the purposes  
40.29 of this subdivision:

40.30 (1) "fee owner" means a person having any right, title, or interest in any minerals  
40.31 or mineral rights in this state from which taconite iron ore is mined. Fee owner does not  
40.32 include the United States, the state, or the University of Minnesota;

40.33 (2) "taconite iron ore" means a ferruginous chert or ferruginous slate in the form of  
40.34 compact siliceous rock, in which the iron oxide is so finely disseminated that substantially  
40.35 all of the iron bearing particles of merchantable grade are smaller than 20 mesh; and

40.36 (3) "ton" means a gross ton of 2,240 pounds.

41.1 (b) A fee owner is subject to a reclamation fee of \$.0075 per ton of taconite iron ore  
41.2 mined from the minerals or mineral rights owned by the fee owner.

41.3 (c) The fee owner shall make payment to the commissioner no later than January  
41.4 20 of each calendar year for ore removed during the previous calendar year. The fee  
41.5 owner is liable for the payment of the reclamation fee. The fee owner may enter into an  
41.6 agreement with the mining operator to make the payment on their behalf from royalties  
41.7 due and owing or other financial terms.

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

41.9 Sec. 27. Minnesota Statutes 2008, section 97A.075, subdivision 1, is amended to read:

41.10 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this  
41.11 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,  
41.12 clauses (5), (6), (7), (11), (13), (15), (16), and (17), and 3, clauses (2), (3), (4), (9), (11),  
41.13 (12), and (13), and licenses issued under section 97B.301, subdivision 4.

41.14 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and  
41.15 wildlife trust fund, established in section 97A.4742, for each license issued under section  
41.16 97A.473, subdivision 4, shall be credited to the deer management account and shall be  
41.17 used for deer habitat improvement or deer management programs.

41.18 (c) \$1 from each annual deer license and each bear license and \$1 annually from  
41.19 the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license  
41.20 issued under section 97A.473, subdivision 4, shall be credited to the deer and bear  
41.21 management account and shall be used for deer and bear management programs, including  
41.22 a computerized licensing system.

41.23 (d) Fifty cents from each deer license is credited to the emergency deer feeding  
41.24 and wild cervidae health management account and is appropriated for emergency deer  
41.25 feeding and wild cervidae health management. Money appropriated for emergency  
41.26 deer feeding and wild cervidae health management is available until expended. ~~When~~  
41.27 ~~the unencumbered balance in the appropriation for emergency deer feeding and wild~~  
41.28 ~~cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first~~  
41.29 ~~time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.~~  
41.30 The commissioner must inform the legislative chairs of the natural resources finance  
41.31 committees every two years on how the money for emergency deer feeding and wild  
41.32 cervidae health management has been spent.

41.33 ~~Thereafter,~~ When the unencumbered balance in the appropriation for emergency  
41.34 deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a

42.1 fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available  
42.2 for deer and bear management programs and computerized licensing.

42.3 Sec. 28. Minnesota Statutes 2008, section 103G.301, subdivision 2, is amended to read:

42.4 Subd. 2. **Permit application fees.** (a) A permit application fee to defray the costs of  
42.5 receiving, recording, and processing the application must be paid for a permit authorized  
42.6 under this chapter and for each request to amend or transfer an existing permit. Fees  
42.7 established under this subdivision, unless specified in paragraph (c), shall be compliant  
42.8 with section 16A.1285.

42.9 (b) ~~The fee for a project appropriating~~ Proposed projects that require water in excess  
42.10 of 100 million gallons per year must be assessed fees to recover the ~~reasonable~~ costs  
42.11 ~~of preparing and processing the permit, including costs~~ incurred to evaluate the project  
42.12 and the costs incurred for environmental review. Fees collected under this paragraph  
42.13 must be credited to an account in the natural resources fund and are appropriated to the  
42.14 commissioner ~~for fiscal years 2008 and 2009.~~

42.15 (c) The fee to apply for a permit to appropriate water, ~~other than a permit subject~~  
42.16 ~~to the~~ in addition to any fee under paragraph (b); a permit to construct or repair a dam  
42.17 that is subject to dam safety inspection; or a state general permit ~~or to apply for the state~~  
42.18 ~~water bank program~~ is \$150. The application fee for a permit to work in public waters or  
42.19 to divert waters for mining must be at least \$150, but not more than \$1,000, ~~according to a~~  
42.20 ~~schedule of fees adopted under section 16A.1285.~~

42.21 Sec. 29. Minnesota Statutes 2008, section 103G.301, subdivision 3, is amended to read:

42.22 Subd. 3. **Field inspection fees.** (a) In addition to the application fee, the  
42.23 commissioner may charge a field inspection fee for:

- 42.24 (1) projects requiring a mandatory environmental assessment under chapter 116D;  
42.25 (2) projects undertaken without a required permit or application; and  
42.26 (3) projects undertaken in excess of limitations established in an issued permit.

42.27 (b) The fee must be at least \$100 but not more than actual inspection costs.

42.28 (c) The fee is to cover actual costs related to a permit applied for under this chapter  
42.29 or for a project undertaken without proper authorization.

42.30 (d) The commissioner shall establish a schedule of field inspection fees under section  
42.31 16A.1285. The schedule must include actual costs related to field inspection, including  
42.32 investigations of the area affected by the proposed activity, analysis of the proposed  
42.33 activity, consultant services, and subsequent monitoring, if any, of the activity authorized

43.1 by the permit. Fees collected under this subdivision must be credited to an account in the  
43.2 natural resources fund and are appropriated to the commissioner.

43.3 Sec. 30. Minnesota Statutes 2008, section 115.03, subdivision 5c, is amended to read:

43.4 Subd. 5c. **Regulation of storm water discharges.** (a) The agency may issue a  
43.5 general permit to any category or subcategory of point source storm water discharges  
43.6 that it deems administratively reasonable and efficient without making any findings  
43.7 under agency rules. Nothing in this subdivision precludes the agency from requiring an  
43.8 individual permit for a point source storm water discharge if the agency finds that it is  
43.9 appropriate under applicable legal or regulatory standards.

43.10 (b) Pursuant to this paragraph, the legislature authorizes the agency to adopt and  
43.11 enforce rules regulating point source storm water discharges. No further legislative  
43.12 approval is required under any other legal or statutory provision whether enacted before or  
43.13 after May 29, 2003.

43.14 (c) The agency may develop performance standards, design standards, or other  
43.15 tools to enable and promote the implementation of low-impact development and other  
43.16 storm water management techniques. For the purposes of this section, "low-impact  
43.17 development" means an approach to storm water management that mimics a site's natural  
43.18 hydrology as the landscape is developed. Using the low-impact development approach,  
43.19 storm water is managed on-site and the rate and volume of predevelopment storm water  
43.20 reaching receiving waters is unchanged. The calculation of predevelopment hydrology is  
43.21 based on native soil and vegetation.

43.22 Sec. 31. Minnesota Statutes 2008, section 115.073, is amended to read:

43.23 **115.073 ENFORCEMENT FUNDING.**

43.24 Except as provided in section 115C.05, all money recovered by the state under this  
43.25 chapter and chapters 115A and 116, including civil penalties and money paid under an  
43.26 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,  
43.27 ~~up to the amount appropriated for implementation of Laws 1991, chapter 347,~~ must be  
43.28 deposited in the state treasury and credited to the environmental fund.

43.29 Sec. 32. Minnesota Statutes 2008, section 115.77, subdivision 1, is amended to read:

43.30 Subdivision 1. ~~Fees established.~~ ~~The following fees are established for the~~  
43.31 ~~purposes indicated:~~ agency shall collect fees in amounts necessary, but no greater than the  
43.32 amounts necessary, to cover the reasonable costs of reviewing applications and issuing  
43.33 certifications.

- 44.1 ~~(1) application for examination, \$32;~~
- 44.2 ~~(2) issuance of certificate, \$23;~~
- 44.3 ~~(3) reexamination resulting from failure to pass an examination, \$32;~~
- 44.4 ~~(4) renewal of certificate, \$23;~~
- 44.5 ~~(5) replacement certificate, \$10; and~~
- 44.6 ~~(6) reinstatement or reciprocity certificate, \$40.~~

44.7 Sec. 33. Minnesota Statutes 2008, section 115A.1314, subdivision 2, is amended to  
44.8 read:

44.9 Subd. 2. **Creation of account; appropriations.** (a) The electronic waste account  
44.10 is established in the environmental fund. The commissioner of revenue must deposit  
44.11 receipts from the fee established in subdivision 1 in the account. Any interest earned on  
44.12 the account must be credited to the account. Money from other sources may be credited to  
44.13 the account. Beginning in the second program year and continuing each program year  
44.14 thereafter, as of the last day of each program year, the commissioner of revenue shall  
44.15 determine the total amount of the variable fees that were collected. ~~By July 15, 2009, and~~  
44.16 ~~each July 15 thereafter, the commissioner of the Pollution Control Agency shall inform~~  
44.17 ~~the commissioner of revenue of the amount necessary to operate the program in the new~~  
44.18 ~~program year.~~ To the extent that the total fees collected by the commissioner of revenue  
44.19 in connection with this section exceed the amount the commissioner of the Pollution  
44.20 Control Agency determines necessary to operate the program for the new program  
44.21 year, the commissioner of revenue shall refund on a pro rata basis, to all manufacturers  
44.22 who paid any fees for the previous program year, the amount of fees collected by the  
44.23 commissioner of revenue in excess of the amount necessary to operate the program for the  
44.24 new program year. No individual refund is required of amounts of \$100 or less for a fiscal  
44.25 year. Manufacturers who report collections less than 50 percent of their obligation for the  
44.26 previous program year are not eligible for a refund. ~~Amounts not refunded pursuant to this~~  
44.27 ~~paragraph shall remain in the account. The commissioner of revenue shall issue refunds~~  
44.28 ~~by August 10. In lieu of issuing a refund, the commissioner of revenue may grant credit~~  
44.29 ~~against a manufacturer's variable fee due by September 1.~~

44.30 (b) Until June 30, ~~2009~~ 2011, money in the account is annually appropriated to the  
44.31 Pollution Control Agency:

44.32 (1) for the purpose of implementing sections 115A.1312 to 115A.1330, including  
44.33 transfer to the commissioner of revenue to carry out the department's duties under  
44.34 section 115A.1320, subdivision 2, and transfer to the commissioner of administration for  
44.35 responsibilities under section 115A.1324; and

45.1 (2) to the commissioner of the Pollution Control Agency to be distributed on a  
45.2 competitive basis through contracts with counties outside the 11-county metropolitan  
45.3 area, as defined in paragraph (c), and with private entities that collect for recycling  
45.4 covered electronic devices in counties outside the 11-county metropolitan area, where the  
45.5 collection and recycling is consistent with the respective county's solid waste plan, for  
45.6 the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In  
45.7 awarding competitive grants under this clause, the commissioner must give preference to  
45.8 counties and private entities that are working cooperatively with manufacturers to help  
45.9 them meet their recycling obligations under section 115A.1318, subdivision 1.

45.10 (c) The 11-county metropolitan area consists of the counties of Anoka, Carver,  
45.11 Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

45.12 Sec. 34. Minnesota Statutes 2008, section 115A.557, subdivision 3, is amended to read:

45.13 Subd. 3. **Eligibility to receive money.** (a) To be eligible to receive money  
45.14 distributed by the commissioner under this section, a county shall within one year of  
45.15 October 4, 1989:

45.16 (1) create a separate account in its general fund to credit the money; and

45.17 (2) set up accounting procedures to ensure that money in the separate account is  
45.18 spent only for the purposes in subdivision 2.

45.19 (b) In each following year, each county shall also:

45.20 (1) have in place an approved solid waste management plan or master plan including  
45.21 a recycling implementation strategy under section 115A.551, subdivision 7, and a  
45.22 household hazardous waste management plan under section 115A.96, subdivision 6,  
45.23 by the dates specified in those provisions;

45.24 (2) submit a report by April 1 of each year to the commissioner detailing for the  
45.25 previous calendar year:

45.26 (i) how the money was spent including, but not limited to, specific information on  
45.27 the number of employees performing SCORE planning, oversight, and administration; the  
45.28 percentage of those employees' total work time allocated to SCORE planning, oversight,  
45.29 and administration; the specific duties and responsibilities of those employees; and the  
45.30 amount of staff salary for these SCORE duties and responsibilities of the employees; and

45.31 (ii) the resulting gains achieved in solid waste management practices; and

45.32 (3) provide evidence to the commissioner that local revenue equal to 25 percent of  
45.33 the money sought for distribution under this section will be spent for the purposes in  
45.34 subdivision 2.

46.1 (c) The commissioner shall withhold all or part of the funds to be distributed  
46.2 to a county under this section if the county fails to comply with this subdivision and  
46.3 subdivision 2.

46.4 (d) The requirements for the report specified in paragraph (b), clause (2), that is due  
46.5 April 1, 2010, shall be abbreviated in scope. The information collected shall be sufficient  
46.6 for the commissioner to determine that counties have complied with the requirement  
46.7 of this subdivision.

46.8 Sec. 35. **[115A.559] COMPOSTING COMPETITIVE GRANT PROGRAM.**

46.9 **Subdivision 1. Grant program established.** The commissioner shall make  
46.10 competitive grants to political subdivisions to increase composting, reduce the amount of  
46.11 organic wastes entering disposal facilities, and reduce the costs associated with hauling  
46.12 waste by locating the composting site as close as possible to the site where the waste is  
46.13 generated. To achieve the purpose of the grant program, the commissioner shall actively  
46.14 recruit potential applicants beyond traditional solid waste professionals and organizations,  
46.15 such as soil and water conservation districts and schools. Each grant must include an  
46.16 educational component.

46.17 **Subd. 2. Application.** (a) The commissioner must develop forms and procedures  
46.18 for soliciting and reviewing applications for grants under this section.

46.19 (b) The determination of whether to make a grant under this section is within the  
46.20 discretion of the commissioner, subject to subdivision 4. The commissioner's decisions  
46.21 are not subject to judicial review, except for abuse of discretion.

46.22 **Subd. 3. Priorities; eligible projects.** (a) If applications for grants exceed the  
46.23 available appropriations, grants must be made for projects that, in the commissioner's  
46.24 judgment, provide the highest return in public benefits.

46.25 (b) To be eligible to receive a grant, a project must:

46.26 (1) be locally administered;

46.27 (2) have measured outcomes; and

46.28 (3) include at least one of the following elements:

46.29 (i) the development of erosion control methods that use compost;

46.30 (ii) activities to encourage on-site composting by homeowners; or

46.31 (iii) activities to encourage composting by schools or public institutions.

46.32 **Subd. 4. Cancellation of grant.** If a grant is awarded under this section and  
46.33 funds are not encumbered for the grant within four years after the award date, the grant  
46.34 must be canceled.

47.1 Sec. 36. Minnesota Statutes 2008, section 115A.931, is amended to read:

47.2 **115A.931 YARD WASTE PROHIBITION.**

47.3 (a) Except as authorized by the agency, in the metropolitan area after January 1,  
47.4 1990, and outside the metropolitan area after January 1, 1992, a person may not place  
47.5 yard waste:

47.6 (1) in mixed municipal solid waste;

47.7 (2) in a disposal facility; or

47.8 (3) in a resource recovery facility except for the purposes of reuse, composting, or  
47.9 cocomposting.

47.10 (b) [Renumbered 115A.03, subd 38]

47.11 (c) On or after January 1, 2010, a person may not place yard waste or  
47.12 source-separated compostable materials generated in a metropolitan county in a plastic bag  
47.13 delivered to a transfer station or compost facility unless the bag meets all the specifications  
47.14 in ASTM Standard Specification for Compostable Plastics (D6400). For purposes of this  
47.15 paragraph, "metropolitan county" has the meaning given in section 473.121, subdivision  
47.16 4, and "ASTM" has the meaning given in section 296A.01, subdivision 6.

47.17 (d) A person who immediately empties a plastic bag containing yard waste or  
47.18 source-separated compostable materials delivered to a transfer station or compost facility  
47.19 and removes the plastic bag from the transfer station or compost facility is exempt from  
47.20 paragraph (c).

47.21 (e) Residents of a city of the first class that currently contracts for the collection of  
47.22 yard waste are exempt from paragraph (c) until January 1, 2013, if, by that date, the  
47.23 city implements a citywide source-separated compostable materials collection program  
47.24 using durable carts.

47.25 **EFFECTIVE DATE.** This section is effective January 1, 2010.

47.26 Sec. 37. Minnesota Statutes 2008, section 116.07, subdivision 4d, is amended to read:

47.27 Subd. 4d. **Permit fees.** (a) The agency ~~may~~ shall collect permit fees in amounts  
47.28 ~~not greater than those~~ necessary, but no greater than the amounts necessary, to cover  
47.29 the reasonable costs of developing, reviewing, and acting upon applications for agency  
47.30 permits ~~and implementing and enforcing the conditions of the permits pursuant to~~  
47.31 ~~agency rules.~~ Permit fees shall not include the costs of litigation. ~~The fee schedule~~  
47.32 ~~must reflect reasonable and routine direct and indirect costs associated with permitting,~~  
47.33 implementation, and enforcement. The agency may impose an additional enforcement  
47.34 fee to be collected for a period of up to two years to cover the reasonable costs of

48.1 implementing and enforcing the conditions of a permit under the rules of the agency. Any  
48.2 money collected under this paragraph shall be deposited in the appropriate account in  
48.3 the environmental fund.

48.4 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from  
48.5 the owner or operator of all stationary sources, emission facilities, emissions units, air  
48.6 contaminant treatment facilities, treatment facilities, potential air contaminant storage  
48.7 facilities, or storage facilities subject to the requirement to obtain a permit under  
48.8 subchapter V of the federal Clean Air Act, United States Code, title 42, section 7401 et  
48.9 seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect  
48.10 reasonable costs, including attorney general costs, required to develop and administer  
48.11 the permit program requirements of subchapter V of the federal Clean Air Act, United  
48.12 States Code, title 42, section 7401 et seq., and sections of this chapter and the rules  
48.13 adopted under this chapter related to air contamination and noise. Those costs include the  
48.14 reasonable costs of reviewing and acting upon an application for a permit; implementing  
48.15 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,  
48.16 and deposition monitoring; preparing generally applicable regulations; responding to  
48.17 federal guidance; modeling, analyses, and demonstrations; preparing inventories and  
48.18 tracking emissions; and providing information to the public about these activities.

48.19 (c) The agency shall set fees that:

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

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

48.28 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the  
48.29 amount needed to match grant funds received by the state under United States Code, title  
48.30 42, section 7405 (section 105 of the federal Clean Air Act).

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

49.1 (d) To cover the reasonable costs described in paragraph (b), the agency shall  
49.2 provide in the rules promulgated under paragraph (c) for an increase in the fee collected  
49.3 in each year by the percentage, if any, by which the Consumer Price Index for the most  
49.4 recent calendar year ending before the beginning of the year the fee is collected exceeds  
49.5 the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
49.6 Consumer Price Index for any calendar year is the average of the Consumer Price Index  
49.7 for all-urban consumers published by the United States Department of Labor, as of the  
49.8 close of the 12-month period ending on August 31 of each calendar year. The revision  
49.9 of the Consumer Price Index that is most consistent with the Consumer Price Index for  
49.10 calendar year 1989 shall be used.

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

49.13 (f) Persons who wish to construct or expand a facility may offer to reimburse the  
49.14 agency for the costs of staff overtime or consultant services needed to expedite permit  
49.15 review. The reimbursement shall be in addition to fees imposed by law. When the agency  
49.16 determines that it needs additional resources to review the permit application in an  
49.17 expedited manner, and that expediting the review would not disrupt permitting program  
49.18 priorities, the agency may accept the reimbursement. Reimbursements accepted by the  
49.19 agency are appropriated to the agency for the purpose of reviewing the permit application.  
49.20 Reimbursement by a permit applicant shall precede and not be contingent upon issuance  
49.21 of a permit and shall not affect the agency's decision on whether to issue or deny a permit,  
49.22 what conditions are included in a permit, or the application of state and federal statutes  
49.23 and rules governing permit determinations.

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

49.25 Sec. 38. Minnesota Statutes 2008, section 116.41, subdivision 2, is amended to read:

49.26 Subd. 2. **Training and certification programs.** The agency shall develop standards  
49.27 of competence for persons operating and inspecting various classes of disposal facilities.  
49.28 The agency shall conduct training programs for persons operating facilities for the  
49.29 disposal of waste and for inspectors of such facilities, and ~~may~~ shall charge such fees as  
49.30 are necessary to cover the actual costs of the training programs. All fees received shall be  
49.31 paid into the state treasury and credited to the Pollution Control Agency training account  
49.32 and are appropriated to the agency to pay expenses relating to the training of disposal  
49.33 facility personnel.

49.34 The agency shall require operators and inspectors of such facilities to obtain from  
49.35 the agency a certificate of competence. The agency shall conduct examinations to test the

50.1 competence of applicants for certification, and shall require that certificates be renewed at  
50.2 reasonable intervals. The agency may charge such fees as are necessary to cover the actual  
50.3 costs of receiving and processing applications, conducting examinations, and issuing  
50.4 and renewing certificates. Certificates shall not be required for a private individual for  
50.5 land-spreading and associated interim and temporary storage of sewage sludge on property  
50.6 owned or farmed by that individual.

50.7 Sec. 39. [116.9401] DEFINITIONS.

50.8 (a) For the purposes of sections 116.9401 to 116.9408, the following terms have  
50.9 the meanings given them.

50.10 (b) "Agency" means the Pollution Control Agency.

50.11 (c) "Alternative" means a substitute process, product, material, chemical, strategy,  
50.12 or combination of these that serves a functionally equivalent purpose to a chemical in a  
50.13 children's product.

50.14 (d) "Chemical" means a substance with a distinct molecular composition or a group  
50.15 of structurally related substances and includes the breakdown products of the substance or  
50.16 substances that form through decomposition, degradation, or metabolism.

50.17 (e) "Chemical of high concern" means a chemical identified on the basis of credible  
50.18 scientific evidence by a governmental entity or the United Nations' World Health  
50.19 Organization as being known or suspected with a high degree of probability to:

50.20 (1) harm the normal development of a fetus or child or cause other developmental  
50.21 toxicity;

50.22 (2) cause cancer, genetic damage, or reproductive harm;

50.23 (3) disrupt the endocrine or hormone system;

50.24 (4) damage the nervous system, immune system, or organs, or cause other systemic  
50.25 toxicity;

50.26 (5) be persistent, bioaccumulative, and toxic; or

50.27 (6) be very persistent and very bioaccumulative.

50.28 (f) "Child" means a person under 12 years of age.

50.29 (g) "Children's product" means a consumer product intended for use by children,  
50.30 such as baby products, toys, car seats, personal care products, and clothing.

50.31 (h) "Commissioner" means the commissioner of the Pollution Control Agency.

50.32 (i) "Department" means the Department of Health.

50.33 (j) "Distributor" means a person who sells consumer products to retail establishments  
50.34 on a wholesale basis.

51.1 (k) "Green chemistry" means an approach to designing and manufacturing products  
51.2 in ways that minimize the use and generation of toxic substances.

51.3 (l) "Manufacturer" means any person who manufactures a final consumer product  
51.4 sold at retail or whose brand name is affixed to the consumer product. In the case of a  
51.5 consumer product imported into the United States, manufacturer includes the importer  
51.6 or domestic distributor of the consumer product if the person who manufactured or  
51.7 assembled the consumer product or whose brand name is affixed to the consumer product  
51.8 does not have a presence in the United States.

51.9 (m) "Priority chemical" means a chemical identified by the commissioner as a  
51.10 chemical of high concern that is contained in a children's product offered for sale in  
51.11 Minnesota and meets the criteria in section 116.9403.

51.12 (n) "Safer alternative" means an alternative whose potential to harm human health is  
51.13 less than that of a priority chemical that it could replace.

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

51.15 Sec. 40. **[116.9402] IDENTIFICATION OF CHEMICALS OF HIGH CONCERN.**

51.16 (a) By July 1, 2010, the department shall, after consultation with the agency, publish  
51.17 in the State Register and on the agency's Internet Web site a list of chemicals of high  
51.18 concern.

51.19 (b) The department must periodically review and revise the list of chemicals of high  
51.20 concern at least every three years. The department may add chemicals to the list if the  
51.21 chemical meets one or more of the criteria in section 116.9401, paragraph (e).

51.22 (c) The department shall consider, among others, chemicals listed in the following  
51.23 sources for possible inclusion on the list of chemicals of high concern:

51.24 (1) chemicals identified as "Group 1 carcinogens" or "Group 2A carcinogens" by the  
51.25 United Nations' World Health Organization, International Agency for Research on Cancer;

51.26 (2) chemicals identified as "known to be a human carcinogen" and "reasonably  
51.27 anticipated to be a human carcinogen" by the secretary of the United States Department  
51.28 of Health and Human Services;

51.29 (3) chemicals identified as "Group A carcinogens" or "Group B carcinogens" by the  
51.30 United States Environmental Protection Agency;

51.31 (4) chemicals identified as reproductive or developmental toxicants by:

51.32 (i) the United States Department of Health and Human Services, National  
51.33 Toxicology Program, Center for the Evaluation of Risks to Human Reproduction; and

52.1 (ii) the California Environmental Protection Agency, Office of Environmental Health  
52.2 Hazard Assessment, pursuant to the California Health and Safety Code, Safe Drinking  
52.3 Water and Toxic Enforcement Act of 1986, chapter 6.6, section 25249.8;

52.4 (5) chemicals identified as known or likely endocrine disruptors through screening  
52.5 or testing conducted in accordance with protocols developed by the United States  
52.6 Environmental Protection Agency pursuant to the federal Food, Drug, and Cosmetic Act,  
52.7 United States Code, title 21, section 346a(p), as amended by the federal Food Quality  
52.8 Protection Act, Public Law 104-170, or the federal Safe Drinking Water Act, United States  
52.9 Code, title 42, section 300j-17;

52.10 (6) chemicals listed on the basis of endocrine-disrupting properties in Annex  
52.11 XIV, List of Substances Subject to Authorisation, Regulation (EC) No 1907/2006 of  
52.12 the European Parliament concerning the Registration, Evaluation, Authorisation, and  
52.13 Restriction of Chemicals;

52.14 (7) persistent, bioaccumulative, and toxic chemicals identified by:

52.15 (i) the state of Washington Department of Ecology in Washington Administrative  
52.16 Code, chapter 173-333; or

52.17 (ii) the United States Environmental Protection Agency in Code of Federal  
52.18 Regulations, title 40, part 372; and

52.19 (8) a very persistent, very bioaccumulative chemical listed in Annex XIV, List of  
52.20 Substances Subject to Authorisation, Regulation (EC) No 1907/2006 of the European  
52.21 Parliament concerning the Registration, Evaluation, Authorisation, and Restriction of  
52.22 Chemicals.

52.23 (d) The department may consider chemicals listed by another state as harmful to  
52.24 human health or the environment for possible inclusion in the list of chemicals of high  
52.25 concern.

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

52.27 Sec. 41. **[116.9403] IDENTIFICATION OF PRIORITY CHEMICALS.**

52.28 The department, after consultation with the agency, may designate a chemical of  
52.29 high concern as a priority chemical if the department finds that the chemical:

52.30 (1) has been identified as a high-production volume chemical by the United States  
52.31 Environmental Protection Agency; and

52.32 (2) meets any of the following criteria:

52.33 (i) the chemical has been found through biomonitoring to be present in human blood,  
52.34 including umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

53.1 (ii) the chemical has been found through sampling and analysis to be present in  
53.2 household dust, indoor air, drinking water, or elsewhere in the home environment; or

53.3 (iii) the chemical has been found through monitoring to be present in fish, wildlife,  
53.4 or the natural environment.

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

53.6 Sec. 42. **[116.9404] IDENTIFICATION OF SAFER ALTERNATIVES.**

53.7 Subdivision 1. **Department determination.** The department shall determine  
53.8 whether a safer alternative to a priority chemical is available and is a technically feasible  
53.9 replacement for the priority chemical. In making this determination, the department:

53.10 (1) must utilize information from current scientific literature, the Interstate  
53.11 Chemicals Clearinghouse, manufacturers of children's products, and other sources it  
53.12 deems appropriate;

53.13 (2) may presume that an alternative is a safer alternative if the alternative is not  
53.14 a chemical of high concern; and

53.15 (3) may presume that a safer alternative is available if:

53.16 (i) the sale of the children's product containing the priority chemical has been  
53.17 prohibited by another state within the United States;

53.18 (ii) the children's product containing the priority chemical is an item of apparel  
53.19 or a novelty; or

53.20 (iii) the alternative is sold in the United States.

53.21 Subd. 2. **Department designation.** (a) If the department determines that a safer  
53.22 alternative is available and is a technically feasible replacement for a priority chemical,  
53.23 the department shall designate that priority chemical a Level 1 priority chemical. If the  
53.24 department determines that current information does not indicate that a safer alternative is  
53.25 available or is a technically feasible replacement for a priority chemical, the department  
53.26 shall designate that chemical a Level 2 priority chemical. By February 1, 2011, the  
53.27 department shall publish a list of Level 1 and Level 2 priority chemicals in the State  
53.28 Register and on the department's Internet Web site and shall update the published list  
53.29 whenever a new priority chemical is designated.

53.30 (b) The department shall designate at least five priority chemicals as Level 1 or  
53.31 Level 2 by July 1, 2011, and at least five additional priority chemicals as Level 1 or Level  
53.32 2 by January 1, 2013.

53.33 (c) The department shall, at least every two years:

53.34 (1) review the list of chemicals of high concern and determine, which, if any, should  
53.35 be designated Level 1 or Level 2 priority chemicals; and

54.1 (2) review the reports submitted by manufacturers under section 116.9405 to  
54.2 determine if any Level 2 priority chemicals should be designated as Level 1 priority  
54.3 chemicals.

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

54.5 Sec. 43. **[116.9405] DISCLOSURE OF INFORMATION ON PRIORITY**  
54.6 **CHEMICALS.**

54.7 Subdivision 1. **Reporting of chemical use.** Not later than 180 days after Level 1  
54.8 and Level 2 priority chemicals are identified under section 116.9404, any person who is a  
54.9 manufacturer or distributor of a children's product for sale in this state that contains a Level  
54.10 1 or Level 2 priority chemical shall notify the agency of that fact in writing unless the  
54.11 children's product is exempt under section 116.9406. This written notice must identify the  
54.12 product, the number of units sold or distributed for sale in this state or nationally during the  
54.13 previous calendar year, and the priority chemical or chemicals contained in the product.

54.14 Subd. 2. **Supplemental information.** The manufacturer or distributor of a  
54.15 children's product that contains a Level 1 or Level 2 priority chemical shall provide the  
54.16 following additional information if requested by the agency:

54.17 (1) information on the likelihood that the chemical will be released from the  
54.18 children's product to the environment during the children's product's life cycle and the  
54.19 extent to which users of the children's product are likely to be exposed to the chemical;

54.20 (2) additional information regarding the potential for harm to human health from  
54.21 specific uses of the priority chemical; and

54.22 (3) an assessment of the availability, cost, feasibility, and performance, including  
54.23 potential for harm to human health of alternatives to the priority chemical and the reason  
54.24 the priority chemical is used in the manufacture of the children's product in lieu of  
54.25 identified alternatives. If an assessment acceptable to the agency is not timely submitted as  
54.26 determined by the agency, the agency may assess a fee on the manufacturer or distributor  
54.27 to cover the costs to prepare an independent report on the availability of safer alternatives  
54.28 by a contractor of the agency's choice.

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

54.30 Sec. 44. **[116.9406] APPLICABILITY.**

54.31 The requirements of sections 116.9401 to 116.9408 do not apply to:

54.32 (1) chemicals in used children's products;

55.1 (2) priority chemicals used in the manufacturing process, but that are not present  
55.2 in the final product;

55.3 (3) priority chemicals used in agricultural production;

55.4 (4) motor vehicles as defined in chapter 168 or their component parts, except that the  
55.5 use of priority chemicals in detachable car seats is not exempt;

55.6 (5) priority chemicals generated solely as combustion by-products or that are present  
55.7 in combustible fuels;

55.8 (6) retailers, unless that retailer knowingly sells a children's product containing  
55.9 a priority chemical after the effective date of its prohibition, of which that retailer has  
55.10 received prior notification from a manufacturer, distributor, or the state;

55.11 (7) pharmaceutical products or biologics;

55.12 (8) a medical device as defined in the federal Food, Drug, and Cosmetic Act, United  
55.13 States Code, title 21, section 321(h);

55.14 (9) food and food or beverage packaging, except a container containing baby food  
55.15 or infant formula;

55.16 (10) consumer electronics products and electronic components, including but not  
55.17 limited to personal computers; audio and video equipment; calculators; digital displays;  
55.18 wireless phones; cameras; game consoles; printers; and handheld electronic and electrical  
55.19 devices used to access interactive software or their associated peripherals; or products that  
55.20 comply with the provisions of directive 2002/95/EC of the European Union, adopted by  
55.21 the European Parliament and Council of the European Union now or hereafter in effect; or

55.22 (11) outdoor sport equipment, including snowmobiles as defined in section 84.81,  
55.23 subdivision 3; all-terrain vehicles as defined in section 84.92, subdivision 8; personal  
55.24 watercraft as defined in section 86B.005, subdivision 14a; watercraft as defined in section  
55.25 86B.005, subdivision 18; and off-highway motorcycles, as defined in section 84.787,  
55.26 subdivision 7, and all attachments and repair parts for all of this equipment.

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

55.28 Sec. 45. **[116.9407] DONATIONS TO THE STATE.**

55.29 The commissioners of health and pollution control may accept donations, grants,  
55.30 and other funds to carry out the purposes of sections 116.9401 to 116.9408. All such  
55.31 donations, grants, and other funds must be accepted without preconditions regarding the  
55.32 outcomes of the oversight processes set forth in sections 116.9401 to 116.9408.

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

56.1 Sec. 46. [116.9408] PARTICIPATION IN INTERSTATE CHEMICALS  
56.2 CLEARINGHOUSE.

56.3 The agency may participate in an interstate chemicals clearinghouse to promote  
56.4 safer chemicals in consumer products in cooperation with other states, including the  
56.5 classification of chemicals in commerce; organizing and managing available data on  
56.6 chemicals, including information on uses, hazards, and environmental and health  
56.7 concerns; and producing and evaluating information on safer alternatives to specific uses  
56.8 of chemicals of concern.

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

56.10 Sec. 47. Minnesota Statutes 2008, section 116C.834, subdivision 1, is amended to read:

56.11 Subdivision 1. **Costs.** All costs incurred by the state to carry out its responsibilities  
56.12 under the compact and under sections 116C.833 to 116C.843 shall be paid by generators  
56.13 of low-level radioactive waste in this state through fees assessed by the Pollution Control  
56.14 Agency. Fees may be reasonably assessed on the basis of volume or degree of hazard of  
56.15 the waste produced by a generator. Costs for which fees may be assessed include, but  
56.16 are not limited to:

56.17 (1) the state contribution required to join the compact;

56.18 (2) the expenses of the commission member and state agency costs incurred to  
56.19 support the work of the Interstate Commission; and

56.20 (3) regulatory costs.

56.21 ~~The fees are exempt from section 16A.1285.~~

56.22 Sec. 48. Minnesota Statutes 2008, section 116D.045, is amended to read:

56.23 **116D.045 ENVIRONMENTAL IMPACT STATEMENTS; REVIEW COSTS.**

56.24 Subdivision 1. **Assessment.** (a) The board shall by rule adopt procedures to assess  
56.25 the proposer of a specific action for reasonable costs of preparing and distributing an  
56.26 environmental impact statement on that action required pursuant to section 116D.04.

56.27 ~~Such~~ The costs shall be determined by the responsible governmental unit pursuant to the  
56.28 rules promulgated by the board.

56.29 (b) A responsible government unit shall assess the proposer of a specific action for  
56.30 the reasonable costs of preparing and distributing an environmental assessment worksheet  
56.31 on that action required under section 116D.04 in accordance with Minnesota Rules, parts  
56.32 4410.6100 and 4410.6200, except that a local unit of government is exempt from paying  
56.33 the equivalent of the first ten hours of the assessed reasonable costs of preparing and

57.1 distributing the environmental assessment worksheet. This paragraph is not subject to the  
57.2 rulemaking provisions of chapter 14 and section 14.386 does not apply.

57.3 Subd. 2. **Modification.** In the event of a disagreement between the proposer of the  
57.4 action and the responsible governmental unit over the cost of an environmental impact  
57.5 statement or environmental assessment worksheet, the responsible governmental unit shall  
57.6 consult with the board, which may modify the cost or determine that the cost assessed by  
57.7 the responsible governmental unit is reasonable.

57.8 Subd. 3. **Use of assessment.** The responsible governmental unit shall assess the  
57.9 project proposer for reasonable costs in preparing and distributing the environmental  
57.10 impact statement or environmental assessment worksheet and the proposer shall pay the  
57.11 assessed cost to the responsible governmental unit. Money received under this subdivision  
57.12 by a responsible governmental unit may be retained by the unit for the same purposes.  
57.13 Money received by a state agency must be credited to a special account and is appropriated  
57.14 to the agency to cover the assessed costs incurred.

57.15 Subd. 4. **Partial cost to be paid.** No responsible governmental unit shall commence  
57.16 the preparation of an environmental impact statement or environmental assessment  
57.17 worksheet until at least one-half of the assessed cost of the environmental impact statement  
57.18 or environmental assessment worksheet is paid pursuant to subdivision 3. Other laws  
57.19 notwithstanding, no state agency may issue any permits for the construction or operation  
57.20 of a project for which an environmental impact statement or environmental assessment  
57.21 worksheet is prepared until the assessed cost for the environmental impact statement or  
57.22 environmental assessment worksheet has been paid in full.

57.23 Sec. 49. **[216H.021] GREENHOUSE GAS EMISSIONS REPORTING.**

57.24 Subdivision 1. **Commissioner to establish reporting system and maintain**  
57.25 **inventory.** In order to measure the progress in meeting the goals of section 216H.02,  
57.26 subdivision 1, and to provide information to develop strategies to achieve those goals, the  
57.27 commissioner of the Pollution Control Agency shall establish a system for reporting and  
57.28 maintaining an inventory of greenhouse gas emissions. The commissioner must consult  
57.29 with the chief information officer of the Office of Enterprise Technology about system  
57.30 design and operation. Greenhouse gas emissions include those emissions described in  
57.31 section 216H.01, subdivision 2.

57.32 Subd. 2. **Reporting system design.** (a) The commissioner shall, to the extent  
57.33 practicable, design the system to coordinate with other regional or federal greenhouse gas  
57.34 emissions-reporting and inventory systems. The coordination may, without limitation,

58.1 include the use of similar forms and reports, the sharing of information, and the use of  
58.2 common facilities, systems, and databases.

58.3 (b) The reporting system need not include all sources of emissions nor all amounts  
58.4 of emissions but, at its outset, must include:

58.5 (1) all stationary sources and other facilities required to obtain a permit under Title  
58.6 V of the federal Clean Air Act, United States Code, title 42, section 7401 et. seq.; and

58.7 (2) facilities whose annual carbon dioxide equivalent emissions, as defined in  
58.8 section 216H.10, subdivision 3, exceed a threshold set by the commissioner at between  
58.9 10,000 tons and 25,000 tons. The reporting threshold set by the commissioner must  
58.10 be consistent with the goal of accurately tracking progress in attaining greenhouse  
58.11 gas emissions-reduction goals and the need for emissions data to assist in developing  
58.12 greenhouse gas emissions-reduction strategies.

58.13 (c) In designing the greenhouse gas emissions reporting system, the commissioner  
58.14 shall consider requiring the reporting of greenhouse gas emissions from transportation  
58.15 fuels and greenhouse gas emissions from natural gas combustion that are not included  
58.16 in reporting from stationary sources. In determining whether to include reporting of  
58.17 these emissions, the commissioner must consider both the goal of accurately tracking  
58.18 progress in attaining greenhouse gas emissions-reduction goals and the need for emissions  
58.19 data to assist in developing greenhouse gas emissions-reduction strategies recommended  
58.20 by the Minnesota Climate Change Advisory Group. If the commissioner decides that  
58.21 transportation fuels and portions of natural gas combustion should not be included in  
58.22 the initial emissions reporting system, the commissioner must report to the chairs and  
58.23 ranking minority members of the senate and house of representatives committees with  
58.24 primary jurisdiction over energy and environmental policy the reasons for that decision  
58.25 and suggestions for steps that should be taken to allow their inclusion in the emissions  
58.26 reporting system in the future.

58.27 (d) A facility reporting greenhouse gas emissions under this section must maintain  
58.28 the data used to create the reports for a minimum of five years.

58.29 Subd. 3. **Rules.** The commissioner of the Pollution Control Agency may adopt rules  
58.30 for the purposes of this section.

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

58.32 Sec. 50. Minnesota Statutes 2008, section 216H.10, subdivision 7, is amended to read:

58.33 Subd. 7. **High-GWP greenhouse gas.** "High-GWP greenhouse gas" means  
58.34 hydrofluorocarbons, perfluorocarbons, ~~and~~ sulfur hexafluoride, nitrous trifluoride, and any  
58.35 other gas the agency determines by rule to have a high global warming potential.

59.1 Sec. 51. Minnesota Statutes 2008, section 216H.11, is amended to read:

59.2 **216H.11 HIGH-GWP GREENHOUSE GAS REPORTING.**

59.3 Subdivision 1. **Gas manufacturers.** Beginning October 1, 2008, and each year  
59.4 thereafter, a manufacturer of a high-GWP greenhouse gas must report to the agency the  
59.5 total amount of each high-GWP greenhouse gas sold to a purchaser in this state during  
59.6 the previous year.

59.7 Subd. 2. **Purchases.** Beginning October 1, 2008, and each year thereafter, a person  
59.8 ~~in this state~~ who purchases ~~500~~ 10,000 metric tons or more carbon dioxide equivalent of a  
59.9 high-GWP greenhouse gas for use or retail sale in this state must report to the agency, on a  
59.10 form prescribed by the commissioner, the total amount of each high-GWP greenhouse gas  
59.11 purchased for use or retail sale in this state during the previous year and the purpose for  
59.12 which the gas was used. The commissioner may adopt rules under chapter 14 to establish  
59.13 a different reporting threshold or to adopt specific reporting requirements for commercial  
59.14 or industrial facilities that purchase high-GWP gases for use or retail sale in this state.

59.15 Subd. 3. **Acceptance of federal filing.** With the approval of the commissioner, this  
59.16 section may be satisfied by filing with the commissioner a copy of a greenhouse gas  
59.17 emissions report filed with a federal agency or a regional or national greenhouse gas  
59.18 registry, provided that the entity with which the report is filed requires the emissions  
59.19 data to be verified.

59.20 Sec. 52. **[325E.046] STANDARDS FOR LABELING PLASTIC BAGS.**

59.21 Subdivision 1. **Biodegradable label.** A manufacturer, distributor, or wholesaler  
59.22 may not offer for sale in this state a plastic bag labeled "biodegradable," "degradable,"  
59.23 or any form of those terms, or in any way imply that the bag will chemically decompose  
59.24 into innocuous elements in a reasonably short period of time in a landfill, composting, or  
59.25 other terrestrial environment unless a scientifically based standard for biodegradability is  
59.26 developed and the bags are certified as meeting the standard.

59.27 Subd. 2. **Compostable label.** A manufacturer, distributor, or wholesaler may not  
59.28 offer for sale in this state a plastic bag labeled "compostable" unless, at the time of sale,  
59.29 the bag meets the ASTM Standard Specification for Compostable Plastics (D6400). Each  
59.30 bag must be labeled to reflect that it meets the standard. For purposes of this subdivision,  
59.31 "ASTM" has the meaning given in section 296A.01, subdivision 6.

59.32 Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A manufacturer,  
59.33 distributor, or wholesaler who willfully violates this section is subject to a civil penalty  
59.34 of \$100 for each violation up to a maximum of \$5,000 and may be enjoined from such  
59.35 violations.

60.1 (b) The attorney general may bring an action in the name of the state in a court of  
60.2 competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in  
60.3 this subdivision. The attorney general may accept an assurance of discontinuance of acts  
60.4 in violation of this section in the manner provided in section 8.31, subdivision 2b.

60.5 **EFFECTIVE DATE.** This section is effective January 1, 2010.

60.6 Sec. 53. **[383B.236] WASTE MANAGEMENT BY HENNEPIN COUNTY.**

60.7 The Hennepin County Board of Commissioners may utilize money received from  
60.8 the sale of energy and recovered materials, and placed in the county solid and hazardous  
60.9 waste fund under section 473.811, subdivision 9, for program expenses of the Department  
60.10 of Environmental Services, or the department or office succeeding to the functions of the  
60.11 Department of Environmental Services. This authority shall be in addition to the authority  
60.12 given in section 473.811, subdivision 9.

60.13 Sec. 54. Laws 2002, chapter 220, article 8, section 15, is amended to read:

60.14 Sec. 15. **INCREASE TO WATER QUALITY PERMIT FEES.**

60.15 (a) The pollution control agency shall collect water quality permit application and  
60.16 annual fees that reflect the fees in Minnesota Rules, part 7002.0310, increased to the  
60.17 amounts described in paragraphs (b) to (g).

60.18 (b) The application fee for individual permits, general permits, and general industrial  
60.19 stormwater permits is \$240.

60.20 (c) The annual fees for individual National Pollutant Discharge Elimination System  
60.21 permits for major municipal facilities are as follows:

60.22 Design Flow in Million Gallons Per Day Annual Fee 50 and over \$175,750 20 to  
60.23 49.99 \$40,350 5 to 19.99 \$14,350 Up to 4.99 \$5,900

60.24 (d) The annual fees for individual National Pollutant Discharge Elimination System  
60.25 permits for major nonmunicipal facilities are as follows:

60.26 Design Flow in Million Gallons Per Day Annual Fee 20 to 49.99 \$44,200 5 to  
60.27 19.99 \$18,250 Up to 4.99 \$8,450

60.28 Cooling or mine pit dewatering (any flow) \$16,900

60.29 (e) The annual fees for individual National Pollutant Discharge Elimination System  
60.30 and State Disposal System permits for nonmajor municipal facilities with design flows  
60.31 greater than 0.100 million gallons per day are \$1,450.

60.32 (f) The annual fees for general industrial stormwater permits are \$280.

60.33 (g) The annual fees for general National Pollutant Discharge Elimination System  
60.34 and State Disposal System permits are \$345.

61.1 ~~(h) The application and annual fees are not increased for general construction~~  
 61.2 ~~stormwater permits and sanitary sewer extension permits. The annual fees are not~~  
 61.3 ~~increased for National Pollutant Discharge Elimination System and State Disposal System~~  
 61.4 ~~permits regulating municipal nonmajors with facility design flow of 0 to .100, sewage~~  
 61.5 ~~sludge landspreading facilities, and nonmajor nonmunicipal facilities.~~

61.6 ~~(h)~~ (h) The increased permit fees are effective July 1, 2002. The agency shall  
 61.7 adopt amended water quality permit fee rules incorporating the permit fee increases in  
 61.8 this subdivision under Minnesota Statutes, section 14.389. The pollution control agency  
 61.9 shall begin collecting the increased permit fees on July 1, 2002, even if the rule adoption  
 61.10 process has not been initiated or completed. Notwithstanding Minnesota Statutes, section  
 61.11 14.18, subdivision 2, the increased permit fees reflecting the permit fee increases in this  
 61.12 section and the rule amendments incorporating those permit fee increases do not require  
 61.13 further legislative approval.

61.14 Sec. 55. Laws 2007, chapter 57, article 1, section 4, subdivision 2, is amended to read:

61.15 **Subd. 2. Land and Mineral Resources**  
 61.16 **Management** 11,747,000 11,272,000

	Appropriations by Fund	
61.17		
61.18	General	6,633,000
61.19	Natural Resources	3,551,000
61.20	Game and Fish	1,363,000
61.21	Permanent School	200,000

61.22 \$475,000 the first year and \$475,000 the  
 61.23 second year are for iron ore cooperative  
 61.24 research. Of this amount, \$200,000 each year  
 61.25 is from the minerals management account in  
 61.26 the natural resources fund and \$275,000 each  
 61.27 year is from the general fund. \$237,500 the  
 61.28 first year and \$237,500 the second year are  
 61.29 available only as matched by \$1 of nonstate  
 61.30 money for each \$1 of state money. The  
 61.31 match may be cash or in-kind.

61.32 \$86,000 the first year and \$86,000 the  
 61.33 second year are for minerals cooperative  
 61.34 environmental research, of which \$43,000  
 61.35 the first year and \$43,000 the second year are

62.1 available only as matched by \$1 of nonstate  
62.2 money for each \$1 of state money. The  
62.3 match may be cash or in-kind.

62.4 \$2,800,000 the first year and \$2,696,000  
62.5 the second year are from the minerals  
62.6 management account in the natural resources  
62.7 fund for use as provided in Minnesota  
62.8 Statutes, section 93.2236, paragraph (c).

62.9 \$200,000 the first year and \$200,000 the  
62.10 second year are from the state forest suspense  
62.11 account in the permanent school fund to  
62.12 accelerate land exchanges, land sales, and  
62.13 commercial leasing of school trust lands and  
62.14 to identify, evaluate, and lease construction  
62.15 aggregate located on school trust lands. This  
62.16 appropriation is to be used for securing  
62.17 maximum long-term economic return  
62.18 from the school trust lands consistent with  
62.19 fiduciary responsibilities and sound natural  
62.20 resources conservation and management  
62.21 principles.

62.22 \$15,000 the first year is for a report  
62.23 by February 1, 2008, to the house and  
62.24 senate committees with jurisdiction over  
62.25 environment and natural resources on  
62.26 proposed minimum legal and conservation  
62.27 standards that could be applied to  
62.28 conservation easements acquired with public  
62.29 money.

62.30 \$1,201,000 the first year and \$701,000 the  
62.31 second year are to support the land records  
62.32 management system. Of this amount,  
62.33 \$326,000 the first year and \$326,000 the  
62.34 second year are from the game and fish fund  
62.35 and \$375,000 the first year and \$375,000 the

63.1 second year are from the natural resources  
 63.2 fund. The unexpended balances are available  
 63.3 until June 30, 2011. The commissioner  
 63.4 must report to the legislative chairs on  
 63.5 environmental finance on the outcomes of  
 63.6 the land records management support.  
 63.7 \$500,000 the first year and \$500,000 the  
 63.8 second year are for land asset management.  
 63.9 This is a onetime appropriation.

63.10 Sec. 56. Laws 2008, chapter 363, article 5, section 4, subdivision 7, is amended to read:

63.11	Subd. 7. <b>Fish and Wildlife Management</b>	123,000	119,000
63.12	Appropriations by Fund		
63.13	General	-0-	(427,000)
63.14	Game and Fish	123,000	546,000

63.15 \$329,000 in 2009 is a reduction for fish and  
 63.16 wildlife management.

63.17 \$46,000 in 2009 is a reduction in the  
 63.18 appropriation for the Minnesota Shooting  
 63.19 Sports Education Center.

63.20 \$52,000 in 2009 is a reduction for licensing.

63.21 \$123,000 in 2008 and \$246,000 in 2009 are  
 63.22 from the game and fish fund to implement  
 63.23 fish virus surveillance, prepare infrastructure  
 63.24 to handle possible outbreaks, and implement  
 63.25 control procedures for highest risk waters  
 63.26 and fish production operations. This is a  
 63.27 onetime appropriation.

63.28 Notwithstanding Minnesota Statutes, section  
 63.29 297A.94, paragraph (e), \$300,000 in 2009  
 63.30 is from the second year appropriation in  
 63.31 Laws 2007, chapter 57, article 1, section 4,  
 63.32 subdivision 7, from the heritage enhancement  
 63.33 account in the game and fish fund to study,

64.1 predesign, and design a shooting sports  
64.2 ~~facilities at the Vermillion Highlands Wildlife~~  
64.3 ~~Management Area authorized by Laws 2007,~~  
64.4 ~~chapter 57, article 1, section 168~~ facility in  
64.5 the seven-county metropolitan area. This is  
64.6 available onetime only and is available until  
64.7 expended.  
64.8 \$300,000 in 2009 is appropriated from the  
64.9 game and fish fund for only activities that  
64.10 improve, enhance, or protect fish and wildlife  
64.11 resources. This is a onetime appropriation.

64.12 Sec. 57. **WORKING GROUP ON SCORE REPORTING.**

64.13 By July 1, 2009, the commissioner of the Pollution Control Agency shall convene  
64.14 a working group on SCORE reporting to review the requirements for counties to report  
64.15 to the agency on activities funded under Minnesota Statutes, section 115A.557. The  
64.16 commissioner shall appoint to the working group representatives from, at a minimum,  
64.17 the following organizations: the Association of Minnesota Counties, the Solid Waste  
64.18 Administrators Association, and the Solid Waste Management Coordinating Board. The  
64.19 working group shall make recommendations to amend the reporting requirements under  
64.20 Minnesota Statutes, section 115A.557, subdivision 3, in ways that reduce the resources  
64.21 counties employ to collect the data reported, while ensuring that estimation methods used  
64.22 to report data are consistent across counties and that the data reported are accurate and  
64.23 useful as a guide to solid waste management policy makers. The working group shall  
64.24 also make recommendations regarding the feasibility and desirability of multicounty  
64.25 reporting of the data. The working group's recommendations must be presented in a  
64.26 report submitted to the chairs and ranking minority members of the senate and house of  
64.27 representatives committees with primary jurisdiction over solid waste policy no later  
64.28 than December 15, 2009.

64.29 Sec. 58. **COMPOST REPORT.**

64.30 By December 15, 2011, the commissioner of the Pollution Control Agency shall  
64.31 report to the legislative committees with jurisdiction over environment and natural  
64.32 resources policy on:

64.33 (1) the mixed municipal solid waste diversion rates accomplished by the grant  
64.34 program under Minnesota Statutes, section 115A.559;

65.1 (2) participants in the grant program and the programs developed with grant funds;  
65.2 and  
65.3 (3) the potential for new permanent programs based on results of projects funded  
65.4 with grants issued under Minnesota Statutes, section 115A.559.

65.5 Sec. 59. **PRIORITY CHEMICAL REPORTS.**

65.6 (a) By January 15, 2010, the commissioner of health, in consultation with the  
65.7 Pollution Control Agency, shall report to the chairs and ranking minority members  
65.8 of the senate and house of representatives committees with primary jurisdiction over  
65.9 environment and natural resources policy, commerce, and public health regarding the  
65.10 progress on implementing Minnesota Statutes, sections 116.9401 to 116.9408.

65.11 (b) By January 15, 2010, the commissioner of the Pollution Control Agency  
65.12 shall report to the chairs and ranking minority members of the senate and house of  
65.13 representatives committees with primary jurisdiction over environment and natural  
65.14 resources policy, commerce, and public health on the agency's plans to implement  
65.15 Minnesota Statutes, section 116.9405, and assess mechanisms to reduce and phase out the  
65.16 use of priority chemicals in children's products, including potential funding mechanisms.  
65.17 The report must include information on the progress of other states in reducing toxic  
65.18 chemicals in children's products and recommend ways to promote product design that  
65.19 incorporates the principles of green chemistry and life cycle analysis in order to protect  
65.20 public health and the environment. In developing the report, the agency may consult  
65.21 outside experts and groups working to reduce toxic chemicals in children's products in  
65.22 Minnesota and nationally.

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

65.24 Sec. 60. **ENVIRONMENTAL REVIEW STREAMLINING REPORT.**

65.25 By January 15, 2010, the commissioner of the Pollution Control Agency must  
65.26 submit a report to the environment and natural resources policy and finance committees of  
65.27 the house of representatives and senate on options to streamline the environmental review  
65.28 process under chapter 116D. In preparing the report, the commissioner must consult  
65.29 with state agencies, local government units, and business, agriculture, and environmental  
65.30 advocacy organizations with an interest in the environmental review process. The report  
65.31 must include options that will reduce the time required to complete environmental review  
65.32 and the cost of the process to responsible governmental units and project proposers while  
65.33 maintaining air, land, and water quality standards.

66.1       Sec. 61. **COMPENSATION OF GOVERNOR'S STAFF.**

66.2             For fiscal years 2010 and 2011, the Department of Natural Resources, the Pollution  
66.3 Control Agency, and the Board of Water and Soil Resources may not use funds  
66.4 appropriated in this act or funds from any statutory or open appropriation to directly or  
66.5 indirectly pay for the compensation costs of staff in the office of the governor.

66.6       Sec. 62. **FISH CONSUMPTION ADVISORIES.**

66.7             The commissioner of natural resources, in cooperation with the commissioner of  
66.8 health, shall ensure that fish consumption advisories are displayed in at least four different  
66.9 languages to fairly represent the population of the state.

66.10       Sec. 63. **CARBON SEQUESTRATION FORESTRY REPORT.**

66.11             The Minnesota Forest Resources Council shall review the Minnesota Climate  
66.12 Change Advisory Group's recommendation to increase carbon sequestration in forests by  
66.13 planting 1,000,000 acres of trees and shall submit a report to the chairs of the house of  
66.14 representatives and senate committees with jurisdiction over energy and energy finance,  
66.15 environment and natural resources, and environment and natural resources finance; the  
66.16 governor; and the commissioner of natural resources by January 15, 2010. The report  
66.17 shall, at a minimum, include recommendations on implementation and analysis of the  
66.18 number and ownership of acres available for tree planting, the types of native species best  
66.19 suited for planting, the availability of planting stock, and potential costs.

66.20       Sec. 64. **REPEALER.**

66.21             Laws 2008, chapter 363, article 5, section 30, is repealed.