

**Subject** Environment and Natural Resources Omnibus

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**Date** April 29, 2021

### Overview

This bill contains the fiscal year 2022 and 2023 budget appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), and other entities. It also contains the fiscal year 2021 and 2022 appropriations from the environment and natural resources trust fund based upon recommendations of the Legislative-Citizen Commission on Minnesota Resources (LCCMR) and a number of statutory and other changes related to the environment and natural resources.

## Article 1: Environment and Natural Resources Appropriations

This article contains the fiscal year 2022 and 2023 appropriations for the PCA, DNR, BWSR, metropolitan area regional parks, Conservation Corps Minnesota, the Minnesota Zoo, the Science Museum, the school trust lands director, and Explore Minnesota Tourism.

### Section Description – Article 1: Environment and Natural Resources Appropriations

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- 1 Environment and natural resources appropriations.**  
Technical.
- 2 Pollution Control Agency.**  
Appropriates \$110,221,000 in fiscal year 2022 and \$110,456,000 in fiscal year 2023 to the PCA, including appropriations for the Environmental Quality Board.
- 3 Natural resources.**  
Appropriates \$333,372,000 in fiscal year 2022 and \$326,677,000 in fiscal year 2023 to the DNR, including pass through appropriations for the school trust lands director.
- 4 Board of Water and Soil Resources.**  
Appropriates \$16,470,000 in fiscal year 2022 and \$16,565,000 in fiscal year 2023 to BWSR.

**Section Description – Article 1: Environment and Natural Resources Appropriations**

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- 5        **Metropolitan Council.**  
Appropriates \$10,640,000 in fiscal years 2022 and 2023 to the Metropolitan Council for metropolitan area regional parks.
- 6        **Conservation Corps Minnesota.**  
Appropriates \$945,000 in fiscal years 2022 and 2023 for Conservation Corps Minnesota.
- 7        **Zoological Board.**  
Appropriates \$16,079,000 in fiscal year 2022 and \$13,959,000 in fiscal year 2023 to the Minnesota Zoo.
- 8        **Science Museum.**  
Appropriates \$3,018,000 in fiscal year 2022 and \$1,079,000 in fiscal year 2023 to the Science Museum of Minnesota.
- 9        **Explore Minnesota Tourism.**  
Appropriates \$15,184,000 in fiscal year 2022 and \$14,523,000 in fiscal year 2023 to Explore Minnesota Tourism.
- 10       **Forest management.**  
Extends a previous appropriation to the DNR for emerald ash borer related grants to local governments.
- 11       **Parks and trails management.**  
Makes a technical correction related to changes in the cross-country ski account in the bill and extends a prior appropriation for an off-highway motorcycle master plan. The changes are effective retroactively from July 1, 2019.
- 12       **Fiscal year 2021 appropriations.**  
Appropriates the following in fiscal year 2021: \$1,595,000 for the Minnesota Zoo; \$2,008,000 to the DNR for costs related to responding to civil unrest; and \$958,000 to the DNR for conservation officer salary increases.
- 13       **Federal funds replacement; appropriation.**  
Requires the commissioner of management and budget to determine whether the expenditures authorized under this act are eligible uses of federal funding under the Coronavirus State Fiscal Recovery Fund or any other federal funds received under the American Rescue Plan. Requires the state to use the allowable federal funds to replace the state appropriations in this article.

**Section Description – Article 1: Environment and Natural Resources Appropriations**

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- 14 **Proctor-Hermantown Munger Trail Spur; extension.**  
Extends the availability of a portion of a previous appropriation that provided a grant to the city of Hermantown for the Proctor-Hermantown Munger Trail Spur project.

**Article 2: Environment and Natural Resources Trust Fund  
Fiscal Year 2021**

This article includes fiscal year 2021 appropriations from the environment and natural resources trust fund (a constitutionally dedicated trust fund funded by proceeds from the Minnesota State Lottery). The bill includes most of the preliminary recommendations considered by the Legislative-Citizen Commission on Minnesota Resources (LCCMR) for the 2020 session but which did not receive the super majority required for approval.

**Description – Article 2: Environment and Natural Resources Trust fund  
Section Fiscal Year 2021**

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- 1 **Appropriations.**  
Technical.
- 2 **Minnesota resources.**
- Subd. 1. Total appropriation.** Provides a total appropriation of \$61,387,000 in fiscal year 2021 from the environment and natural resources trust fund.
  - Subd. 2. Definition.** Technical.
  - Subd. 3. Foundational natural resource data and information.** Provides a total appropriation for natural resource data and information projects of \$8,593,000 in fiscal year 2021.
  - Subd. 4. Water resources.** Provides a total appropriation for water resources projects of \$3,457,000 in fiscal year 2021.
  - Subd. 5. Technical assistance, outreach, and environmental education.** Provides a total appropriation for technical assistance, outreach, and environmental education projects of \$2,989,000 in fiscal year 2021.
  - Subd. 6. Aquatic and terrestrial invasive species.** Provides a total appropriation for invasive species projects of \$10,425,000 in fiscal year 2021.
  - Subd. 7. Air quality and renewable energy.** Provides a total appropriation for air quality and renewable energy projects of \$573,000 in fiscal year 2021.

**Description – Article 2: Environment and Natural Resources Trust fund**  
**Section Fiscal Year 2021**

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**Subd. 8. Methods to protect or restore land, water, and habitat.** Provides a total appropriation for projects for protection, restoration, and enhancement methods of 4,219,000 in fiscal year 2021.

**Subd. 9. Land acquisition, habitat, and recreation.** Provides a total appropriation for land acquisition projects of \$29,901,000 in fiscal year 2021.

**Subd. 10. Emerging issues account; wastewater renewable energy demonstration grants.** Provides \$1,095,000 to an emerging issues account to be used to provide grants for renewable energy demonstration projects at wastewater treatment facilities.

**Subd. 11. Administration and contract agreement reimbursement.** Provides a total appropriation of \$135,000 in fiscal year 2021 for contract administration expenses of the Department of Natural Resources (DNR).

**Subds. 12 to 20.** Provides project requirements that apply to all recipients. The LCCMR recommends similar requirements each year, which include: specifying the availability of appropriations; data requirements; specific project requirements, including requiring ecological restoration and management plans; and requiring easements to be permanent and have a long-term monitoring and enforcement plan. A new background check requirement applicable to children's service providers is also included. Extends several previous appropriations set to expire. Redirects money, originally appropriated in fiscal year 2020 for the Sauk River Dam Removal and Rock Rapids Replacement project, to four new projects.

**3 Land acquisition, habitat, and recreation.**

Amends a prior appropriation for a trail in the city of Tower to retroactively allow a trail connection to the Mesabi Trail and extend the availability of the appropriation until June 30, 2023.

**4 Aquatic and terrestrial invasive species.**

Amends a prior appropriation for Palmer amaranth monitoring to include other noxious weeds.

**5 Effective date.**

Provides an immediate effective date for sections 1, 2, and 4.

## Article 3: Environment and Natural Resources Trust Fund Fiscal Year 2022

This article includes fiscal year 2022 appropriations from the environment and natural resources trust fund. The bill includes the recommendations approved by the LCCMR.

Section	Description – Article 3: Environment and Natural Resources Trust Fund Fiscal Year 2022
1	<b>Appropriations.</b> Technical.
2	<b>Minnesota resources.</b> <b>Subd. 1. Total appropriation.</b> Provides a total appropriation of \$70,881,000 in fiscal year 2022 from the environment and natural resources trust fund. <b>Subd. 2. Definition.</b> Technical. <b>Subd. 3. Foundational natural resource data and information.</b> Provides a total appropriation for natural resource data and information projects of \$10,459,000 in fiscal year 2022. <b>Subd. 4. Water resources.</b> Provides a total appropriation for water resources projects of \$4,771,000 in fiscal year 2022. <b>Subd. 5. Environmental education.</b> Provides a total appropriation for environmental education projects of \$2,687,000 in fiscal year 2022. <b>Subd. 6. Aquatic and terrestrial invasive species.</b> Provides a total appropriation for invasive species projects of \$6,148,000 in fiscal year 2022. <b>Subd. 7. Air quality, climate change, and renewable energy.</b> Provides a total appropriation for air quality, climate change, and renewable energy projects of \$6,205,000 in fiscal year 2022. <b>Subd. 8. Methods to protect, restore, and enhance land, water, and habitat.</b> Provides a total appropriation for projects for protection, restoration, and enhancement methods of \$6,429,000 in fiscal year 2022. <b>Subd. 9. Land acquisition, habitat, and recreation.</b> Provides a total appropriation for land acquisition, habitat, and recreation projects of \$32,062,000 in fiscal year 2022. <b>Subd. 10. Administrative and emerging issues.</b> Provides a total appropriation of \$2,120,000 in fiscal year 2022 for administrative expenses of the LCCMR, contract

**Description – Article 3: Environment and Natural Resources Trust Fund**  
**Section Fiscal Year 2022**

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administration expenses of the Department of Natural Resources (DNR), a dedicated funding website, and an emerging issues account.

**Subds. 11 to 17.** Provides project requirements that apply to all recipients. The LCCMR recommends similar requirements each year, which include: specifying the availability of appropriations; data requirements; specific project requirements, including requiring ecological restoration and management plans; and requiring easements to be permanent and have a long-term monitoring and enforcement plan. A new background check requirement applicable to children's service providers is also included.

**Subd. 18. Carryforward; extension.** Provides a one-year extension for projects expiring June 30, 2021, if the recipient notifies the LCCMR and modifies the applicable work plan. Provides an immediate effective date for the subdivision.

**Subd. 19. Repurpose of prior appropriations; Natural Resources Research Institute.** Repurposes four previous appropriations totaling \$840,000 and uses the money for forestry related research at the Natural Resources Research Institute (NRRI) at the University of Minnesota.

## **Article 4: Pollution Control**

This article contains a number of provisions proposed by the PCA and other provisions impacting the agency and environment.

**Section Description – Article 4: Pollution Control**

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- 1 Exceptions.**  
Requires that 40 percent of any settlement or litigation case in which the agency recovers \$250,000 or more must be distributed to the community health board in the area where the violating facility is located, to develop a project that addresses residents' health concerns.
  
- 2 Generally.**  
Requires a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement, if they exceed \$25,000.

**Section Description – Article 4: Pollution Control**

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- 3      **Duty to notify; avoiding water pollution.**  
Requires a publicly owned water treatment works or domestic sewer system owner to promptly notify the public and any downstream drinking water facility of a discharge of a pollutant. Signs must also be posted at all impacted public use areas.
- 4      **Enforcement.**  
    **Subd. 1. Remedies available.** Authorizes the agency to use action to cease performance as an enforcement tool.
- 5      **Enforcement.**  
    **Subd. 3a. Public informational meeting.** Requires the agency to hold an informational meeting before finalizing a stipulation agreement or consent decree of \$25,000 or more.
- 6      **Enforcement.**  
    **Subd. 4. Injunctions.** Specifies the scope of injunctive relief.
- 7      **Enforcement.**  
    **Subd. 8. Stipulation agreements.** Prohibits the commissioner from extending the time for a violator to comply with a stipulated term solely because of increased costs.
- 8      **Enforcement.**  
    **Subd. 9. Compliance when required permit not obtained.** Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility.
- 9      **Definitions.**  
    **Subd. 10b. Environmental justice.** Definition.
- 10     **Definitions.**  
    **Subd. 10c. Environmental justice area.** Definition.
- 11     **Definitions.**  
    **Subd. 12b. Phase II recycling credits.** Definition.
- 12     **Registration program.**  
    **Subd. 1. Requirements for sale.** Prohibits the sale of video display devices that are not labeled with the manufacturer's brand and is registered with the agency.

**Section Description – Article 4: Pollution Control**

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- 13      **Manufacturer registration fee.**  
          **Subd. 1. Registration fee.** Amends the formula used to calculate a manufacturer’s variable recycling fee.
- 14      **Reporting requirements.**  
          **Subd. 1. Manufacturer reporting requirements.** Strikes obsolete language.
- 15      **Responsibilities.**  
          **Subd. 2. Recycler responsibilities.** Prohibits recyclers from charging collectors for any supplies related to transporting or recycling covered electronic devices.
- 16      **Agency and department duties.**  
          **Subd. 1. Duties of agency.** Strikes obsolete language.
- 17-21   **Landfill responsibility projects.**  
          Requires all mixed municipal solid waste disposal facilities to conduct waste reduction and reuse projects that utilize 3 percent of its annual revenues. Projects must be approved by the commissioner. At least 40 percent of the amount spent must directly serve environmental justice areas. Each landfill pays an annual assessment fee to the agency to cover the agency’s administrative and implementation costs.
- 22      **Waste composition study.** Requires the agency to conduct a waste composition study at disposal facilities at least once every three years.
- 23      **Reducing packaging in waste.**  
          **Subd. 3. Facility cooperation and reports.** Changes the date (from February 1 to March 1) the owner of a solid waste facility must submit an annual report on the amount of solid waste the facility received.
- 24      **Recycling; competitive grant program.**  
          **Subd. 1. Grant program established.** Authorizes the commissioner to make competitive grants to federally recognized Indian Tribes.
- 25      **State response to releases.**  
          **Subd. 13. Priorities; rules.** Requires the agency to use the EPA’s current Hazard Ranking System and guidance to establish a list of priority chemical releases.



**Section Description – Article 4: Pollution Control**

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**26 Priority qualified facilities.**

**Subd. 1. Legislative findings.** Adds language declaring it to be in the public interest that actions prevent unjust financial windfalls and double liability of owners of priority qualified facilities.

**27 Priority qualified facilities.**

**Subd. 9. Environmental liens.** Specifies that the state has a lien on the increase in fair market value resulting from a cleanup at a priority qualified facility, and when the commissioner may release a lien.

**28 Acquiring and disposing of real property at priority qualified facilities.**

**Subd. 1. Acquiring and disposing of real property.** Technical.

**Subd. 2. Eminent domain damages.** Specifies damage amounts for condemnation of real property under this section.

**29 Closed landfill investment fund.**

Appropriates the interest in the closed landfill investment fund (CLIF) to the PCA and requires the commissioner to file a report with the legislature annually regarding expenditures made with the appropriation. Sunsets the appropriation and reporting requirement after four years.

**30 Dry cleaner environmental response and reimbursement account.**

**Subd. 4. Registration; fees.** Modifies how dry cleaning facility registration fees are calculated, changing from a calculation based on the number of employees to one based on a percentage (to be determined) of gross revenues.

**31 Definitions.**

**Subd. 6a. Commissioner.** Definition.

**32 Permitting; environmental justice areas.**

**Subd. 1. Definitions.**

**Subd. 2. Rulemaking.** Requires the commissioner to begin rulemaking for a process to issue permits in environmental justice areas no later than November 1, 2021.

**Subd. 3. Application.** Specifies that this section applies to new and renewed permits and major permit amendments.

**Section Description – Article 4: Pollution Control**

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**Subd. 4. Environmental justice area; determination.** Authorizes the agency to determine environmental justice area boundaries, which decision may be appealed by a petition signed by 50 or more residents.

**Subd. 5. Process; cumulative impact analysis.** Requires a permit applicant in an environmental justice area to conduct an analysis of the cumulative impacts in the area, including an analysis of demographic and socioeconomic conditions that may make residents more vulnerable to incremental exposure to pollutants.

**Subd. 6. Permits; environmental justice area.** Specifies that if the agency finds that the facility's environmental impacts, coupled with the effects of cumulative pollution in the area and heightened sensitivity of residents, would increase environmental impacts on the area, the commissioner must deny the permit or place conditions on the permit that eliminate those impacts.

**Subd. 7. Enforcement.** Authorizes the commissioner to enforce rules and regulations necessary to implement this section.

33 **Powers and duties.**

**Subd. 4l. Real property interests.** Authorizes the commissioner to acquire interests in a solid waste disposal property if related to closure or postclosure care.

34 **Powers and duties.**

**Subd. 4m. Permit review denial.** Requires the commissioner to state in writing why the agency will not review an existing permit upon request.

35 **Powers and duties.**

**Subd. 4n. Nonexpiring state individual permits; public informational meeting.** Requires the agency to hold a public informational meeting at least once every five years for facilities with a nonexpiring permit.

36 **Powers and duties.**

**Subd. 6. Pollution Control Agency; exercise of powers.** Specifies that the agency's actions in environmental justice areas, to the extent reasonable, feasible, and practical, provide outreach in communicating with residents, and promote the use of environmental data and analysis. An environmental justice advisory committee is to be established.

**Section Description – Article 4: Pollution Control**

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**37 Powers and duties.**

**Subd. 9. Orders; investigations.** Requires a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement, if they exceed \$25,000.

**38 Powers and duties.**

**Subd. 9a. Stipulation agreements.** Prohibits the commissioner from extending the time for a violator to comply with a stipulated term solely because of increased costs.

**39 Powers and duties.**

**Subd. 9b. Compliance when required permit not obtained.** Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility.

**40 Authority to require information on contaminants.**

**Subd. 1. Definitions.** Technical.

**Subd. 2. Agency action.** Authorizes the commissioner to take action when a contaminant is detected or when the commissioner has reason to believe that a release is about to occur or that environmental harm may be connected to a person's activities.

**Subd. 3. Duty to provide information.** Requires a person to furnish information to the commissioner if the latter believes agency action may be taken as a result of the person's activities with respect to a contaminant.

**Subd. 4. Classifying data.** Classifies data obtained under this section as public data unless certified by the subject of the data is confidential business information, in which case it must be classified as private.

**41 Emergency powers.**

**Subd. 1. Imminent and substantial danger.** Technical.

**Subd. 2. Other acts of concern.** Authorizes the commissioner to, when having evidence of a pattern of behavior that includes records falsification, chronic permit violations, etc., investigate and exercise powers that include revoking a permit, requiring financial assurances, and other measures.

**42 Standards for labeling bags, food or beverage products, and packaging.**

**Subd. 1. "Biodegradable" label.** Prohibits sale of a product labeled "biodegradable" unless a technical specification for the term has been developed

**Section Description – Article 4: Pollution Control**

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by the American Society for Testing and Materials (ASTM) and approved by the legislature.

**Subd. 2. “Compostable” label.** Prohibits sale of a product labeled ‘compostable’ that does not meet the existing ASTM standard.

**Subd. 2a. Certification.** Requires, beginning in 2024, that a covered product labeled as compostable be certified by a nonprofit third party as meeting the ASTM standard.

**Subd. 3. Enforcement; civil penalty; injunctive relief.** Provides that this section may be enforced under sections 115.071 and 116.072.

**Subd. 4. Definitions.** Technical.

**43 Food packaging; PFAS.**

Prohibits the manufacture and sale of a food package containing PFAS.

**Subd. 1. Definitions.** Defines terms for purposes of the ban.

**Subd. 2. Prohibition.** Prohibits the manufacture, sale, or distribution of a food package that contains PFAS.

**Subd. 3. Enforcement.** Allows the Pollution Control Agency (PCA) to enforce the ban using existing authorities and allows coordination with the commissioners of commerce and health. Requires a person to provide the PCA information relevant to show compliance with this section.

Effective date. States the section is effective January 1, 2023.

**44 Position established; Pollution Control Agency.**

Provides for a full-time position funded through air quality permit fees to assist with interactions between the action and community residents exposed to air pollution from permitted facilities.

**45 PFAS water quality standards.**

Requires the commissioner to adopt water quality standards for two PFAS (PFOS and PFOA) by July 1, 2024.

**46 Health risk limit; perfluorooctane sulfonate.**

Requires the commissioner to amend the health risk limit for PFOS to below 0.015 parts per billion by July 1, 2023.

**Section Description – Article 4: Pollution Control**

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- 47 **Carpet stewardship program; report.**  
Requires the commissioner of the PCA to develop a plan for a carpet stewardship program designed to collect and recycle used carpet, and to convene a task force to assist with its development.
- 48 **Seed disposal rulemaking required.**  
Requires the commissioner of the PCA to adopt rules providing for the disposal of unwanted or unused seeds that are treated or coated with pesticides.
- 49 **Solid waste facility reporting; rulemaking.**  
Requires the commissioner of the PCA to amend rules to require reports to the agency from solid waste facilities to be due by March 1 for the previous calendar year.
- 50 **Repealer.**  
Repeals sections 115.44, subdivision 9 (annual reports on water quality permits held by municipalities), 115B.48, subdivision 8 (definition of full-time equivalence for purposes of dry cleaner provisions), and 115C.13 (sunsetting the Petrofund program).  
  
Repeals a rule requiring use of an obsolete EPA Hazard Ranking System for contaminated properties.

## **Article 5: Natural Resources**

This article contains a number of policy provisions proposed by the DNR as well as other provisions impacting natural resources.

**Section Description – Article 5: Natural Resources**

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- 1 **Other projects.**  
Exempts projects funded by a natural resources asset preservation and replacement account from legislative notification requirements.
- 2 to 14 **VHS/fish health provisions related to aquaculture.**  
Make a number of technical changes to the state's aquaculture statutes regulating fish health, including regulations related to viral hemorrhagic septicemia (VHS), including updating the reference for the VHS susceptible species list, incorporating scientific names for certifiable diseases, and clarifying that the presence of a pathogen that causes a disease is included in the definition of disease.

**Section Description – Article 5: Natural Resources**

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- 15     **Taking from public waters.**  
Allows a person taking minnows under an aquatic farm license to take minnows from a water body that has been tested for VHS and found to not have it or from a waterbody listed on the DNR’s website as located within a VHS-free zone.
- 16     **Authority.**  
Allows cities to prohibit the use of pollinator-lethal insecticides, as defined in the bill, within their borders, with certain exceptions. The Minnesota Department of Agriculture would maintain a list of pollinator-lethal insecticides on the department’s website.
- 17     **Application of certain pesticides prohibited.**  
States that a person may not apply or use a pollinator-lethal pesticide within a city that has adopted an ordinance as provided in the previous section. Provides exceptions to the prohibition and requires the Minnesota Department of Agriculture to maintain a list of pollinator-lethal insecticides on the department’s website.
- 18     **Natural resources expedited permanent rules.**  
Allows the DNR to use the expedited rulemaking process when adopting changes to the placement and boundaries of land use districts in the Mississippi River Corridor Critical Area (MRCCA).
- 19     **Permanent school fund authority; reporting.**  
Requires the DNR to report to the Legislative Permanent School Fund Commission (LPSFC) on the management of school trust lands biennially (every two years) rather than biannually (twice a year).
- 20     **Purpose.**  
Adds natural carbon sequestration to the list of purposes of the Minnesota forests for the future program. The program aims to protect privately owned forest lands through conservation easements and land acquisition and is managed by the DNR.
- 21     **Establishment.**  
Adds the potential for providing natural carbon sequestration to the list of factors the DNR must evaluate when selecting lands for the Minnesota forests for the future program.
- 22     **General requirements.**  
Eliminates the requirement that snowmobiles be registered in order to transport them.

**Section Description – Article 5: Natural Resources**

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- 23      **Collector snowmobiles; limited use.**  
Technical related to the previous section.
- 24      **All-terrain vehicle or vehicle.**  
Modifies the definition of an all-terrain vehicle (ATV) to remove the requirement that the tires be low pressure or non-pneumatic (airless).
- 25      **Appropriations matched by private funds.**  
Allows the DNR to spend \$2 for every dollar of private critical habitat donations and \$2.50 for every dollar of nongame wildlife management account contributions. Under current law, the DNR may spend one dollar for every dollar.
- 26      **Pledges and contributions.**  
Removes provisions governing the appropriation and expenditure of critical habitat plate revenues which are being replaced with new provisions in the next section.
- 27      **Expenditures.**  
Appropriates money from the critical habitat private sector matching account to the DNR and dedicates revenues from critical habitat plates for different purposes depending on the design of the plate. Revenue from plates depicting big game, turkey, and pheasants are dedicated to land acquisition and related costs. Other plate revenues are dedicated for different purposes. For example, revenues from plates depicting anglers and fish are dedicated for aquatic management purposes and revenue from plates depicting bees or other pollinators are transferred to BSWR for grants or payments to plant residential lawns with pollinator friendly vegetation as part of the lawns to legumes program.
- 28      **Report.**  
Requires the DNR to submit a report to the legislature every two years, beginning January 15, 2024, on the expenditure of money from the critical habitat private sector matching account and the nongame wildlife management account.
- 29      **Priorities; report.**  
Changes the date the DNR must submit an annual report listing the projects funded with money from a natural resource asset preservation and replacement appropriation from January 15 to March 1.
- 30      **Insecticides on state lands.**  
Prohibits a person from using certain pesticides (neonicotinoids and chlorpyrifos) in a wildlife management area (WMA), state park, state forest, aquatic management area (AMA), or scientific and natural areas (SNA).

**Section Description – Article 5: Natural Resources**

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**31 Outdoor engagement grant account.**

Establishes the outdoor engagement account for purposes of providing funding for the no child left inside grant program from private sources. The money in the account is appropriated to the commissioner of natural resources for the grant program which was created in 2019 and provides grants “for outdoor environmental, ecological, and other natural-resource-based education and recreation programs serving youth.”

**32 Management plan.**

Modifies a law requiring the DNR to prepare and maintain a long-term invasive species management plan by requiring the plan to be updated by December 31, 2021, and every five years thereafter and requiring the plan to address the impacts of climate change on invasive species management.

**33 Permit for invasive carp.**

Makes permanent a provision allowing the DNR to issue permits to its department divisions to tag bighead, black, grass, and silver carp and release them back into the water body they were captured from for research or control purposes.

**34 Invasive species accounts.**

**Subd. 1. Creation.** Establishes an invasive species research account in addition to the existing invasive species account.

**Subd. 2. Receipts.** Dedicates revenues raised from the watercraft surcharge (which is increased in section 53) to the invasive species account (\$21 of each surcharge) and the new invasive species research account (\$4 of each surcharge), except for revenues from watercraft surcharges on certain watercrafts owned by nonprofits and resorts which are all dedicated to the new account.

**Subd. 3. Use of money in invasive species account.** Requires at least \$2 from each watercraft surcharge deposited into the invasive species account to be used for grants to lake associations to manage aquatic invasive plant species.

**Subd. 4. Use of money in invasive species research account.** Requires the money deposited in the invasive species research account to be used for grants to the Minnesota Aquatic Invasive Species Research Center.

**35 Luce Line Trail, Hennepin, McLeod, and Meeker Counties.**

Expands the authorization of the Luce Line State Trail to include a connection to Greenleaf Lake State Recreation Area.



**Section Description – Article 5: Natural Resources**

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- 36     **Administering grants.**  
Allows the DNR to use up to 2.5 percent of money appropriated for local recreation grants for administering the grants.
- 37     **Authority to establish.**  
Removes the authority of the DNR to establish provisions for improving and maintaining golf courses already established in state parks (provisions regarding the Fort Ridgely Golf Course are repealed in section 97). Also allows the DNR to establish administrative penalties for failure to display state park permits.
- 38     **State park special events.**  
Allows the DNR to stage and charge entrance/use fees for state park special events, rather than state park “pageants” as allowed under current law.
- 39     **State park reservation system.**  
Allows revenues from state park reservation fees to be used for the point-of-sale system.
- 40     **Special-use permits.**  
Allows the DNR to develop reasonable policies for special-use permits to use state parks, state recreation areas, and state waysides. Provides an exemption from the rulemaking provisions for the policies developed.
- 41     **Requirement.**  
States that a motor vehicle’s owner/lessee is responsible for making sure a vehicle has the required state park permits and allows the commissioner to issue warnings and citations to the owner/lessee for noncompliance.
- 42     **Free permit; members of federally recognized tribes.**  
Provides free state park permits for members of the 11 federally recognized tribes in the state effective January 1, 2022.
- 43     **State Park Open House Days.**  
Exempts overnight guests on state park open house days in state parks and state recreation areas from state park permit fees until after check-out time the following day.
- 44     **Fees.**  
Increases state park permit fees beginning July 1, 2022, including increasing the annual permit fee from \$35 to \$45 and the daily permit fee from \$5 to \$8.

**Section Description – Article 5: Natural Resources**

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- 45     **Disposition of receipts; purpose.**  
Modifies the purposes the cross-country-ski trails account may be used for to allow its use for developing and maintaining state cross-country-ski trails. Under current law, this is allowed only as appropriated by law. Provides a retroactive effective date to July 1, 2019.
- 46     **Special-use permits; fees.**  
Allows the DNR to develop reasonable policies for special-use permits to use state trails and state water access sites. Provides an exemption from the rulemaking provisions for the policies developed.
- 47     **Watercraft 19 feet or less.**  
Increases the three-year watercraft license fees for certain watercraft 19 feet or less (general watercraft from \$27 to \$39, watercraft rented or leased from \$9 to \$13, sailboats from \$10.50 to \$15.25, personal watercraft from \$37.50 to \$54.50, and those under 17 feet (unless another fee applies) from \$18 to \$26).
- 48     **Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells.**  
Increases the three-year watercraft license fee for canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells from \$10.50 to \$15.25.
- 49     **Watercraft over 19 feet.**  
Increases the three-year watercraft license fees for watercraft over 19 feet, including increasing the fee for those over 19 feet but under 26 feet from \$45 to \$65.25, those 26 feet but under 40 feet from \$67.50 to \$98, and those over 40 feet from \$90 to \$130.50.
- 50     **Watercraft over 19 feet for hire.**  
Increases the three-year watercraft license fee for watercraft over 19 feet used for hire with an operator from \$75 to \$108.75.
- 51     **Watercraft used by nonprofit organization or homestead resort.**  
Establishes a new watercraft license fee category for watercraft owned and used by a homestead resort that contains ten rental units or less when the watercraft stays on a single water body. The watercraft licensing fees would be the same as existing watercraft license fees prior to the increases provided under the bill. The fee for watercraft used by a nonprofit for teaching boat and water safety would also remain unchanged.
- 52     **Dealer’s license.**  
Increases the fee for a watercraft dealer’s license from \$67.50 to \$98.

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- 53      **Watercraft surcharge.**  
Increases the watercraft surcharge from \$10.60 to \$25, except for watercraft owned by certain nonprofits and homestead resorts, where the fee would be set at \$5.
- 54      **Employing competent foresters; service to private owners.**  
Adds advice in tree selection and care for natural carbon sequestration and climate resiliency to the list of services DNR foresters may provide private forest landowners.
- 55      **Forest resources.**  
Adds carbon sequestration for climate change mitigation to the list of assets of forest lands used in the definition of “forest resources” for purposes of the state forestry statutes (chapter 89).
- 56      **Purpose of planting.**  
Adds natural carbon sequestration and species adaptation to climate change to the list of purposes of the state’s tree planting and state nursery activities.
- 57      **Private lands.**  
Reduces the minimum number on seedlings/cuttings that must be in a lot sold by the DNR for private sale from 500 to 250.
- 58      **Purpose.**  
Requires policies and practices developed by the Minnesota Forest Resources Council to acknowledge the importance of the state’s forest resources in providing natural carbon sequestration and the role climate change will have on tree species selection and adaptation.
- 59      **Sunset.**  
Extends the expiration date of the Sustainable Forest Resources Act by seven years (from June 30, 2021, to June 30, 2028).
- 60      **Game fish.**  
Modifies the definition of “game fish” to include gar.
- 61      **Rough fish.**  
Modifies the definition of “rough fish” to remove gar.
- 62      **Unloaded.**  
Amends the definition of “unloaded” to accommodate muzzle loading firearms with electronic encapsulated powder charge ignition systems that are added to the list of

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- allowable firearms in section 69. Provides an immediate effective date for the section.
- 63     **Commissioner’s authority.**  
Technical (related to the next section).
- 64     **Snakes, lizards, and salamanders.**  
Requires the DNR to prescribe conditions and allows the issuance of permits to breed, propagate, and sell native snakes, lizards, and salamanders. Allows a person who obtained a snake, lizard, or salamander from a permitted breeder or possessed one prior to August 1, 2021, to keep it as a pet unless otherwise prohibited under the state’s threatened and endangered species law.
- 65     **General.**  
Modifies license revocation provisions for minnow dealers. Under current law, a minnow dealer’s license is revoked if there is a third violation of the minnow license within one year, the change would revoke a license if there is a second conviction within three years.
- 66     **Turtle license.**  
Eliminates the turtle seller’s license fee and turtle seller’s apprentice license fee.
- 67     **Wild animals taken on Red Lake Reservation lands.**  
States that wild animals taken on Red Lake Reservation lands in accordance with the Red Lake Band’s Conservation Code and all applicable federal law are lawfully taken and their possession is in addition to any state limits.
- 68     **Importing Cervidae carcasses.**  
Expands a provision prohibiting the importation of Cervidae carcasses (e.g. deer, elk, and moose). Under current law, a person cannot import a hunter-harvested Cervidae carcass unless it has been processed to meet certain requirements to ensure it has been cleaned of all brain tissue and the spinal column (e.g. cut and wrapped meat, finished taxidermy mounts, or quartered without the spinal column or head attached). This section would expand the provision to all Cervidae carcasses, not just hunter-harvested ones. The section would become effective the day following final enactment.
- 69     **Permissible firearms and ammunition; big game and wolves.**  
Amends the list of permissible firearms to take big game and wolves to accommodate muzzle loading firearms with electronic ignitions and encapsulated powder charge ignition systems.

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- 70 Clothing and ground blind requirements; blaze orange or blaze pink.**  
Requires a person in a fabric or synthetic ground blind on public land during the open deer hunting season to have a blaze orange safety covering on the blind visible for 360 degrees around the blind or have at least 144 square inches of blaze orange material on each side of the blind.
- 71 Nontoxic shot required for taking small game in certain areas.**  
Requires the use of nontoxic shot when hunting small game on a WMA in the farmland zone beginning July 1, 2022. The farmland zone is a portion of the state that falls south and west of a line that follows Highway 70 westward from the Wisconsin border to Highway 65 to Highway 23 to U.S. Highway 169 at Milaca to Highway 18 at Garrison to Highway 210 at Brainerd to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the Canadian border.
- 72 Restrictions on certain motorized decoys.**  
Removes restrictions on the use of motorized decoys designed to attract migratory waterfowl that apply during a portion of the duck season and within WMAs. Allows the DNR to adopt rules designating wetlands and lakes closed to the use of motorized decoys during the entire duck season.
- 73 Seasons, limits, and other rules.**  
Allows the DNR to make midseason adjustments to fish possession and size limits to manage the fishery in Upper Red Lake similar to existing authority for Mille Lacs.
- 74 Contests requiring permit.**  
Established a \$50 fee for fishing contests where all participants are age 18 years or younger.
- 75 No permit required.**  
Removes the exemption from fishing contest permit requirements for contests where all participants are age 18 years or younger and limits the exemption for rough fish contests to those where only hook and line are used.
- 76 Bait restrictions.**  
Requires certain bait used in waters of the state to be from a water body that is certified as disease free (either from a water body that has been tested for VHS and found free of VHS or from a water body in a VHS-free zone posted on the DNR's website). Makes technical changes related to the update of the reference to the VHS susceptible species list in previous sections.

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- 77      **Permit for transportation.**  
Technical related to the update of the reference to the VHS susceptible species list in previous sections.
- 78      **Taking turtles; requirements.**  
Requires a recreational turtle license to take turtles (in addition to a resident angling license which is required under current law). Prohibits turtles taken from the wild from being sold and makes other conforming changes needed due to the elimination of the turtle seller's license.
- 79      **License exemptions.**  
Modifies exemptions from the recreational turtle license requirements to conform to the removal of the turtle seller's license. Provides an exemption from licensing requirements for a person with an aquatic farm license with a turtle endorsement or private fish hatchery license with a turtle endorsement.
- 80      **Taking methods prohibited.**  
Prohibits a person from taking turtles with traps, commercial equipment, spears, harpoons, or other implements that can impale turtles. Makes changes to conform to the removal of the turtle seller's license.
- 81      **Turtle species; limits.**  
Restricts the possession of turtles by: establishing limits and restrictions for the possession of western painted turtles (no more than three and they must be between 4 and 5½ inches in shell length); prohibiting the possession of spiny softshell turtles after December 1, 2021, without an aquatic farm or private fish hatchery license; and prohibiting the possession of turtles other than snapping, western painted, and spiny softshell without an aquatic farm or private fish hatchery license.
- 82      **Restrictions.**  
Reduces the number of nets that a person may use to net lake whitefish and ciscoes from two nets to one.
- 83      **Lake Superior lake trout; expanded assessment harvest.**  
Removes a reference date for the Fisheries Management Plan for the Minnesota Waters of Lake Superior so that updated versions would apply and the plan would be updated every ten years. The plan is used when reassessing quotas for commercial operators in certain management zones.

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- 84 Allocating and controlling waters of the state.**  
States that both surface water and groundwater are public assets managed by the state for the benefit of the public for purposes of water-use permit allocations.
- 85 Public meeting.**  
Requires the DNR to hold a public meeting prior to issuing a water-use permit if the permit is for the average use of more than 216,000 gallons per day. Specifies the location and notice requirements for the meeting.
- 86 Mt. Simon-Hinckley aquifer.**  
Expands the prohibition on issuing new water-use permits appropriating water from the Mt. Simon-Hinckley aquifer from only metropolitan counties to all locations.
- 87 Bulk transport or sale.**  
Prohibits the DNR from issuing new water-use permits appropriating more than 1,000,000 gallons per year for the bulk transport or sale of water for use more than 50 miles from the site of appropriation. Provides certain exceptions to the prohibition.
- 88 Sustainability standard.**  
Requires the DNR to make a determination that the level of recharge to an impacted aquifer is sufficient to replenish the supply to meet the needs of future generations when determining whether a water-use is sustainable.
- 89 Exemption; Mississippi River Corridor Critical Area.**  
Exempts local units of government within the Mississippi River Corridor Critical Area (MRCCA) from requirements applicable in critical areas generally that require them to send regulations and plans to the Environmental Quality Board in lieu of new requirements applicable in the MRCCA established in the next section.
- 90 Reviewing and approving local plans and regulations.**  
Makes the DNR responsible for local government plan and regulation reviews and approvals affecting land in the MRCCA and the Metropolitan Council responsible for duties required of regional development commissions for other critical areas. Establishes a 60-day timeframe when reviews must be completed. Requires the DNR to either conditionally approve the plan/regulations or return them for modification. Requires the local unit of government to revise and resubmit the plan/regulation within 60 days. Allows the local unit of government or Metropolitan Council to request a meeting which can extend the deadline. States that only plans and regulations receiving approval have the effect of law. Establishes conditions for

**Section Description – Article 5: Natural Resources**

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approving the plans/regulations and requires a local unit of government to enforce the approved plan/regulation when they take effect.

**91 General requirements and procedures.**

Increases the minimum contribution amount required for state park license plates from \$60 to \$70.

**92 Purpose.**

Adds natural carbon sequestration to the list of roles forests play in context of the purpose of the Sustainable Forest Incentive Act (SFIA).

**93 Timber permits; cancellation and extension.**

**Subd. 1. Eligibility.** Limits eligibility for modifications or cancellations under this section to permits issued before July 1, 2020. Requires permit holders to not be delinquent or not have an active willful trespass with the state. Requires written requests for relief under this section to be submitted by July 1, 2021, or before the permit expires, whichever is earlier.

**Subd. 2. Extensions.** Allows the DNR to extend a timber permit by two years upon written request of the permit holder if the permit volume is for more than 30 percent combined spruce/balsam fir.

**Subd. 3. Unused balsam fir.** Allows the DNR to cancel any provision in a timber sale requiring security payment or the removal of balsam fir if the permit is for more than 50 cords of balsam fir.

**Subd. 4. Refunds.** Allows the DNR to issue refunds to permit holders when the permit is not active, the timber is still intact, and the combined permit volume of spruce/balsam fir is more than 30 percent. Allows the DNR to cancel and issue refunds for intact cutting blocks under certain conditions. States that partially harvested blocks are ineligible and remaining provisions of the permit remain in effect.

**Subd. 5. Good Neighbor Authority.** Allows the DNR to work with the United States Forest Service to provide holders of permits with more than 30 percent combined volume of spruce/balsam fir a way to voluntarily return intact cutting blocks designated in Good Neighbor Authority permits and allows the commissioner to cancel and provide refunds for intact cutting blocks in the permits under certain conditions. States that partially harvested blocks are ineligible and remaining provisions of the permit remain in effect.



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- 94 **Turtle seller’s licenses; transfer and renewal.**  
Prohibits the DNR from renewing or transferring turtle seller’s licenses.
- 95 **Carbon sequestration in forests of the state; goals.**  
Requires the DNR to establish goals for increasing carbon sequestration in public and private forests and identify strategies to achieve the goals. Requires the DNR to submit a report to the legislature by January 15, 2023, with the goals and strategies.
- 96 **State park permit fees; fiscal year 2022.**  
Establishes temporary state park permit fees that apply July 1, 2021, to June 30, 2022, which are half as much as the state park permit fee increases that take effect July 1, 2022, earlier in the bill.
- 97 **Repealer.**  
Repeals provisions associated with the golf course at Fort Ridgely State Park (sections 85.0505 subdivision 3; 85.0507; and 85.054, subdivision 19), statutory provisions establishing turtle seller licensing requirements (section 97C.605, subdivisions 2, 2a, 2b, and 5) and the associated rules, and rules regulating the use of traps and other equipment to take turtles (Minn. Rules part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8).

## **Article 6: Water and Soil Resources**

This article contains a number of provisions proposed by BWSR and other provisions impacting water and soil resources.

**Section Description – Article 6: Water and Soil Resources**

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- 1 **Easement stewardship accounts.**  
Allows BWSR to use money from the water and soil conservation easement stewardship account and the mitigation easement stewardship account, in addition to the five percent that is annually appropriated to the board from those accounts, when money is needed to cover certain costs, including legal compliance costs, repairing or replacing structures, and maintaining vegetation and hydrology. The bill would also require the board to include the estimated costs for repairing or replacing structures and maintaining vegetation when calculating the financial contribution made to the account when an easement is acquired.

**Section Description – Article 6: Water and Soil Resources**

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**2 Lawns to legumes program.**

Requires BWSR to establish a program to provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators (a similar program, “Lawns to Legumes” has been funded in previous years). Establishes criteria for the program.

**3 Soil and water conservation district fee.**

Requires any county that contains a soil and water conservation district (SWCD) to impose an additional \$25 fee on mortgage and deed recordings and registrations subject to the mortgage registration or deed taxes. Also specifies that counties without an SWCD, but carry out duties of an SWCD, must also impose the fee. The county must deposit the proceeds of the fee in a special SWCD account within its general fund and transfer funds to SWCDs in May, October, and December. Counties without SWCDs must use funds in the account for soil and water conservation duties.

**4 Compensation.**

Increases the maximum amount of compensation a soil and water conservation district (SWCD) supervisor can receive per day from \$75 per day to \$125 per day.

**5 Soil-healthy farming goals.**

Establishes a goal to encourage the adoption of soil health farming practices; the goal is that 30 percent of the state’s privately owned farmland would use soil health practices.

**6 Water quality and storage program.**

**Subd. 1. Definitions.** Defines “board,” “local units of government,” and “water quality and storage practices” for purposes of the program.

**Subd. 2. Establishment.** Requires BWSR to establish a program to provide financial assistance to local units of government to control water volume and rates in order to protect infrastructure, improve water quality, and mitigate climate change. Requires BWSR to give priority to the Minnesota River Basin and Lower Mississippi River Basin.

**Subd. 3. Financial assistance.** Allows BWSR to provide financial assistance to cover the costs of water storage projects and other water quality practices consistent with certain approved water management plans. Allows BWSR to acquire conservation easements necessary to implement a project or practice under the program. Requires BWSR to enter into agreements with local units of government receiving financial assistance that specify the terms for state and local cooperation, financial arrangements for construction, and assurances for the maintenance of any structures.

**Section Description – Article 6: Water and Soil Resources**

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**Subd. 4. Matching contribution.** Requires a matching contribution and allows the match to be adjusted if federal funds are available for the project.

**Subd. 5. Technical assistance.** Allows BWSR to employ or contract with an engineer or hydrologist to work on program implementation. Requires BWSR to provide assistance to local units of government, review and analyze the projects, and evaluate their effectiveness. Requires BWSR to cooperate with the commissioner of natural resources, the federal Natural Resources Conservation Service (NRCS), and other agencies to analyze hydrological, climate, and engineering information of proposed sites.

**Subd. 6. Requirements.** Requires a local unit of government applying for assistance under the program to provide a copy of a resolution or other documentation of the local unit of government's support for the project and specifies the requirements for the resolution/documentation. Also requires the local unit of government to evaluate the benefits expected upon completion of the project and submit them to BWSR prior to the final project design.

**Subd. 7. Interstate cooperation.** Allows BWSR to enter into or approve working agreements with neighboring states or their political subdivisions to accomplish projects.

**Subd. 8. Federal aid availability.** Requires BWSR to regularly complete an analysis of federal funds and programs available to supplement or complement local and state efforts under the program.

**7 Soil health cost-share program.**

Establishes the soil health cost-share program.

**Subd. 1. Definitions.** Defines "board," "local units of government," "soil health," and "soil health practices" for purposes of the program.

**Subd. 2. Establishment.** Requires BWSR to establish a cost-share program, consistent with provisions of an existing cost-share program, for the purposes of mitigating climate change impacts and improving water quality and related public benefits.

**Subd. 3. Financial assistance.** Allows BWSR to provide financial assistance to local units of government for the costs of soil health and related water quality practices consistent with certain approved water management plans. Requires BWSR to establish costs eligible for financial assistance under the program. Requires BWSR to enter into agreements with local units of government receiving financial assistance.

**Section Description – Article 6: Water and Soil Resources**

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**Subd. 4. Technical assistance.** Allows BWSR to employ or contract with agronomists, biologists, or hydrologists to work on program implementation. Requires BWSR to provide assistance to local units of government, review and assess practice standards, and evaluate the effectiveness of completed practices funded under the program. Requires BWSR to cooperate with the Minnesota Office for Soil Health at the University of Minnesota, the federal Natural Resources Conservation Service (NRCS), and other agencies and private sector organizations as needed to enhance the program’s effectiveness.

**Subd. 5. Federal aid availability.** Requires BWSR to regularly complete an analysis of federal funds and programs available to supplement or complement local and state efforts under the program.

**8 Soil health cost-share program; report.**

Requires BWSR to submit a report to the legislature by January 15, 2024, with results of the soil health cost-share program established in the previous section and recommendations.

## **Article 7: Farmed Cervidae**

This article modifies a number of provisions regarding farmed Cervidae (ex. deer and elk).

**Section Description – Article 7: Farmed Cervidae**

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**1 Running at large prohibited.**

Requires the owner of farmed Cervidae (e.g. deer and elk) to immediately notify the DNR of an escaped animal if the animal is not returned/captured within 24 hours. Allows a licensed hunter to kill and possess an escaped farmed Cervidae without being liable to the owner for the loss of the animal. Requires farmed Cervidae killed by a hunter or the DNR to be tested for chronic wasting disease (CWD) at the owner’s expense. Provides an effective date of September 1, 2021, for the provision.

**2 Fencing**

Requires perimeter fencing for farmed Cervidae to be constructed and maintained to prevent physical contact between farmed Cervidae and free-roaming Cervidae beginning September 1, 2022.

**3 Fencing; commercial herds.**

Requires commercially farmed white-tailed deer to be confined by two or more perimeter fences of at least 120 inches high beginning September 1, 2022.

**Section Description – Article 7: Farmed Cervidae**

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- 4 Identification.**  
Requires identification of farmed white-tailed deer to include certain contact information of the owner. Provides an effective date of September 1, 2022, for the provision.
- 5 Inspection.**  
Requires conservation officers to be included in inspections conducted by the Board of Animal Health when CWD has been detected on a Cervidae farm.
- 6 Mandatory registration.**  
Prohibits new white-tailed deer farm registrations effective the day following final enactment.
- 7 Mandatory surveillance for chronic wasting disease; depopulation.**  
Prohibits the movement of farmed white-tailed deer from any premises to another location. Requires fencing on premises where CWD has been detected to be maintained for ten years (current law requires the fencing for five years) and prohibits raising farmed Cervidae on the premises for at least ten years. Requires the owner of a premises where CWD has been detected to allow and cooperate with inspections of the premises as determined by the Board of Animal Health and Department of Natural Resources conservation officers and wildlife managers.
- 8 Transfer of duties; farmed Cervidae.**  
Transfers oversight of cervid farms from the Board of Animal Health (BAH) to the DNR effective July 1, 2023. This transfer would follow a standard statutory process whereby existing farmed cervid statutes and rules would remain in effect, except that BAH personnel would not transfer to the DNR, and instead the DNR would contract with them.
- 9 Revisor instruction.**  
Requires the Revisor to modify Minnesota Statutes and Minnesota Rules to conform to the transfer of oversight in section 8.

## **Article 8: Driving Under the Influence Uniformity**

This article makes changes to laws related to driving off-road recreational vehicles and motorboats while under the influence of alcohol, controlled substances, and intoxicating substances. It repeals existing laws and replaces them with provisions that make technical changes to those laws. It also amends the suspension of off-road and motorboat operating privileges to match the provisions related to driver's licenses, and states that a person in the

ignition interlock program can only operate an off-road recreational vehicle or motorboat if that vehicle or boat is equipped with an ignition interlock device.

**Section Description – Article 8: Driving Under the Influence Uniformity**

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**1 Operating off-road recreational vehicles while impaired.**

**Subd. 1. Definitions.** Defines “controlled substance,” “intoxicating substance,” and “off-road recreational vehicle” consistent with the definitions in chapter 169A.

**Subd. 2. Acts prohibited. (a)** Establishes a crime for a person who owns or is in control of an off-road recreational vehicle to allow another person to operate that vehicle when the person is under the influence of alcohol, a controlled substance, or an intoxicating substance.

**(b)** Provides that a person who operates a recreational vehicle while under the influence of any substance is subject to the provisions of chapter 169A, the chapter that criminalizes driving under the influence.

**(c)** Provides that the provisions in law related to suspending, revoking, or cancelling a person’s driver’s license or operating privilege for driving under the influence apply to the operation of an off-road recreational vehicle while under the influence and that the person loses the right to operate an off-road recreational vehicle for the same period of time that the person loses the right to drive a car or truck.

**(d)** Requires the commissioner of public safety to notify a person of the period during which the person cannot operate an off-road motor vehicle.

**(e)** Requires the court to provide the commissioner of public safety with copies of all convictions and other sanctions imposed under chapter 169A and section 171.177.

**(f)** Provides that, if a person is a participant in the ignition interlock program, that person may only operate an off-road recreational vehicle if that vehicle is equipped with an ignition interlock device.

**Subd. 3. Penalties.** Establishes that a person who violates subdivision 1, paragraph (a) (permitting a person who is under the influence to operate an off-road motor vehicle), is guilty of a misdemeanor. Provides that a person who operates an off-road recreational vehicle during the period of time the person is prohibited from operating such a vehicle is subject to the criminal penalties in section 171.24 which establishes crimes for operating a motor vehicle with a suspended, revoked, or cancelled driver’s license.

**Section Description – Article 8: Driving Under the Influence Uniformity**

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- 2 Operating under the influence of alcohol or controlled substance.**  
Makes a conforming change based on the change in section 7 of this article.
- 3 Fines and forfeited bail.**  
Requires all fines and forfeited bail collected under sections 84.81 to 84.90 (regulating the operation of snowmobiles) to be deposited in the state treasury with half of the receipts credited to the general fund and half to the snowmobile trails and enforcement account.
- 4 Operating while impaired.**  
Establishes offenses; criminal penalties; and the suspension, revocation, or cancellation of operating privileges for motor boats that are identical to the provisions for off-road recreational vehicles under section 1 of this article, including the restriction that a person in the ignition interlock program may only operate a motorboat equipped with an ignition interlock device.
- 5 Fines and bail money.**  
Makes a conforming change in the section of law that requires fines and forfeited bail for violations of chapter 86B to be deposited in the general fund with half the receipts credited to the water recreation account for the purpose of boat and water safety.
- 6 Fines and forfeited bail.**  
Removes references to sections 84.81 to 84.91 to conform to the change in section 3 of this article. Provides that fines and forfeited bail for certain violations involving wild animals and aquatic vegetation must be deposited in the general fund instead of being paid to the county treasurer. States that half of the receipts must be credited to the general fund and half must be credited to the game and fish fund under section 97A.055. Under current law, half the funds are credited to the commissioner and half to the county general revenue fund. But counties in judicial districts listed in section 480.181, subdivision 1, paragraph (b), must provide that money to the general fund and, as of 2005, every county is in a listed judicial district. Strikes paragraphs (b) and (c) which only applied to money credited to county treasurers.
- 7 Driving while impaired crime; motor vehicle.**  
Strikes an exception under the general DWI law that excluded motorboats and off-road recreational vehicles.
- 8 Off-road recreational vehicles and motorboats.**  
Establishes that the provisions related to the revocation of a driver's license, permit, or operating privilege for refusing or failing a test to determine if the person was operating under the influence also apply to the operating privileges for an off-road

**Section Description – Article 8: Driving Under the Influence Uniformity**

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- recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
- 9      **Off-road recreational vehicles and motorboats.**  
Establishes that the provisions related to the revocation of a driver’s license, permit, or operating privilege for being convicted of operating under the influence also apply to the operating privileges for an off-road recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
- 10     **Driving while impaired revocation and prohibition; off-road recreational vehicles and motorboats.**  
Establishes that the provisions related to the revocation of a driver’s license, permit, or operating privilege for refusing or failing a test, required under a valid warrant, to determine if the person was operating under the influence also apply to the operating privileges for an off-road recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
- 11     **Off-road recreational vehicles and motorboats.**  
Provides that a person who participates in the ignition interlock program may only operate an off-road recreational vehicle or motorboat if that vehicle or boat is equipped with an ignition interlock device.
- 12     **Revisor instruction.**  
Directs the revisor of statutes to make necessary changes to statutory cross-references to reflect the changes in the article.
- 13     **Repealer.**  
Repeals section 169A.20, subdivisions 1a, 1b, and 1c (driving a motorboat, snowmobile, or all-terrain vehicle; or off-highway motorcycle or vehicle while under the influence). Also repeals sections 84.91 (operating snowmobiles and ATVs under the influence of alcohol or controlled substances) and 86B.331, subdivision 1 (operating a motorboat while using alcohol or drugs).

## **Article 9: Electric-Assisted Bicycles**

This article revises various aspects of electric-assisted bicycle (e-bike) regulations, including to modify e-bike classifications and operating rules, clarify vehicle definitions, and set equipment requirements.



**Section Description – Article 9: Electric-Assisted Bicycles**

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- 1 Off-highway motorcycle.**  
Establishes that electric-assisted bicycles are not included in the definition of “off-highway motorcycle” in the chapter of state statutes governing Department of Natural Resources regulation of vehicles operated off-road.
- 2 Off-road vehicle.**  
Establishes that electric-assisted bicycles are not included in the definition of “off-road vehicle” in the chapter of state statutes governing Department of Natural Resources regulation of vehicles operated off-road.
- 3 All-terrain vehicle.**  
Establishes that electric-assisted bicycles are not included in the definition of “all-terrain vehicle” in the chapter of state statutes governing Department of Natural Resources regulation of vehicles operated off-road.
- 4 Motor vehicle.**  
Clarifies that electric-assisted bicycles are not included in the definition of “motor vehicle” in the chapter of state statutes governing motor vehicle registration. Makes technical changes, to centralize a list of excluded vehicle types.
- 5 Class 1 electric-assisted bicycle.**  
Creates a classification of electric-assisted bicycle, “class 1,” for e-bikes with a motor that only assists when the rider is pedaling and does not assist at speeds of 20 m.p.h. or higher.
- 6 Class 2 electric-assisted bicycle.**  
Creates a classification of electric-assisted bicycle, “class 2,” for e-bikes with a motor that can assist when the rider is not pedaling and does not assist at speeds of 20 m.p.h. or higher.
- 7 Class 3 electric-assisted bicycle.**  
Creates a classification of electric-assisted bicycle, “class 3,” for e-bikes with a motor that only assists when the rider is pedaling and does not assist at speeds of 28 m.p.h. or higher.
- 8 Electric-assisted bicycle.**  
Revises the definition of electric-assisted bicycle, to reduce the maximum power capability of the motor (from 1,000 to 750 watts); require that the device fits the class 1, 2, or 3 category; and no longer reference federal regulations for motor vehicles (regulations for consumer products continue to apply).

**Section Description – Article 9: Electric-Assisted Bicycles**

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- 9      **Motor vehicle.**  
Clarifies that electric-assisted bicycles are not included in the definition of “motor vehicle” in the chapter of state statutes governing traffic regulation.
- 10     **Riding rules.**  
Removes a provision permitting e-bike operation on roads and trails, which is replaced by similar authorization in a separate subdivision (see the next section).
- 11     **Electric-assisted bicycle; riding rules.**  
Establishes revised operating rules specifically for electric-assisted bicycles, including to (1) generally allow operation on roads and trails where nonmotorized bicycles are permitted, and (2) provide for restriction or regulation by state and local authorities under some circumstances.
- 12     **Electric-assisted bicycle; equipment.**  
Sets equipment requirements on electric-assisted bikes. This includes requiring: (1) e-bike labeling by the manufacturer (effective January 1, 2022); (2) updated labeling by a person who modifies the e-bike motor capabilities; (3) that the motor disengages when braking; and (4) that a class 3 e-bike has a speedometer.

## **Article 10: State Lands**

This article contains a number of provisions that pertain to the administration of state lands.

**Section Description – Article 10: State Lands**

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- 1      **Reimbursing costs.**  
Requires an applicant for a license to pass over DNR lands for utility purposes to reimburse the state for the costs incurred for review, monitoring, or other services provided by the Minnesota Historical Society.
- 2      **Conveyance of interests in lands to state, federal, and tribal governments.**  
Allows the DNR to convey easements on state-owned lands to federally recognized Indian tribes for trails, highways, flowage for development of fish/game resources, stream protection, and flood control. Requires a state, federal, or local government applicant for an easement on DNR lands for road, trail, or certain other purposes to reimburse the state for the costs incurred for review, monitoring, or other services provided by the Minnesota Historical Society.

<b>Section</b>	<b>Description – Article 10: State Lands</b>
3	<p><b>Road easements across state lands.</b></p> <p>Requires an applicant for a road easement on DNR lands to reimburse the state for the costs incurred for review, monitoring, or other services provided by the Minnesota Historical Society.</p>
4	<p><b>Riverlands State Forest.</b></p> <p>Adds the Riverlands State Forest to the list of state forests (the boundaries of the new state forest are designated in section 14).</p>
5	<p><b>Leases and permits.</b></p> <p>Requires an applicant for a lease or permit to use DNR forest lands to reimburse the state for the costs incurred for review, monitoring, or other services provided by the Minnesota Historical Society.</p>
6	<p><b>Reimbursing costs.</b></p> <p>Requires an applicant for certain leases of DNR lands to reimburse the state for the costs incurred for review, monitoring, or other services provided by the Minnesota Historical Society.</p>
7	<p><b>Lease of tax-forfeited and state lands.</b></p> <p>Allows the DNR to assess a monitoring fee on applicants leasing state land for a recreational trail or facility to cover the reasonable costs of monitoring the construction of the trail or facility and preparing the terms and conditions. Requires the DNR to provide applicants an estimate of the fee before requiring it to be submitted and refund any unobligated amount upon completion of the trail or facility.</p>
8	<p><b>Valuation of land.</b></p> <p>Allows the DNR to use township or county assessment schedules within the preceding two years for similar land types when evaluating certain lands.</p>
9	<p><b>Exchange of state land; Aitkin, Beltrami, and Koochiching Counties.</b></p> <p>Requires lessees of DNR land for wild rice in Aitkin, Beltrami, and Koochiching Counties that are eligible to be exchanged by the DNR to pay all the costs of the exchange (e.g. survey work, legal fees, title work, and closing costs).</p>
10	<p><b>Exchange of state land; St. Louis County.</b></p> <p>Allows the DNR to consider gifts of land from an exchange partner when determining whether a land exchange is in the best interest of the school trust.</p>

<b>Section</b>	<b>Description – Article 10: State Lands</b>
11	<b>Addition to state parks.</b> Adds land to the statutory boundaries of Fort Snelling State Park and Lake Vermilion-Soudan Underground Mine State Park.
12	<b>Addition to state recreation area.</b> Adds land to the statutory boundaries of the Iron Range Off-Highway Vehicle Recreation Area.
13	<b>Deletions from state parks.</b> Removes land from the statutory boundaries of Fort Snelling State Park, Minneopa State Park, and William O’Brien State Park.
14	<b>Riverlands State Forest; boundaries.</b> Establishes the boundaries of the new Riverlands State Forest.
15	<b>Private sale of tax-forfeited land; Aitkin County.</b> Allows Aitkin County to sell certain tax-forfeited land by private sale.
16	<b>Private sale of tax-forfeited land; Beltrami County.</b> Allows Beltrami County to sell certain tax-forfeited land by private sale.
17	<b>Private sale of surplus state land; Cass County.</b> Allows the DNR to sell certain surplus state lands by private sale in Cass County.
18	<b>Goodhue County; land transfers.</b> Allows Goodhue County to sell, lease, or otherwise convey certain county-owned land abutting Lake Byllesby to adjoining property owners.
19	<b>Private sale of tax-forfeited lands; Itasca County.</b> Allows Itasca County to sell certain tax-forfeited land by private sale.
20	<b>Private sale of surplus state land; Lake of the Woods County.</b> Allows the DNR to sell certain surplus state land in Lake of the Woods County by private sale.
21	<b>Private sale of surplus land bordering public waters; Roseau County.</b> Allows the DNR to sell a certain island in Roseau County by private sale.
22	<b>Private sale of surplus state land; St. Louis County.</b> Allows the DNR to sell certain surplus state land in St. Louis County by private sale.

<b>Section</b>	<b>Description – Article 10: State Lands</b>
23 & 24	<b>Private sale of tax-forfeited lands; St. Louis County.</b> Allows St. Louis County to sell certain tax-forfeited lands by private sale.
25	<b>St. Louis County; land lease.</b> Allows St. Louis County to lease certain land for terms exceeding statutory restrictions.
26	<b>Private sale of surplus land bordering public water; Sherburne County.</b> Allows the DNR to sell surplus land bordering public water in Sherburne County.
27	<b>Public sale of surplus state land bordering public water; Wadena County.</b> Allows the DNR to sell surplus state lands bordering public water in Wadena County.



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