

Subject Environment and Natural Resources Omnibus

Authors Hansen, R.

Analyst Janelle Taylor

Date June 21, 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

- 1 Environment and natural resources appropriations.**
Technical.
- 2 Pollution Control Agency.**
Appropriates \$112,170,000 in fiscal year 2022 and \$111,568,000 in fiscal year 2023 to the PCA, including appropriations for the Environmental Quality Board.
- 3 Natural resources.**
Appropriates \$328,914,000 in fiscal year 2022 and \$323,797,000 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 \$18,045,000 in fiscal year 2022 and \$16,740,000 in fiscal year 2023 to BWSR.

Section Description – Article 1: Environment and Natural Resources Appropriations

- 5 **Metropolitan Council.**
Appropriates \$9,990,000 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 \$10,139,000 in fiscal year 2022 and \$9,999,000 in fiscal year 2023 to the Minnesota Zoo.
- 8 **Science Museum.**
Appropriates \$1,079,000 in fiscal years 2022 and 2023 to the Science Museum of Minnesota.
- 9 **Explore Minnesota Tourism.**
Appropriates \$15,434,000 in fiscal year 2022 and \$14,523,000 in fiscal year 2023 to Explore Minnesota Tourism.
- 10 **Parks and trails management.**
Extends a previous appropriation for a grant to Lake County for an ATV trail system. The changes are effective retroactively from July 1, 2018.
- 11 **Forest management.**
Extends a previous appropriation to the DNR for emerald ash borer related grants to local governments.
- 12 **Parks and trails management.**
Extends a prior appropriation for an off-highway motorcycle master plan. The changes are effective retroactively from July 1, 2019.

Article 2: Environment and Natural Resources Policy

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

Section Description – Article 2: Environment and Natural Resources Policy

- 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.
- 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 Inspection.**
Allows the DNR to inspect farmed white-tailed deer according to new authority granted in the next section.
- 17 Concurrent authority; regulating farmed white-tailed deer.**
States that the DNR and the Board of Animal Health (BAH) possess concurrent authority to regulate farmed white-tailed deer under certain statutes governing farmed Cervidae.
- 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).

Section Description – Article 2: Environment and Natural Resources Policy

- 20 **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.
- 21 **Conveyance of conservation easements.**
Allows the DNR to convey conservation easements on state lands.
- 22 **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.
- 23 **Road easements across state lands.**
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.
- 24 **General requirements.**
Eliminates the requirement that snowmobiles be registered in order to transport them.
- 25 **Collector snowmobiles; limited use.**
Technical related to the previous section.
- 26 **Appropriations matched by private funds or state bond fund appropriations.**
Allows the DNR to spend \$2 for every dollar of private critical habitat donations and allows appropriations from bond funds for projects that benefit critical natural habitat to be used as match. Under current law, the DNR may spend one dollar for every dollar.
- 27 **Pledges and contributions.**
Expands the allowable uses of the critical habitat private sector matching account to be used for restoration and enhancement of lands and specifies the uses of money matched to the nongame wildlife management account. Prohibits more than 30 percent of nongame wildlife management account appropriations used as match from being used for monitoring and evaluation activities
- 28 **Acquisition, restoration, and enhancement considerations.**
Makes conforming changes related to the addition of restoration and enhancement as allowable uses of the critical habitat private sector matching account.

Section Description – Article 2: Environment and Natural Resources Policy

- 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 **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.”
- 31 **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.
- 32 **Administering grants.**
Allows the DNR to use up to 2.5 percent of money appropriated for local recreation grants for administering the grants.
- 33 **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 this article). Also allows the DNR to establish administrative penalties for failure to display state park permits.
- 34 **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.
- 35 **State park reservation system.**
Allows revenues from state park reservation fees to be used for the point-of-sale system.
- 36 **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.

Section Description – Article 2: Environment and Natural Resources Policy

- 37 **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.
- 38 **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.
- 39 **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.
- 40 **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.
- 41 **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.
- 42 **Riverlands State Forest.**
Adds the Riverlands State Forest to the list of state forests (the boundaries of the new state forest are designated in this article).
- 43 **Leases and permits.**
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.
- 44 **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.
- 45 **Sunset.**
Extends the expiration date of the Sustainable Forest Resources Act by seven years (from June 30, 2021, to June 30, 2028).

Section Description – Article 2: Environment and Natural Resources Policy

- 46 **Reimbursing costs.**
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.
- 47 **Lease of tax-forfeited and state lands.**
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.
- 48 **Conservation planning leases.**
Allows the DNR to lease state-owned lands for the purpose of investigating and developing conservation easements that provide ecosystem benefits and exempts the leases from certain requirements.
- 49 **Valuation of land.**
Allows the DNR to use township or county assessment schedules within the preceding two years for similar land types when evaluating certain lands.
- 50 **Deer, bear, and lifetime licenses.**
Technical.
- 51 **Wolf licenses; account established.**
Technical.
- 52 **Walk-in-access hunter validation; fee.**
Statutorily establishes the \$3 fee for the walk-in-access hunter validation.
- 53 **Commissioner’s authority.**
Technical (related to the next section).
- 54 **Snakes, lizards, and salamanders.**
Requires the DNR to prescribe conditions and allows the issuance of permits to breed, propagate, and sell 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.

Section Description – Article 2: Environment and Natural Resources Policy

- 55 **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.
- 56 **Issuance after conviction; night vision or thermal imaging equipment.**
Prohibits a person in the possession of night vision or thermal imaging equipment convicted of certain violations (trespassing, hunting in a closed season/hours, taking a wild animal in violation of night vision/thermal imaging equipment laws, or violating firearms restrictions in deer zones) from obtaining a hunting license or hunting wild animals for five years.
- 57 **Resident hunting.**
Statutorily establishes the \$3 sandhill crane license fee and a \$2.50 light geese fee for residents.
- 58 **Nonresident hunting.**
Statutorily establishes the \$3 sandhill crane license fee and a \$2.50 light geese fee for nonresidents.
- 59 **Deer license donation and surcharge.**
Technical.
- 60 **Small-game surcharge and donation.**
Technical.
- 61 **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.
- 62 **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.

Section Description – Article 2: Environment and Natural Resources Policy

- 63 **Apprentice-hunter validation; fee.**
States that the apprentice-hunter validation fee is \$3.50 and that the fee must be deposited in the firearms safety training account and appropriates the money to the Enforcement Division of the DNR for administering the firearm safety course program.
- 64 **Crossbow hunting during firearms season.**
Allows the use of crossbows when hunting deer, bear, or turkey during all firearm seasons except the muzzleloader season.
- 65 **Restrictions related to motor vehicles.**
Prohibits a person from shooting a firearm or arrow from a motor vehicle at a decoy of a wild animal placed by a licensed peace officer.
- 66 **Possessing night vision or thermal imaging equipment.**
Clarifies that provisions allowing the use of night vision equipment also allow the use of night vision equipment enhanced with an infrared illuminator. Prohibits the use of night vision or thermal imaging equipment to hunt coyote/fox during the regular firearms deer season.
- 67 **Stamp required.**
Technical.
- 68 **Minnesota migratory-waterfowl stamp required.**
Technical.
- 69 **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.
- 70 **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.
- 71 **Contests requiring permit.**
Established a \$50 fee for fishing contests where all participants are age 18 years or younger.

Section Description – Article 2: Environment and Natural Resources Policy

- 72 **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.
- 73 **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.
- 74 **Gar.**
Requires the DNR to annually establish daily and possession limits for gar.
- 75 **Taking methods prohibited.**
Prohibits a person from taking turtles with firearms and ammunition, bow and arrow or crossbow, spears, harpoons, or other implements that can impale turtles.
- 76 **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.
- 77 **Restrictions.**
Reduces the number of nets that a person may use to net lake whitefish and ciscoes from two nets to one.
- 78 **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.
- 79 **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.

Section Description – Article 2: Environment and Natural Resources Policy

80 **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.

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.

Section Description – Article 2: Environment and Natural Resources Policy

- 81 **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.
- 82 **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.
- 83 **Application to establish lake levels.**
Requires the DNR to notify local units of government when establishing an ordinary high-water level.
- 84 **Appeal of order establishing ordinary high-water level.**
Allows a local unit of government to petition for a review of an ordinary high-water level. Requires the DNR to review the petition within 90 days and issue a final order. Allows the commissioner to extend the period by 90 days by providing written notice.
- 85 **Phase II recycling credits.**
Defines “phase II recycling credits for purposes of electronic waste provisions.
- 86 **Requirements for sale.**
Prohibits the sale of video display devices that are not labeled with the manufacturer’s brand and registered with the agency.
- 87 **Registration fee.**
Amends the formula used to calculate a manufacturer’s variable recycling fee.
- 88 **Manufacturer reporting requirements.**
Strikes obsolete language.
- 89 **Recycler responsibilities.**
Prohibits recyclers from charging collectors for any supplies related to transporting or recycling covered electronic devices.
- 90 **Duties of agency.**
Strikes obsolete language.
- 91 **Facility cooperation and reports.**
Removes a reporting requirement of waste disposal facility owners/operators.

Section Description – Article 2: Environment and Natural Resources Policy

- 92 **Grant program established.**
Authorizes the PCA to make competitive grants to federally recognized Indian Tribes.
- 93 **Priorities; rules.**
Requires the PCA to use the EPA’s current Hazard Ranking System and guidance to establish a list of priority chemical releases.
- 94 **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.
- 95 **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.
- 96 **Acquiring and disposing of real property at priority qualified facilities.**
Specifies damage amounts for condemnation of real property under this section.
- 97 **Closed landfill investment fund.**
Appropriates up to \$4,500,000 annually to the PCA from the closed landfill investment fund (CLIF). Appropriates up to \$9,000,000 annually in the event the commissioner determines there is an emergency and the annual appropriation will be insufficient. Requires the PCA to report to the legislature if emergency money is appropriated. Sunsets the appropriations on June 30, 2025.
- 98 **Real property interests.**
Authorizes the PCA to acquire interests in a solid waste disposal property if related to closure or postclosure care.
- 99 **Counties; processing applications for animal lot permits.**
Prohibits feedlot permits issued by the PCA from including terms imposing requirements related to pastures other than restrictions under a manure management plan or that require implementing nitrogen best management practices as a condition of allowing manure application in October. States that the section is effective August 31, 2021, unless the EPA disapproves.
- 100 **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

Section Description – Article 2: Environment and Natural Resources Policy

and plans to the Environmental Quality Board in lieu of new requirements applicable in the MRCCA established in the next section.

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

102 Duties; powers.

Requires the strategic plan required to be developed by the school trust lands director to advance strategies on school trust lands that capitalize on ecosystem services markets

103 Purpose.

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

104 Applications.

Eliminates a requirement that applicants for the SFIA program provide certain information to the DNR that the department already has.

105 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, 2025.

Section Description – Article 2: Environment and Natural Resources Policy

- 106 **Exchange of state land; Aitkin, Beltrami, and Koochiching Counties.**
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).
- 107 **Exchange of state land; St. Louis County.**
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.
- 108 **Environmental Quality Board.**
Provides an additional year for the EQB to submit a report on the funding necessary to secure section 404 assumption.
- 109 **Applying storm water rules to cities and townships.**
Makes a technical correction to a 2019 law related to the application of storm water requirements.
- 110 **Addition to state parks.**
Adds land to the statutory boundaries of Fort Snelling State Park and Lake Vermilion-Soudan Underground Mine State Park.
- 111 **Addition to state recreation area.**
Adds land to the statutory boundaries of the Iron Range Off-Highway Vehicle Recreation Area.
- 112 **Deletions from state parks.**
Removes land from the statutory boundaries of Fort Snelling State Park, Minneopa State Park, and William O’Brien State Park.
- 113 **Private sale of surplus state land; Cass County.**
Allows the DNR to sell certain surplus state lands by private sale in Cass County.
- 114 **Private sale of surplus state land; Lake of the Woods County.**
Allows the DNR to sell certain surplus state land in Lake of the Woods County by private sale.
- 115 **Private sale of surplus state land; St. Louis County.**
Allows the DNR to sell certain surplus state land in St. Louis County by private sale.
- 116 **Private sale of tax-forfeited lands; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited lands by private sale.

Section Description – Article 2: Environment and Natural Resources Policy

- 117 **Public sale of surplus state land bordering public water; Wadena County.**
Allows the DNR to sell surplus state lands bordering public water in Wadena County.
- 118 **Riverlands State Forest; boundaries.**
Adds the Riverlands State Forest to the list of state forests (the boundaries of the new state forest are designated in this article).
- 119 **Private sale of tax-forfeited land; Aitkin County.**
Allows Aitkin County to sell certain tax-forfeited land by private sale.
- 120 **Goodhue County; land transfers.**
Allows Goodhue County to sell, lease, or otherwise convey certain county-owned land abutting Lake Byllesby to adjoining property owners.
- 121 **Private sale of tax-forfeited lands; Itasca County.**
Allows Itasca County to sell certain tax-forfeited land by private sale.
- 122 **Private sale of surplus land bordering public waters; Roseau County.**
Allows the DNR to sell a certain island in Roseau County by private sale.
- 123 **Private sale of tax-forfeited land; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited land by private sale.
- 124 **St. Louis County; land lease.**
Allows St. Louis County to lease certain land for terms exceeding statutory restrictions.
- 125 **Conveyance of certain parcels; St. Louis County.**
Allows St. Louis County to convey certain nonconforming property to adjoining or surrounding landowners subject to certain conditions.
- 126 **Private sale of tax-forfeited land; Beltrami County.**
Allows Beltrami County to sell certain tax-forfeited land by private sale.
- 127 **Private sale of surplus land bordering public water; Sherburne County.**
Allows the DNR to sell surplus land bordering public water in Sherburne County.
- 128 **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 Description – Article 2: Environment and Natural Resources Policy

section to be submitted by August 31, 2021. States that permits that expired between January 1, 2021, and June 30, 2021, are eligible if they meet the requirements.

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.

129 Analysis of Wisconsin’s Green Tier program.

Requires the PCA to analyze Wisconsin’s Green Tier program, which recognizes and rewards environmental performance that voluntarily exceeds legal requirements, and submit a report to the legislature.

130 Facilitate engineered wood product manufacturing facility; Itasca County.

Exempts a corporation or other legal entity proposing to build an engineered wood product manufacturing facility in Itasca County that receives certain financial incentives from mandatory environmental impact statement (EIS) requirements. Still requires any environmental assessment worksheet (EAW) and permitting requirements and establishes certain wetland mitigation requirements.

131 Conditions upon terminating certain mineral leases.

Requires the DNR and PCA to wait at least two years after the termination of mineral leases associated with a permit to mine meeting certain requirements before terminating associated environmental permits.

Section Description – Article 2: Environment and Natural Resources Policy

- 132 **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.
- 133 **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.
- 134 **Amending feedlot permits.**
Requires the PCA to amend feedlot permits to conform with the new feedlot permit requirements established in this article unless the EPA disapproves of the changes.
- 135 **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) and a PCA rule requiring use of an obsolete EPA Hazard Ranking System for contaminated properties.

Article 3: 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 3: Driving Under the Influence Uniformity

- 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.

Section Description – Article 3: Driving Under the Influence Uniformity

(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.

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

Section Description – Article 3: Driving Under the Influence Uniformity

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 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.

Section Description – Article 3: Driving Under the Influence Uniformity

- 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 4: Law Enforcement Salaries

Provides salary increases and supplemental payments for conservation officers.

Section Description – Article 4: Law Enforcement Salaries

- 1 **Law enforcement salary increases.**
Increases the salaries paid to conservation officers represented by the Minnesota Law Enforcement Association.
- 2 **Law enforcement salary supplement for fiscal year 2020.**
Provides a salary supplement payment to certain conservation officers represented by the Minnesota Law Enforcement Association for fiscal year 2020.

Section Description – Article 4: Law Enforcement Salaries

- 3 Law enforcement salary supplement for a portion of fiscal year 2021.**
Provides a salary supplement payment to certain conservation officers represented by the Minnesota Law Enforcement Association for a portion of fiscal year 2021.
- 4 Appropriations; salary increases.**
Appropriates money to the DNR for the salary increases in this article.
- 5 Appropriations; salary supplements from July 1, 2019, to October 21, 2020.**
Appropriates money to the DNR for the salary supplements in this article.
- 6 Minnesota Law Enforcement Association retroactive contract funding.**
Cancels, reappropriates, and provides carryforward authority of certain previous appropriations to the DNR to be used for salary increases included in a collective bargaining agreement between the state and the Minnesota Law Enforcement Association.

Article 5: 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 5: Environment and Natural Resources Trust fund
Section Fiscal Year 2021

- 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.

Description – Article 5: Environment and Natural Resources Trust fund
Section Fiscal Year 2021

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 \$2,871,000 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.

Subd. 8. Methods to protect or restore land, water, and habitat. Provides a total appropriation for projects for protection, restoration, and enhancement methods of 4,337,000 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. 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 five new projects,

Description – Article 5: Environment and Natural Resources Trust fund
Section Fiscal Year 2021

and redirects other appropriations set to expire with remaining funds to the Lawns to Legumes program and the emerging issues account.

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 6: 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.

Description – Article 6: Environment and Natural Resources Trust Fund
Section Fiscal Year 2022

1 Appropriations.

Technical.

2 Minnesota resources.

Subd. 1. Total appropriation. Provides a total appropriation of \$70,881,000 in fiscal year 2022 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 \$10,459,000 in fiscal year 2022.

Description – Article 6: Environment and Natural Resources Trust Fund
Section Fiscal Year 2022

Subd. 4. Water resources. Provides a total appropriation for water resources projects of \$4,771,000 in fiscal year 2022.

Subd. 5. Environmental education. Provides a total appropriation for environmental education projects of \$2,687,000 in fiscal year 2022.

Subd. 6. Aquatic and terrestrial invasive species. Provides a total appropriation for invasive species projects of \$6,148,000 in fiscal year 2022.

Subd. 7. Air quality, climate change, and renewable energy. Provides a total appropriation for air quality, climate change, and renewable energy projects of \$6,205,000 in fiscal year 2022.

Subd. 8. Methods to protect, restore, and enhance land, water, and habitat. Provides a total appropriation for projects for protection, restoration, and enhancement methods of \$6,429,000 in fiscal year 2022.

Subd. 9. Land acquisition, habitat, and recreation. Provides a total appropriation for land acquisition, habitat, and recreation projects of \$32,062,000 in fiscal year 2022.

Subd. 10. Administrative and emerging issues. Provides a total appropriation of \$2,120,000 in fiscal year 2022 for administrative expenses of the LCCMR, contract 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.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155