

the state in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of the act.

Subd. 2. FAIR LABOR STANDARDS ACT. An employee of the state who is aggrieved by the state's violation of the Fair Labor Standards Act of 1938, United States Code, title 29, section 201, et seq., as amended, may bring a civil action against the state in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of the act.

Subd. 3. FAMILY AND MEDICAL LEAVE ACT. An employee, former employee, or prospective employee of the state who is aggrieved by the state's violation of the Family and Medical Leave Act, United States Code, title 29, sections 2601 to 2654, as amended, may bring a civil action against the state in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of the act.

Subd. 4. AMERICANS WITH DISABILITIES ACT. An employee, former employee, or prospective employee of the state who is aggrieved by the state's violation of the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101, as amended, may bring a civil action against the state in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of the act.

Presented to the governor May 18, 2001

Signed by the governor May 22, 2001, 10:25 a.m.

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#### CHAPTER 160—S.F.No. 1434

*An act relating to waters; modifying water appropriation permit provisions; establishing fees; requiring cooperation with a dam inventory; amending Minnesota Statutes 2000, sections 103G.271, subdivisions 1, 5, and 5a; and 103G.301, subdivision 2.*

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

Section 1. Minnesota Statutes 2000, section 103G.271, subdivision 1, is amended to read:

Subdivision 1. **PERMIT REQUIRED.** (a) Except as provided in paragraph (b), the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state may not appropriate or use waters of the state without a water use permit from the commissioner.

(b) This section does not apply to use for a water supply by less than 25 persons for domestic purposes.

(c) The commissioner may issue a state general permit for ~~temporary~~ appropriation of water to a governmental subdivision or to the general public for classes of

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activities that have minimal impact upon waters of the state. The general permit may authorize more than one project and the appropriation or use of more than one source of water. Water use permit processing fees and reports required under subdivision 6 and section 103G.281, subdivision 3, are required for each project or water source that is included under a general permit, except that no fee or report is required for uses totaling less than 15,000,000 gallons annually.

Sec. 2. Minnesota Statutes 2000, section 103G.271, subdivision 5, is amended to read:

**Subd. 5. PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.**

(a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) ~~Except as provided in paragraph (e),~~ Once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010, unless the discharge is into a public water basin within a nature preserve approved by the commissioner and established prior to January 1, 2001. Existing once-through systems must not be expanded and are required to convert to water efficient alternatives within the design life of existing equipment.

(e) Paragraph (b) does not apply where groundwater appropriated for use in a once-through system is subsequently discharged into a wetland or public waters wetland owned or leased by a nonprofit corporation if:

- (1) the membership of the corporation includes a local government unit;
- (2) the deed or lease requires that the area containing the wetland or public waters wetland be maintained as a nature preserve;
- (3) public access is allowed consistent with the area's status as a nature preserve; and
- (4) by January 1, 2003, the permittee incurs costs of developing the nature preserve and associated facilities that, when discounted to 1992 dollars, exceed twice the projected cost, as determined by the commissioner, of the conversion required in paragraph (b), discounted to 1992 dollars.

The costs incurred under clause (4) may include preparation of plans and designs; site preparation; construction of wildlife habitat structures; planting of trees and other vegetation; installation of signs and markers; design and construction of trails, docks, and access structures; and design and construction of interpretative facilities. The permittee shall submit an estimate of the cost of the conversion required in paragraph (b) to the commissioner by January 1, 1993, and shall annually report to the commissioner on the progress of the project and the level of expenditures.

Sec. 3. Minnesota Statutes 2000, section 103G.271, subdivision 5a, is amended to read:

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Subd. 5a. **MAINTENANCE OF SURFACE WATER LEVELS.** Except as provided in subdivision 5, paragraph (e) (b), the commissioner shall, by January 31, 1994, revoke all existing permits, and may not issue new permits, for the appropriation or use of groundwater in excess of 10,000,000 gallons per year for the primary purpose of maintaining or increasing surface water levels in the seven-county metropolitan area and in other areas of concern as determined by the commissioner. This subdivision does not apply until January 1, 1998, to a municipality that, by January 1, 1994, submits a plan acceptable to the commissioner for maintaining or increasing surface water levels using sources other than groundwater.

Sec. 4. Minnesota Statutes 2000, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **PERMIT APPLICATION FEES.** (a) An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by a permit application fee to defray the costs of receiving, recording, and processing the application or request to amend or transfer.

(b) The fee to apply for a permit to appropriate water, a permit to construct or repair a dam that is subject to dam safety inspection, or a state general permit or to apply for the state water bank program is \$75. The application fee for a permit to work in public waters or to divert waters for mining must be at least \$75, but not more than \$500, according to a schedule of fees adopted under section 16A.1285.

#### Sec. 5. **DAM INVENTORY AND ASSESSMENT.**

The commissioner of natural resources shall cooperate with the United States Army Corps of Engineers in carrying out the inventory and assessment, and the repair of dams that are a risk to public safety, that were constructed in this state by the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps, as mandated by section 524 of Public Law Number 106-541.

Presented to the governor May 21, 2001

Signed by the governor May 24, 2001, 1:59 p.m.

### CHAPTER 161—S.F.No. 1263

*An act relating to state government; changing the expiration dates of certain advisory councils and committees and other multimember entities; establishing the council of health boards; amending Minnesota Statutes 2000, sections 6.65; 15.059, subdivision 5; 15.50, subdivision 2; 16B.181, subdivision 2; 16B.27, subdivision 3; 16B.76, subdivision 1; 17.136; 18B.305, subdivision 3; 21.112, subdivision 2; 28A.20; 43A.316, subdivision 4; 62J.15, subdivision 1; 62J.46, subdivision 1; 62J.692, subdivision 2; 62Q.03, subdivision 5a; 82B.05, subdivision 1; 115A.12; 116P.06, subdivision 1; 122A.624, subdivision 2; 144.1481, subdivision 1; 144.672, subdivision 1; 144A.073, subdivisions 2, 3, 3c; 145A.10, subdivision 10; 148C.11, subdivision 3; 161.1419, subdivisions 2, 8; 161.17, subdivision 2; 174.55, subdivision 1; 175.007,*

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