

1.1 ..... moves to amend H.F. No. 498 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[160.2315] HIGHWAYS FOR HABITAT PROGRAM.**

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

1.6 (b) "Integrated roadside vegetation management" has the meaning given section 160.232,  
1.7 subdivision 1.

1.8 (c) "Program" means the highways for habitat program established in this section.

1.9 Subd. 2. **Program establishment.** The commissioner must establish a highways for  
1.10 habitat program to enhance roadsides for pollinators and small wildlife.

1.11 Subd. 3. **Highways for habitat account.** A highways for habitat account is established  
1.12 in the special revenue fund. The account consists of funds provided by law and any other  
1.13 money donated, allotted, transferred, or otherwise provided to the account, including federal  
1.14 funds. Money in the account must be expended only on a project that receives financial  
1.15 assistance under this section.

1.16 Subd. 4. **Management standards.** (a) The commissioner, in consultation with native  
1.17 habitat biologists and ecologists, must develop standards and best management practices  
1.18 for integrated roadside vegetation management under the program.

1.19 (b) The standards and best management practices must include:

1.20 (1) guidance on seed and vegetation selection based on the Board of Water and Soil  
1.21 Resources' native vegetation establishment and enhancement guidelines;

1.22 (2) requirements for roadside vegetation management protocols that avoid the use of  
1.23 pollinator lethal insecticides as defined under section 18H.02, subdivision 28a;

2.1 (3) practices that are designed to avoid habitat destruction and protect nesting birds,  
 2.2 pollinators, and other wildlife; and

2.3 (4) identification of appropriate right-of-way tracts for wildflower and native habitat  
 2.4 establishment.

2.5 Subd. 5. **Legislative report.** (a) By January 15 of each odd-numbered year, the  
 2.6 commissioner must submit a performance report on the program to the chairs and ranking  
 2.7 minority members of the legislative committees having jurisdiction over transportation  
 2.8 policy and finance. At a minimum, the report must include:

2.9 (1) information that details the department's progress on implementing the highways for  
 2.10 habitat program;

2.11 (2) a fiscal review that identifies expenditures under the program; and

2.12 (3) an investment plan for each district of the department for the next biennium.

2.13 (b) The performance report must be reviewed by the department's chief engineer.

2.14 (c) This subdivision expires December 31, 2033.

2.15 Sec. 2. Minnesota Statutes 2022, section 160.232, is amended to read:

2.16 **160.232 ~~MOWING DITCHES OUTSIDE CITIES~~ RIGHT-OF-WAY DITCH**  
 2.17 **MANAGEMENT.**

2.18 Subdivision 1. **Definitions.** (a) ~~To provide enhanced roadside habitat for nesting birds~~  
 2.19 ~~and other small wildlife, road authorities may not mow or till the right-of-way of a highway~~  
 2.20 ~~located outside of a home rule charter or statutory city except as allowed in this section and~~  
 2.21 ~~section 160.23.~~

2.22 (b) ~~On any highway, the first eight feet away from the road surface, or shoulder if one~~  
 2.23 ~~exists, may be mowed at any time.~~

2.24 (c) ~~An entire right-of-way may be mowed after July 31. From August 31 to the following~~  
 2.25 ~~July 31, the entire right-of-way may only be mowed if necessary for safety reasons, but~~  
 2.26 ~~may not be mowed to a height of less than 12 inches.~~

2.27 (d) ~~A right-of-way may be mowed as necessary to maintain sight distance for safety and~~  
 2.28 ~~may be mowed at other times under rules of the commissioner, or by ordinance of a local~~  
 2.29 ~~road authority not conflicting with the rules of the commissioner.~~

2.30 (e) ~~A right-of-way may be mowed, burned, or tilled to prepare the right-of-way for the~~  
 2.31 ~~establishment of permanent vegetative cover or for prairie vegetation management.~~

3.1 ~~(f) When feasible, road authorities are encouraged to utilize low maintenance, native~~  
3.2 ~~vegetation that reduces the need to mow, provides wildlife habitat, and maintains public~~  
3.3 ~~safety.~~

3.4 ~~(g) The commissioner of natural resources shall cooperate with the commissioner of~~  
3.5 ~~transportation to provide enhanced roadside habitat for nesting birds and other small wildlife.~~

3.6 (a) For purposes of this section, the following terms have the meanings given.

3.7 (b) "Integrated roadside vegetation management" means an approach to right-of-way  
3.8 maintenance that combines a variety of techniques based on sound ecological principles,  
3.9 which establish and maintain safe, healthy, and functional roadsides. Integrated roadside  
3.10 vegetation management includes but is not limited to judicious use of herbicides, spot  
3.11 mowing, biological control, prescribed burning, mechanical tree and brush removal, erosion  
3.12 prevention and treatment, and prevention and treatment of other right-of-way disturbances.

3.13 (c) "Pollinator" has the meaning given in section 18B.01, subdivision 20a.

3.14 Subd. 2. **Applicability.** (a) The commissioner must comply with the provisions of this  
3.15 section with respect to trunk highways and other roadway rights-of-way owned or controlled  
3.16 by the Department of Transportation.

3.17 (b) Other road authorities, including counties, municipalities, and other local government  
3.18 units, may and are encouraged to comply with the provisions of this section with respect to  
3.19 roadway rights-of-way owned or controlled by the road authority.

3.20 Subd. 3. **Integrated roadside vegetation management practices.** (a) Integrated roadside  
3.21 vegetation management must include best management practices for pollinators, birds, and  
3.22 other small wildlife. The commissioner must collaborate with the commissioner of natural  
3.23 resources and other regional public organizations as necessary while developing and  
3.24 implementing the best management practices.

3.25 (b) When prescribed burning is used, no more than 50 percent of each right-of-way mile  
3.26 may be burned each year in order to protect the insect and pollinator reservoir.

3.27 Subd. 4. **Pollinator habitat asset management.** (a) The commissioner must collaborate  
3.28 with native habitat biologists and ecologists and public organizations as necessary to establish  
3.29 integrated roadside vegetation management best practices for all trunk highway rights-of-way  
3.30 in Minnesota. Practices must include the establishment of native trees, shrubs, or prairie  
3.31 grass and designated wildflower highways.

4.1 (b) The commissioner must make available on a public website asset management plans  
4.2 and maps that indicate the locations of pollinator habitat assets within the rights-of-way of  
4.3 all trunk highways.

4.4 Subd. 5. **Pollinator habitat asset management plan.** (a) The commissioner must  
4.5 develop and implement a performance-based pollinator habitat asset management plan for  
4.6 the trunk highway system to improve the condition of pollinator habitats and fully deploy  
4.7 integrated roadside vegetation management. The plan must include strategies to establish  
4.8 and maintain pollinator habitat assets in all trunk highway rights-of-way.

4.9 (b) At a minimum, the plan must:

4.10 (1) measure and increase acres of trunk highway rights-of-way that are restored or  
4.11 transferred to other public agencies as native grass and plant habitats, wetlands, and  
4.12 recreational lands such as parks and open space;

4.13 (2) measure and reduce pesticides and other chemicals applied within trunk highway  
4.14 rights-of-way;

4.15 (3) measure and reduce greenhouse gases produced by the Department of Transportation  
4.16 mowing within trunk highway rights-of-way; and

4.17 (4) include a five-year plan for annual investments in each Department of Transportation  
4.18 district.

4.19 (c) The commissioner must include performance measures and annual performance  
4.20 targets to be achieved by each district of the department for each measure in paragraph (b).  
4.21 Additional predictive and consequential performance measures and annual performance  
4.22 targets must be identified in collaboration with the public.

4.23 (d) By January 15 of each odd-numbered year, the commissioner must submit the  
4.24 management plan, and information detailing the department's progress on implementing  
4.25 pollinator habitat asset management, to the chairs and ranking minority members of the  
4.26 legislative committees having jurisdiction over transportation policy and finance. The plan  
4.27 must be signed by the department's chief engineer.

4.28 **Sec. 3. APPROPRIATION; HIGHWAYS FOR HABITAT.**

4.29 \$1,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner  
4.30 of transportation for the highways for habitat program under Minnesota Statutes, section  
4.31 160.2325. This is a onetime appropriation.

5.1 Sec. 4. APPROPRIATIONS; LIVING SNOW FENCES.

5.2 (a) For purposes of this section, "living snow fence implementation" means acquiring,  
5.3 building, planting, and improving living snow fences consisting of trees, shrubs, native  
5.4 grasses, and wildflowers. Living snow fence implementation includes costs of acquiring  
5.5 and planting trees and shrubs that are climate adaptive to Minnesota, contracts, easements,  
5.6 rental agreements, and program delivery.

5.7 (b) \$2,000,000 in fiscal year 2024 is appropriated from the general fund to the  
5.8 commissioner of transportation for living snow fence implementation under the state road  
5.9 construction budget activity. This is a onetime appropriation.

5.10 (c) \$330,000 in fiscal year 2024 and \$330,000 in fiscal year 2025 are appropriated from  
5.11 the trunk highway fund to the commissioner of transportation for living snow fence  
5.12 implementation under the operations and maintenance budget activity. The base for operations  
5.13 and maintenance is increased by \$330,000 annually."

5.14 Amend the title accordingly