

**Subject** Omnibus Environment and Natural Resources Bill

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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
1	<b>Environment and natural resources appropriations.</b> Technical.
2	<b>Pollution Control Agency.</b> Appropriates \$104,873,000 in fiscal year 2020 and \$103,365,000 in fiscal year 2021 to the PCA.
3	<b>Natural resources.</b> Appropriates \$318,083,000 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	<b>Board of Water and Soil Resources.</b> Appropriates \$19,963,000 in fiscal year 2020 and \$18,931,000 in fiscal year 2021 to BWSR.
5	<b>Metropolitan Council.</b> Appropriates \$9,140,000 in fiscal years 2020 and 2021 to the Metropolitan Council for metropolitan area regional parks.

<b>Section</b>	<b>Description</b>
6	<b>Conservation Corps Minnesota.</b> Appropriates \$945,000 in fiscal years 2020 and 2021 for Conservation Corps Minnesota.
7	<b>Zoological Board.</b> Appropriates \$10,394,000 in fiscal year 2020 and \$9,999,000 in fiscal year 2021 to the Minnesota Zoo.
8	<b>Science Museum.</b> Appropriates \$1,079,000 in fiscal years 2020 and 2021 to the Science Museum of Minnesota.
9	<b>Explore Minnesota Tourism.</b> Appropriates \$14,394,000 in fiscal year 2020 and \$14,594,000 in fiscal year 2021 to Explore Minnesota Tourism.
10	<b>Contingent appropriations.</b> 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	<b>Administration.</b> Extends and modifies the purposes of a previous appropriation for the school trust lands director.
12	<b>Administration.</b> 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.

<b>Section</b>	<b>Description</b>
1	<b>State bee.</b> Establishes the rusty patched bumble bee as the official state bee.

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2	<p><b>Exceptions.</b></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><b>Additional revenues; priority.</b></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><b>Reimbursement.</b></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><b>Rusty patched bumble bee.</b></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>
6	<p><b>Trade in prohibited animal parts prohibited.</b></p> <p><b>Subd. 1. Definitions.</b> 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, mastodon, walrus, whale, or narwhal, and a horn or a piece of a horn from a rhinoceros.</p> <p><b>Subd. 2. Prohibition.</b> 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><b>Subd. 3. Exceptions.</b> 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>

Section	Description
	<p><b>Subd. 4. Disposition of seized prohibited animal parts.</b> 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><b>Effective date.</b> The section becomes effective January 1, 2020.</p>
7	<p><b>Exemptions.</b></p> <p>Removes an exemption from off-highway motorcycle (OHM) registration requirements for OHMs used exclusively in organized track-racing events.</p>
8	<p><b>No child left inside grant program.</b></p> <p><b>Subd. 1. Establishment.</b> 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><b>Subd. 2. Eligibility.</b> States that public entities and private nonprofit organizations are eligible for the program.</p> <p><b>Subd. 3. Priorities.</b> Requires the commissioner to give priority to certain programs.</p>
9	<p><b>Invasive species accounts.</b></p> <p><b>Subd. 1. Creation.</b> Establishes an invasive species research account in addition to the existing invasive species account.</p> <p><b>Subd. 2. Receipts.</b> Dedicates revenues raised from the watercraft surcharge to the invasive species account (\$16 of each surcharge) and the new invasive species research account (\$4 of each surcharge).</p> <p><b>Subd. 3. Use of money in invasive species account.</b> 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.</p> <p><b>Subd. 4. Use of money in invasive species research account.</b> Requires the money deposited in the invasive species research account to be used for grants to the Minnesota Aquatic Invasive Species Research Center.</p>
10	<p><b>Walter F. Mondale State Park, Pine County.</b></p> <p>Renames St. Croix State Park Walter F. Mondale State Park.</p>
11	<p><b>User fee; validity.</b></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>

<b>Section</b>	<b>Description</b>
12	<p><b>Special use permits; fees.</b></p> <p>Statutorily appropriates money deposited in the natural resources fund from certain special use permit fees to the DNR.</p>
13	<p><b>Watercraft 19 feet or less.</b></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>
14	<p><b>Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells.</b></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>
15	<p><b>Watercraft over 19 feet.</b></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>
16	<p><b>Watercraft over 19 feet for hire.</b></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>
17	<p><b>Watercraft used by nonprofit organization or homestead resort.</b></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>
18	<p><b>Dealer's license.</b></p> <p>Increases the fee for a watercraft dealer's license from \$67.50 to \$98.</p>
19	<p><b>Watercraft surcharge.</b></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>
20	<p><b>Written consent.</b></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>

<b>Section</b>	<b>Description</b>
21	<b>Transportation requirements.</b> Technical (related to the new decorative materials buyer license).
22	<b>Decorative materials buyer.</b> 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.
23	<b>Private lands.</b> Reduces the minimum number on seedlings/cuttings that must be in a lot sold by the DNR for private sale from 500 to 250.
24	<b>Forest carbon sequestration goal.</b> 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.
25	<b>Special forest products.</b> Establishes a definition of “special forest products” for purposes of the decorative materials buyer license provisions.
26	<b>Special use and product permit.</b> Technical (related to the new decorative materials buyer license).
27	<b>Game and fish annual reports.</b> Technical (related to changes to the walk-in access program).
28	<b>Deer license surcharges.</b> Technical (related to changes to the walk-in access program).
29	<b>Deer, bear, and lifetime licenses.</b> 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.
30	<b>Use of enrolled lands.</b> 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.

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31	<p><b>Application deadline.</b></p> <p>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.</p>
32	<p><b>Deer license surcharge.</b></p> <p>Removes a provision allowing a person to donate \$1, \$3, or \$5 for the walk-in access program when purchasing a deer license.</p>
33	<p><b>Small-game surcharge.</b></p> <p>Removes a provision allowing a person to donate \$1, \$3, or \$5 for the walk-in access program when purchasing a small game license.</p>
34	<p><b>Turtle license.</b></p> <p>Eliminates the turtle seller's license fee and turtle seller's apprentice license fee.</p>
35	<p><b>Nontoxic shot required for taking small game in certain areas.</b></p> <p>Requires the use of nontoxic shot when hunting small game, rails, or common snipe on wildlife management areas in the farmland zone.</p>
36	<p><b>Taking turtles; requirements.</b></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>
37	<p><b>License exemptions.</b></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>
38	<p><b>Taking; methods prohibited.</b></p> <p>Updates the prohibited methods of taking turtles to conform to the removal of the turtle seller's license.</p>
39	<p><b>Conservation materials containing plastics.</b></p> <p><b>Subd. 1. Identifying and listing.</b> 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>

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	<p><b>Subd. 2. Prohibition.</b> 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>
40	<p><b>Permit application and notification fees.</b> 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.</p>
41	<p><b>Carpet products; stewardship program; stewardship plan.</b> 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.</p>
42	<p><b>Report to the legislature.</b> Requires the PCA to report to the legislature on the implementation of the carpet product stewardship program established in the previous section.</p>
43	<p><b>Application requirements.</b> 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>
44	<p><b>Waste tire facilities operating outdoors; financial qualifications.</b></p> <p><b>Subd. 1. Definitions.</b> Defines terms for purposes of the section.</p> <p><b>Subd. 2. Application; financial qualification.</b> 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><b>Subd. 3. Financial qualification review.</b> 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><b>Subd. 4. Changes affecting financial qualification.</b> 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</p>

Section	Description
	<p>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><b>Subd. 5. Application.</b> 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>
45	<p><b>Natural resources damages account.</b></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 practice). Requires the DNR to report to the legislature by November 1 each year on the expenditures from the account.</p>
46	<p><b>Closed landfill investment fund.</b></p> <p>Clarifies that the closed landfill investment fund (CLIF) is statutorily appropriated to the commissioner of the PCA.</p>
47	<p><b>Pollution Control Agency; creation of powers.</b></p> <p>Reinstates the Minnesota Pollution Control Agency (MPCA) Citizens Board which was eliminated in 2015.</p> <p><b>Subd. 1. Creation.</b> Recreates the MPCA Citizens Board with its original structure.</p> <p><b>Subd. 2a. Terms, compensation, removal, vacancies.</b> Provides for the terms, compensation, removal of members and filling of vacancies as originally provided.</p> <p><b>Subd. 3a. Membership.</b> Establishes membership requirements as originally required.</p> <p><b>Subd. 4a. Chair.</b> Requires the commissioner to serve as chair as originally required.</p> <p><b>Subd. 5. Agency successor to commission.</b> Vests authorities in the MPCA rather than the commissioner as originally provided.</p> <p><b>Subd. 6a. Required decisions.</b> 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>

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	<p><b>Subd. 7a. Additional decisions.</b> Allows the commissioner to request the board to make additional decisions or provide advice as originally allowed.</p> <p><b>Subd. 8a. Other actions.</b> 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><b>Subd. 9a. Informing public.</b> 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><b>Subd. 11. Changing decisions.</b> Prohibits the board from reopening, rescinding, or reversing its decision except under certain conditions as originally provided.</p>
48	<p><b>Office.</b> Conforming change (related to the reinstatement of the MPCA Citizens Board).</p>
49	<p><b>Mission; efficiency.</b> Conforming change (related to the reinstatement of the MPCA Citizens Board).</p>
50	<p><b>Creation.</b> Technical change (related to the establishment of the natural resources damages account).</p>
51	<p><b>Revenues.</b> Technical change (related to the establishment of the natural resources damages account).</p>
52	<p><b>Natural resources damages account.</b> Adds the natural resources damages account to the list of accounts in the remediation fund.</p>
53	<p><b>Salt applicators; voluntary certification program.</b></p> <p><b>Subd. 1. Definitions.</b> Provides a definition of “certified commercial applicator,” “commercial applicator,” “deicer,” and “owner” for purposes of the new voluntary certification program established in this bill.</p> <p><b>Subd. 2. Voluntary certification program; best management practices.</b> 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</p>

Section	Description
	<p>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.</p> <p><b>Subd. 3. Liability.</b> 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.</p> <p><b>Subd. 4. Record keeping.</b> 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.</p> <p><b>Subd. 5. Penalty.</b> Allows the PCA to revoke or decline to renew a certification of an applicator who violates this section or rules adopted under this section.</p> <p><b>Subd. 6. Relation to other law.</b> States that nothing in this section affects existing municipal liability.</p> <p><b>Subd. 7. Reporting required.</b> 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.</p> <p><b>Subd. 8. Expiration.</b> States that the section expires August 2, 2026.</p>
54	<p><b>Minnesota Outdoor Recreation Office.</b></p> <p><b>Subd. 1. Office established.</b> Establishes the Minnesota Outdoor Recreation Office within Explore Minnesota Tourism and requires the governor to appoint a director for the office.</p> <p><b>Subd. 2. Duties.</b> 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.</p> <p><b>Subd. 3. Account; donations.</b> Allows the director to receive gifts and grants for purposes of the office and appropriates the money received to the director for those purposes.</p> <p><b>Subd. 4. Strategic plan.</b> 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.</p> <p><b>Subd. 5. Consultation and cooperation.</b> Requires the director to consult with the Explore Minnesota Tourism Council. Requires the Departments of Natural</p>

Section	Description
	<p>Resources, Health, Transportation, and Employment and Economic Development to coordinate with the office.</p> <p><b>Subd. 6. Report.</b> Requires the office to submit an annual report to the legislature.</p> <p><b>Subd. 7. Regulatory authority.</b> States that nothing in the section supplants or impacts the regulatory authority of other state agencies.</p>
55	<p><b>Appointment.</b></p> <p>Requires the DNR to provide human resources, payroll, accounting, and other administrative services to the school trust lands director.</p>
56	<p><b>Flame-retardant chemicals; prohibition.</b></p> <p><b>Subd. 1. Definitions.</b> 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><b>Subd. 2. Flame-retardant chemicals; prohibition.</b> 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><b>Subd. 3. Flame-retardant chemicals; replacement chemicals.</b> No changes to this subdivision.</p> <p><b>Subd. 4. Firefighting foam.</b> 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, and airports only.</p> <p><b>Subd. 5. Training exercises.</b> Prohibits the use of class B firefighting foam that contains intentionally added PFAS.</p>

Section	Description
	<b>Subd. 6. Enforcement.</b> Directs the commissioner of the Pollution Control Agency to enforce this section, in coordination with the commissioners of commerce and health.
57	<b>Turtle seller's licenses; transfer and renewal.</b> Prohibits the DNR from renewing or transferring turtle seller's licenses.
58	<b>Chronic wasting disease adopt-a-dumpster program; deer carcass handling guidelines.</b> 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.
59	<b>Revisor instruction.</b> Requires the revisor to recode the Walter F. Mondale State Park statute (formerly the St. Croix State Park statute) and include the history of the old statute underneath the new one.
60	<b>Repealer.</b> Paragraphs (a) and (c) repeal statutes and rules pertaining to the turtle seller's license eliminated in this bill. Paragraph (b) repeals an obsolete provision passed when the MPCA Citizens Board was eliminated.



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