

Subject Omnibus Environment and Natural Resources Bill

Authors Hansen

Analyst Janelle Taylor

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Overview

This bill contains the fiscal year 2020 and 2021 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 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 2020 and 2021 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 \$104,873,000 in fiscal year 2020 and \$103,365,000 in fiscal year 2021 to the PCA, including appropriations for the Environmental Quality Board. |
| 3 | Natural resources.
Appropriates \$318,233,000 in fiscal year 2020 and \$318,624,000 in fiscal year 2021 to the DNR, including pass through appropriations for the school trust lands director. |
| 4 | Board of Water and Soil Resources.
Appropriates \$19,963,000 in fiscal year 2020 and \$18,931,000 in fiscal year 2021 to BWSR. |
| 5 | Metropolitan Council.
Appropriates \$9,140,000 in fiscal years 2020 and 2021 to the Metropolitan Council for metropolitan area regional parks. |

Section	Description – Article 1: Environment and Natural Resources Appropriations
6	Conservation Corps Minnesota. Appropriates \$945,000 in fiscal years 2020 and 2021 for Conservation Corps Minnesota.
7	Zoological Board. Appropriates \$10,394,000 in fiscal year 2020 and \$9,999,000 in fiscal year 2021 to the Minnesota Zoo.
8	Science Museum. Appropriates \$1,079,000 in fiscal years 2020 and 2021 to the Science Museum of Minnesota.
9	Explore Minnesota Tourism. Appropriates \$14,394,000 in fiscal year 2020 and \$14,594,000 in fiscal year 2021 to Explore Minnesota Tourism.
10	Contingent appropriations. Appropriates \$4,150,000 in fiscal years 2020 and 2021 to the DNR contingent on a motor fuels tax increase, and \$7,050,000 in fiscal year 2020 and \$7,650,000 in fiscal year 2021 to the PCA contingent on a solid waste management tax increase.
11	Administration. Extends and modifies the purposes of a previous appropriation for the school trust lands director.
12	Administration. Extends and modifies the purposes of a previous appropriation for the school trust lands director.

Article 2: Environment and Natural Resources

This article contains a number of statutory and other provisions related to the environment and natural resources.

Section	Description – Article 2: Environment and Natural Resources
1	State bee. Establishes the rusty patched bumble bee as the official state bee.

Section	Description – Article 2: Environment and Natural Resources
2	<p>Exceptions.</p> <p>Requires 40 percent of the money recovered under litigation or a settlement stemming from a violation of a permit issued by the PCA to be distributed to community health boards when the amount of money recovered is \$250,000 or more. Requires the community health board to meet with the population potentially affected by the pollution subject to the litigation and incorporate the community’s concerns into a project benefiting that population.</p>
3	<p>Additional revenues; priority.</p> <p>Requires \$13,905,000 of any future state budget surplus to be transferred to the metropolitan landfill contingency action trust account (MLCAT).</p>
4	<p>Reimbursement.</p> <p>Increases the rate of reimbursement paid by the Minnesota Department of Agriculture (MDA) to meat processors who process hunter-harvested deer when the hunter has elected to donate the venison to charity. Under current law, this reimbursement is capped at \$70 per deer, this section would allow MDA to reimburse processors for their total reasonable and documented processing costs, within the limits of available funding.</p>
5	<p>Paying grant-eligible expenditures.</p> <p>Allows the DNR to pay eligible grant program expenditures made on or after the effective date of an appropriation.</p>
6	<p>Permanent school fund authority; reporting.</p> <p>Modifies a provision requiring that the permanent school fund (PSF) be compensated by expanding the requirement so that it applies to all management practices, policies, and designations that prohibit or diminish long-term economic return. Also expands how the PSF may be compensated by referring to a new provision established later in the bill that allows for leasing options in addition to exchanges or acquisitions as allowed under current law.</p>
7	<p>Rusty patched bumble bee.</p> <p>Statutorily designates the rusty patched bumble bee as a state endangered species and notes other designations, including the state bee designation under section 1 of this article. Requires the Environmental Quality Board (EQB) to coordinate efforts to protect the bee.</p>
8	<p>Trade in prohibited animal parts prohibited.</p> <p>Subd. 1. Definitions. Defines “antique,” “prohibited animal part,” and “sell”/“sale” for purposes of the new prohibitions. A “prohibited animal part” includes a tooth or tusk from any species of elephant, hippopotamus, mammoth,</p>

Section	Description – Article 2: Environment and Natural Resources
	<p>mastodon, walrus, whale, or narwhal, and a horn or a piece of a horn from a rhinoceros.</p> <p>Subd. 2. Prohibition. Prohibits a person from purchasing or selling a prohibited animal part if the person knows or should know it is a prohibited animal part.</p> <p>Subd. 3. Exceptions. Provides an exception from the prohibition for sales/purchases that are (1) undertaken as part of law enforcement activities; (2) expressly authorized by law; (3) of an antique; (4) certain musical instruments; and (5) educational or scientific nonprofits. Also specifies that the prohibitions do not apply to the possession of a cultural artifact that contains a prohibited animal part.</p> <p>Subd. 4. Disposition of seized prohibited animal parts. States that prohibited animal parts are forfeited to the state upon conviction and must be destroyed or given to a nonprofit for an educational or scientific purpose.</p> <p>Effective date. The section becomes effective January 1, 2020.</p>
9	<p>Civil citation; authority to issue.</p> <p>Conforming change related to the removal of the ban on snorkel devices for all-terrain vehicles (ATVs) in section 15.</p>
10	<p>Exemptions.</p> <p>Removes an exemption from off-highway motorcycle (OHM) registration requirements for OHMs used exclusively in organized track-racing events.</p>
11	<p>Purposes.</p> <p>Allows money in the off-highway motorcycle account to be used for grants to local law enforcement agencies for enforcement and public education.</p>
12	<p>Purposes for the account; allocation.</p> <p>Allows the DNR to establish a performance based funding formula for distributing snowmobile grants-in-aid. Provides an exception from the rulemaking process for the procedures and criteria.</p>
13	<p>Training and certification programs established.</p> <p>Establishes a new voluntary ATV safety and training program for six- to nine-year-olds and their parents/guardians. Requires the parents/guardians to be present at the training. Allows the DNR to incorporate a riding component in the voluntary training program.</p>

Section	Description – Article 2: Environment and Natural Resources
14	<p>Prohibitions on youthful operators.</p> <p>Increases the minimum age a person must be to take the existing ATV training and certification program from six to ten.</p>
15	<p>Operation generally.</p> <p>Removes the ban on operating an ATV with a snorkel device.</p>
16	<p>No child left inside grant program.</p> <p>Subd. 1. Establishment. Requires the commissioner of natural resources to administer a program that provides grants for environmental, ecological, and other natural-resource based education and recreation programs for youth.</p> <p>Subd. 2. Eligibility. States that public entities and private nonprofit organizations are eligible for the program.</p> <p>Subd. 3. Priorities. Requires the commissioner to give priority to certain programs.</p>
17	<p>Invasive species accounts.</p> <p>Subd. 1. Creation. Establishes an invasive species research account in addition to the existing invasive species account.</p> <p>Subd. 2. Receipts. Dedicates revenues raised from the watercraft surcharge to the invasive species account (80 percent of each surcharge) and the new invasive species research account (20 percent of each surcharge).</p> <p>Subd. 3. Use of money in invasive species account. Requires at least ten percent of each watercraft surcharge deposited into the invasive species account to be used for grants to lake associations to manage aquatic invasive plant species.</p> <p>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.</p>
18	<p>Designation.</p> <p>Designates a portion of the St. Croix River Water Trail between Wild River State Park and William O'Brien State Park as the Walter F. Mondale Scenic River Way.</p>
19	<p>User fee; validity.</p> <p>Increases the fees for cross-country-ski passes (annual pass from \$19 to \$24, three-year pass from \$54 to \$69, and daily pass from \$5 to \$9).</p>

Section	Description – Article 2: Environment and Natural Resources
20	<p>Cross-country-ski trail grant-in-aid program.</p> <p>Allows the DNR to establish a performance based funding formula for distributing cross-country-ski trail grants-in-aid. Provides an exception from the rulemaking process for the procedures and criteria.</p>
21	<p>Special use permits; fees.</p> <p>Statutorily appropriates money deposited in the natural resources fund from certain special use permit fees to the DNR.</p>
22	<p>Watercraft 19 feet or less.</p> <p>Increases the three-year watercraft license fees for certain watercraft 19 feet or less (general watercraft from \$27 to \$39.25, watercraft rented or leased from \$9 to \$11.25, 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).</p>
23	<p>Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells.</p> <p>Increases the three-year watercraft license fee for canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells from \$10.50 to \$15.25.</p>
24	<p>Watercraft over 19 feet.</p> <p>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.</p>
25	<p>Watercraft over 19 feet for hire.</p> <p>Increases the three-year watercraft license fee for watercraft over 19 feet used for hire with an operator from \$75 to \$108.75.</p>
26	<p>Watercraft used by nonprofit organization or homestead resort.</p> <p>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 in sections 13 to 16. The fee for watercraft used by a nonprofit for teaching boat and water safety would also remain unchanged.</p>
27	<p>Dealer’s license.</p> <p>Increases the fee for a watercraft dealer’s license from \$67.50 to \$98.</p>
28	<p>Watercraft surcharge.</p> <p>Increases the watercraft surcharge from \$5 to \$20, except for watercraft owned by certain nonprofits and homestead resorts, where the fee would remain unchanged at \$5.</p>

Section	Description – Article 2: Environment and Natural Resources
29	<p>Written consent.</p> <p>Requires a person harvesting/possessing more than 50 spruce or birch stems/branches to receive written consent from the owner of the land the materials were taken from.</p>
30	<p>Transportation requirements.</p> <p>Technical (related to the new decorative materials buyer license).</p>
31	<p>Decorative materials buyer.</p> <p>Establishes a decorative materials buyer’s license required for those buying more than 100 pounds of decorative boughs, 50 spruce stems/branches, or 50 birch stems/branches. Sets the license fee at \$25. Currently those buying 100 pounds of decorative boughs must have a permit from the DNR. Renames the forest bough account as the special forest products account.</p>
32	<p>Private lands.</p> <p>Reduces the minimum number on seedlings/cuttings that must be in a lot sold by the DNR for private sale from 500 to 250.</p>
33	<p>Forest carbon sequestration goal.</p> <p>Establishes a state goal to plant 1,000,000 trees each year for the next four fiscal years (2020-2023) to provide additional carbon sequestration and improve forest health.</p>
34	<p>Special forest products.</p> <p>Establishes a definition of “special forest products” for purposes of the decorative materials buyer license provisions.</p>
35	<p>Special use and product permit.</p> <p>Technical (related to the new decorative materials buyer license).</p>
36	<p>Compensating PSF lands.</p> <p>Requires that the PSF be compensated when revenue generation of school trust lands are diminished by management practices or prohibited by policy or designations as determined by the commissioner. States that to compensate the land, the DNR may exchange the lands for other lands, lease/provide rental payments, or condemn the land with payment going to the fund. Under current law, the DNR may use condemnation or do exchanges. Establishes provisions applicable when the lands are leased.</p>
37	<p>Lease terms.</p> <p>Allows the DNR to lease DNR administered lands for purposes of compensating the PSF as provided under the previous section.</p>

Section	Description – Article 2: Environment and Natural Resources
38	<p>Game fish.</p> <p>Modifies the definition of “game fish” to use the scientific names for the fish and adds burbot and cisco to the list of game fish which are removed from the definition of “rough fish” in the next section.</p>
39	<p>Rough fish.</p> <p>Removes burbot and cisco from the definition of rough fish.</p>
40	<p>Game and fish annual reports.</p> <p>Technical (related to changes to the walk-in access program).</p>
41	<p>Citizen oversight committees.</p> <p>Extends the DNR’s game and fish fund Fisheries Oversight Committee, Wildlife Oversight Committee, and the Budget Oversight Committee by five years, until June 30, 2025.</p>
42	<p>Deer license surcharges.</p> <p>Technical (related to changes to the walk-in access program).</p>
43	<p>Deer, bear, and lifetime licenses.</p> <p>Increases the amount of money from the sale of resident and nonresident adult deer hunting licenses that is deposited in the deer management account from \$2 to \$16 and renames the emergency deer feeding and wild Cervidae health-management account to the wild Cervidae health-management account and removes emergency deer feeding from the list of what the account may be used for.</p>
44	<p>Turkey account.</p> <p>Removes the prohibition on using money in the wild-turkey management account on permanent personnel costs.</p>
45	<p>Walk-in access program.</p> <p>Modifies the walk-in access program so that lands not otherwise open to the public for hunting are eligible, rather than only private lands as currently eligible. Removes the requirement that a person have a walk-in access hunter validation in order to hunt private lands enrolled in the walk-in access program.</p>
46	<p>Use of motorized vehicles by disabled hunters.</p> <p>Removes a requirement of a person with a disability to get a permit from the DNR in order to use a motorized vehicle in a wildlife management area (WMA). The provision would also no longer require the disability to be permanent and would require the person to meet the requirements for disability parking certificates/license plates.</p>

Section	Description – Article 2: Environment and Natural Resources
47	Insecticides in wildlife management areas. Prohibits a person from using a product that contains an insecticide from the neonicotinoid class of insecticides in a WMA.
48	Owner responsibility; penalty amount. States that penalties for an owner of a dog who pursues big game do not apply to a person using a dog in compliance with the new provisions allowing leashed dogs to track big game established in section 59.
49	Application deadline. States that applications under the game and fish statutes must be postmarked or be received by 4:30 pm on the date they are due.
50	Deer license surcharge. Removes a provision allowing a person to donate \$1, \$3, or \$5 for the walk-in access program when purchasing a deer license.
51	Small-game surcharge. Removes a provision allowing a person to donate \$1, \$3, or \$5 for the walk-in access program when purchasing a small game license. Technical correction to exempt certain small game licenses from the small game license surcharge.
52	Turtle license. Eliminates the turtle seller’s license fee and turtle seller’s apprentice license fee.
53	Dogs pursuing big game. States that provisions allowing a person to kill a dog wounding, killing, or pursuing big game during certain times do not apply to a dog used in compliance with the new provisions allowing leashed dogs to track big game established in section 59.
54	Provisional certificate for persons with permanent physical or developmental disability. Allows a person with a permanent physical disability to receive a provisional firearms safety certificate when they are unable to pass the firearms safety certificate requirements (a similar provision exists for those with a developmental disability).
55	Exceptions. Provides exceptions from the ban on using artificial lights while hunting to allow a person to use a handheld artificial light: (1) while possessing a firearm when tracking a wounded or dead bear in compliance with the new leashed dog provisions; and (2) to track a wounded or dead deer in compliance with the new leashed dog provisions. Provides a

Section	Description – Article 2: Environment and Natural Resources
56	<p>definition of “handheld artificial light” for purposes of the provision as “an artificial light that is carried in the hand or attached to the person.”</p> <p>Hunting by persons with a permanent physical or developmental disability. Defines “permanent physical disability” for purposes of the expanded provisional firearms safety certificate option provided in section 54.</p>
57	<p>Use of mechanical or electronic assistance to hold and discharge firearms or bows by a person with a physical disability. Allows a person to assist a person with a disability using mechanical/electronic assistance, including taking an animal wounded by the person with a disability if the person is physically incapable of doing so. Requires the person assisting to have a license to take the animal.</p>
58	<p>Using dogs and horses to take big game prohibited. Provides an exception from the ban on using a dog or horse to take big game for the new provision allowing the use of leashed dogs to track big game.</p>
59	<p>Using dogs to locate wounded deer or bear.</p> <p>Subd. 1. Using dogs allowed. Allows a person to use a dog to locate and retrieve a wounded deer or bear only as provided in this section.</p> <p>Subd. 2. Requirements for hunters and handlers. Requires hunters using a dog to track wounded deer or bear to have a valid hunting license to take the deer or bear. If using a dog handler, the handler must have a license or be accompanied by a licensed hunter. Requires the hunter and any dog handler to be on foot and wear blaze orange or blaze pink and requires any light used to be a handheld artificial light as defined in section 55.</p> <p>Subd. 3. Requirements for dogs. Requires dogs used under this section to be accompanied by the hunter and any handler until the bear or deer is located. The dog must be physically controlled and on a leash at all times and the leash must not exceed 30 feet. Requires the dog owner’s information to be on the dog. States that the hunter and any handler are jointly responsible for the dog. States that violations of this subdivision are subject to the misdemeanor penalties and license revocations and restrictions applicable to those violating game and fish laws.</p> <p>Subd. 4. Additional requirements. States that the state trespass laws apply including all requirements to gain permission to enter private or public property. Allows the use of dogs outside of the legal shooting hours or open season, but it must be reported to the local conservation officer.</p>

Section	Description – Article 2: Environment and Natural Resources
60	No open season. Eliminates the open season to hunt or trap wolves.
61	Taking animals causing damage. Requires traps used to take certain animals causing damage to be tagged with the landowner’s name and telephone number, or when placed by an agent of the landowner, the agent’s information. Requires the removal or destruction of beaver dams to be done in compliance with new provisions established in the next section.
62	Removing beaver dams; agreement by landowner. Allows a person to remove or destroy a beaver dam from the person’s property unless the removal/destruction of the dam would change or diminish the historical water levels, course, current, or cross section of public waters, or when a public waters work permit is otherwise required. Prohibits a person from removing/destroying a beaver dam on public property or someone else’s without permission. Allows a person to petition a district court for relief if they fail to get the property owner’s permission.
63	Government units. Allows any government unit to kill beaver causing damage and remove or destroy any associated beaver lodge or dams subject to existing permit requirements and the new provisions established in the previous section.
64	Permits and notice; requirements. Modifies special permit and notification requirements for road authorities and government units when killing beaver to only require permits when taking a beaver two weeks before or after the trapping season for beaver.
65	Beaver control programs. Conforming change needed due to the provision allowing all government units to kill beavers causing damage.
66	Tagging requirements for traps. Requires traps used as part of a beaver control program implemented by a government unit to be tagged with the name and telephone number of the government unit, and, if applicable, any third-party contractor’s information.
67	Nontoxic shot required for taking small game in certain areas. Requires the use of nontoxic shot when hunting small game, rails, or common snipe on wildlife management areas in the farmland zone.

Section	Description – Article 2: Environment and Natural Resources
68	<p>General restrictions.</p> <p>Conforming change needed due to the provision designating cisco as a game fish rather than a rough fish.</p>
69	<p>Continuous season for certain species.</p> <p>Establishes a continuous season for yellow bass, burbot, and cisco now that they are designated as game fish.</p>
70	<p>Taking turtles; requirements.</p> <p>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.</p>
71	<p>License exemptions.</p> <p>Modifies exemptions from the recreational turtle license requirements to conform to the removal of the turtle seller’s license and expands an exemption for those participating in nonprofit turtle races for youth. 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.</p>
72	<p>Taking; methods prohibited.</p> <p>Updates the prohibited methods of taking turtles to conform to the removal of the turtle seller’s license.</p>
73	<p>Conservation materials containing plastics.</p> <p>Subd. 1. Identifying and listing. Requires BWSR to identify materials used in conservation and bioengineering projects that contain plastic that are likely to be used in state-funded streambank stabilization projects, determine if there are feasible alternatives that do not contain plastic, and list those that have feasible alternatives as ineligible for state funding on the board’s website.</p> <p>Subd. 2. Prohibition. Beginning January 1, 2022, prohibits a person from purchasing a material listed by BWSR in the previous subdivision with state funds or using it in a project funded with state funds.</p>
74	<p>Conditions to affect public waters.</p> <p>Allows contractors and others to submit required landowner statements for work done in public waters electronically.</p>
75	<p>Form for compliance.</p> <p>Conforming change (related to the previous section).</p>

Section	Description – Article 2: Environment and Natural Resources
76	Applications for groundwater appropriations; preliminary well-construction approval. Allows the DNR to provide preliminary well construction approval notices electronically.
77	Permit application and notification fees. Increases the permit application fee to construct or repair a dam subject to a dam safety inspection, work in public waters, or to divert waters for mining to at least \$300 but no more than \$3,000.
78	Hearing notice. Allows the DNR to send required water permit hearing notice summaries electronically to counties and other local governments.
79	Demand for hearing. Conforming change (related to the previous section).
80	Notice of permit order. Allows the DNR to submit electronic copies of public water work permit orders following a hearing to interested parties.
81	Temporary drawdown of public waters. Allows the DNR to send hearing notices for temporary drawdowns of public waters electronically to counties and other local governments.
82	Invasive aquatic plant management permit. Allows notification of landowners regarding invasive aquatic plant management permit activities to be done electronically.
83	Sugar beet storage. Prohibits the PCA from requiring a sugar beet company with a current national pollutant discharge elimination system (NPDES) permit to install sedimentation pond liners at remote storage sites for sugar beets unless a risk assessment confirms there is significant impact on groundwater and the liner is necessary to protect water from pollution.
84	Carpet products; stewardship program; stewardship plan. Requires carpet producers selling their product in Minnesota to participate in a carpet product stewardship program to collect and recycle used carpet. A similar “product stewardship” model is currently being used in the state for electronic waste and used paint.

Section	Description – Article 2: Environment and Natural Resources
85	<p>Report to the legislature.</p> <p>Requires the PCA to report to the legislature on the implementation of the carpet product stewardship program established in the previous section.</p>
86	<p>Application requirements.</p> <p>Modifies application requirements for PCA’s financial assistance program for solid waste projects to include analysis of whether the proposed facility displaces capacity of existing facilities and how it conforms with existing statutes encouraging private ownership of solid waste facilities.</p>
87	<p>Waste tire facilities operating outdoors; financial qualifications.</p> <p>Subd. 1. Definitions. Defines terms for purposes of the section.</p> <p>Subd. 2. Application; financial qualification. Lists information that must be part of a permit application for a waste tire facility operating outdoors, including a demonstration of the financial qualification of the applicant to design, construct, operate, maintain, and close a waste tire facility, and cost estimates for each of these project phases.</p> <p>Subd. 3. Financial qualification review. Authorizes the PCA commissioner to send an applicant’s financial qualification information to the state auditor, who will determine whether the filing meets the requirements of this section.</p> <p>Subd. 4. Changes affecting financial qualification. Requires a permit holder to maintain financial qualification in order to continue to hold a permit. A permit holder must notify the commissioner within 30 days of any significant change in the identity or the assets of the person or structure of the business that holds the permit or owns and operates the facility. A change is considered significant if it would alter the identity or otherwise affect the financial qualification of the owner, operator, or permit owner. The commissioner may, as a result of the changes, require a permit holder to reestablish financial qualifications, revoke a permit, or require a new permit to be issued.</p> <p>Subd. 5. Application. Specifies that the financial requirements of this section apply only to the first ten years of operation of a waste tire facility, and exempts political subdivisions operating a waste tire facility from the provisions of this section.</p>
88	<p>Natural resources damages account.</p> <p>Statutorily creates the natural resources damages account used by the PCA and DNR for purposes of tracking money received from certain natural resource damages related settlements and other actions. Requires the DNR to submit work plans to the commissioner of management and budget on how the funds are spent (similar to current</p>

Section	Description – Article 2: Environment and Natural Resources
89	<p>practice). Requires the DNR to report to the legislature by November 1 each year on the expenditures from the account.</p> <p>Closed landfill investment fund. Clarifies that the closed landfill investment fund (CLIF) is statutorily appropriated to the commissioner of the PCA.</p>
90	<p>Pollution Control Agency; creation of powers. Reinstates the Minnesota Pollution Control Agency (MPCA) Citizens Board which was eliminated in 2015.</p> <p>Subd. 1. Creation. Recreates the MPCA Citizens Board with its original structure.</p> <p>Subd. 2a. Terms, compensation, removal, vacancies. Provides for the terms, compensation, removal of members and filling of vacancies as originally provided.</p> <p>Subd. 3a. Membership. Establishes membership requirements as originally required.</p> <p>Subd. 4a. Chair. Requires the commissioner to serve as chair as originally required.</p> <p>Subd. 5. Agency successor to commission. Vests authorities in the MPCA rather than the commissioner as originally provided.</p> <p>Subd. 6a. Required decisions. Requires the board to make final decisions on certain matters it was originally required to decide, including the petition for preparing an environmental assessment worksheet (EAW) if requested, the need for an EIS under certain circumstances, and issuance/modification/revocation of certain permits.</p> <p>Subd. 7a. Additional decisions. Allows the commissioner to request the board to make additional decisions or provide advice as originally allowed.</p> <p>Subd. 8a. Other actions. Provides that other actions not specifically within the authority of the commissioner be made by the board under certain conditions as originally provided.</p> <p>Subd. 9a. Informing public. Requires the commissioner to inform the public about their rights to request the board to make decisions and other information as originally required.</p> <p>Subd. 11. Changing decisions. Prohibits the board from reopening, rescinding, or reversing its decision except under certain conditions as originally provided.</p>

Section	Description – Article 2: Environment and Natural Resources
91	Office. Conforming change (related to the reinstatement of the MPCA Citizens Board).
92	Mission; efficiency. Conforming change (related to the reinstatement of the MPCA Citizens Board).
93	Creation. Technical change (related to the establishment of the natural resources damages account).
94	Revenues. Technical change (related to the establishment of the natural resources damages account).
95	Natural resources damages account. Adds the natural resources damages account to the list of accounts in the remediation fund.
96	Salt applicators; voluntary certification program. Subd. 1. Definitions. Provides a definition of “certified commercial applicator,” “commercial applicator,” “deicer,” and “owner” for purposes of the new voluntary certification program established in this bill. Subd. 2. Voluntary certification program; best management practices. Requires the PCA to develop a training program promoting best management practices for snow and ice removal and deicer application. Allows commercial applicators of deicers that successfully complete the program and pass an exam to become certified. Requires the PCA to provide additional training for those renewing their certifications. Requires the initial training to be conducted at locations statewide and allows the recertification training to be done online. Requires the PCA to post best management practices and a list of certified applicators on the agency’s website. Allows the PCA to charge up to \$350 for the training and certification. Subd. 3. Liability. Provides certain liability protection for a certified applicator, or the owner/lessee of land maintained by a certified applicator using the best management practices. States that the liability protections do not apply under certain conditions. Subd. 4. Record keeping. Requires a certified commercial applicator to keep records, including copies of winter maintenance assessment tool requirements and certain treatment and condition records for at least six years.

Section **Description – Article 2: Environment and Natural Resources**

Subd. 5. Penalty. Allows the PCA to revoke or decline to renew a certification of an applicator who violates this section or rules adopted under this section.

Subd. 6. Relation to other law. States that nothing in this section affects existing municipal liability.

Subd. 7. Reporting required. Requires a certified commercial applicator to submit annual reports to the PCA on the amounts and types of deicers used in the previous calendar year.

Subd. 8. Expiration. States that the section expires August 2, 2026.

97 **Eligible borrower.**

Modifies the eligibility requirements of the small business environmental-improvement loan program by increasing the total number of full-time equivalent (FTE) employees a borrower may have to less than 100 FTE employees (the current requirement is less than 50 FTE employees) and eliminating the \$1,000,000 cap on a borrower's net worth.

98 **Loan conditions.**

Modifies the interest rate used for the small business environmental-improvement loan program to require the rate to be at or below one-half the level of the prime interest rate, not to exceed five percent. Current law requires that the rate be the greater of four percent or one-half the prime rate. The maximum loan amount is also increased from \$50,000 to \$75,000.

99 **Minnesota Outdoor Recreation Office.**

Subd. 1. Office established. Establishes the Minnesota Outdoor Recreation Office within Explore Minnesota Tourism and requires the governor to appoint a director for the office.

Subd. 2. Purpose. Establishes the purpose of the office, including working toward equitable access to the outdoors, coordinating outdoor recreation policy and management, assisting in promoting and marketing outdoor recreation events, and recruiting and growing outdoor recreation businesses.

Subd. 3. Account; donations. Allows the director to receive gifts and grants for purposes of the office and appropriates the money received to the director for those purposes.

Subd. 4. Strategic plan. Requires the director to submit a strategic plan to the legislature and develop the plan in consultation with the Explore Minnesota Tourism Council, certain agencies and legislators.

Subd. 5. Consultation and cooperation. Requires the director to consult with the Explore Minnesota Tourism Council. Requires the Departments of Natural

Section	Description – Article 2: Environment and Natural Resources
	<p>Resources, Health, Transportation, and Employment and Economic Development to coordinate with the office.</p> <p>Subd. 6. Report. Requires the office to submit an annual report to the legislature.</p> <p>Subd. 7. Regulatory authority. States that nothing in the section supplants or impacts the regulatory authority of other state agencies.</p>
100	<p>Appointment.</p> <p>Requires the DNR to provide human resources, payroll, accounting, and other administrative services to the school trust lands director.</p>
101	<p>Flame-retardant chemicals; prohibition.</p> <p>Subd. 1. Definitions. Changes a term used in this section, from upholstered residential furniture to upholstered furniture, and expands the definition to mean all furniture with padding, coverings, and cushions, not just this furniture intended for use in homes or places of lodging. Also defines “PFAS” as perfluoroalkyl and polyfluoroalkyl substances, and “residential or business textile” as covering on windows, walls, or floors, including carpeting or carpet padding.</p> <p>Subd. 2. Flame-retardant chemicals; prohibition. Beginning July 1, 2020, prohibits manufacturers from selling, distributing, or offering for sale mattresses and residential or business textiles on which certain flame-retardant chemicals are used in amounts greater than 1,000 parts per million. Also strikes a list of specific flame-retardant chemicals that are prohibited, and instead prohibits any halogenated, phosphorus-based, nitrogen-based, or nanoscale flame retardants in amounts greater than 1,000 parts per million on upholstered furniture, residential or business textiles, or mattresses.</p> <p>Beginning July 1, 2021, prohibits retailers from selling these products or offering them for sale.</p> <p>Subd. 3. Flame-retardant chemicals; replacement chemicals. No changes to this subdivision.</p> <p>Subd. 4. Firefighting foam. Beginning July 1, 2020, restricts the sale or distribution of certain firefighting foam that contains intentionally added PFAS to sales/distributions to oil refineries, oil and petroleum terminals, airports, or Camp Ripley only.</p> <p>Subd. 5. Training exercises. Prohibits the use of class B firefighting foam that contains intentionally added PFAS for training exercises except at Camp Ripley</p>

Section	Description – Article 2: Environment and Natural Resources
	<p>Subd. 6. Enforcement. Directs the commissioner of the Pollution Control Agency to enforce this section, in coordination with the commissioners of commerce and health.</p>
102	<p>Rules; silica sand. Removes a provision passed in 2013 that required the DNR to adopt rules governing the reclamation of silica sand mines and instead requires the DNR to publish a model ordinance in the State Register.</p>
103	<p>Lake designation; city of the first class. Designates and names a lake meeting certain requirements (Lake Calhoun) as Bde Maka Ska.</p>
104	<p>Stamp design; rule amendment. Requires the commissioner of natural resources to amend DNR rules to allow stamp design contest entries to be created using nonphotographic digital media and require a person entering a stamp design contest to list all media used in creating the entry. Allows the commissioner to use the good cause exemption from the state’s rulemaking procedure to amend the rules.</p>
105	<p>Turtle seller’s licenses; transfer and renewal. Prohibits the DNR from renewing or transferring turtle seller’s licenses.</p>
106	<p>Chronic wasting disease adopt-a-dumpster program; deer carcass handling guidelines. Requires the DNR to establish an adopt-a-dumpster program to provide dumpsters for disposing deer carcasses in areas where chronic wasting disease (CWD) has been detected. Requires the DNR, in consultation with the commissioners of health and the PCA, to develop guidelines for hunters, solid waste haulers and facilities, taxidermists, and meat processors to prevent the spread of CWD and protect human health. Requires the commissioner to submit a report to the legislature.</p>
107	<p>Naming of state park facilities after Walter F. Mondale. Names the visitor centers at Wild River State Park and St. Croix State Park, a scenic overlook and trail at Interstate State Park, and a day use area at William O’Brien State Park after Walter F. Mondale.</p>
108	<p>Revisor instruction. Requires the revisor to: assign the priority order of the MLCAT payback after any special education aid payback passed in the 2019 legislative session, and replace a statute being repealed in the next section related to PSF compensation with a new one established in the bill.</p>

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109 **Repealer.**
Paragraphs (a) and (c) repeal statutes and rules pertaining to the turtle seller’s license eliminated in this bill. Paragraph (a) also repeals section 92.121 (related to compensating the PSF which is replaced with a new provision in the bill). Paragraph (b) repeals an obsolete provision passed when the MPCA Citizens Board was eliminated.



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