

S.F. No. 20 – Environment Omnibus Bill

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Date: June 23, 2021

Article 1 – Environment and Natural Resources Appropriations

(See spreadsheet)

Article 2 – Environment and Natural Resources Policy

Section 1 [Repeal of Duty to Notify Legislature/DNR Asset Preservation Projects] exempts projects funded by a natural resources asset preservation and replacement account from legislative notification requirements.

Section 2 to 15 [Fish Disease Definition Changes] make various changes to the statutes that define fish diseases.

Section 16 [DNR May Inspect Farmed White-Tailed Deer] authorizes the DNR to inspect farmed white-tailed deer under new authority provided by section 17.

Section 17 [DNR Has Concurrent Authority Over Farmed White-Tailed Deer] grants DNR concurrent authority over white-tailed deer with the Board of Animal Health.

Section 18 [Expedited Rulemaking for Mississippi River Corridor Critical Area] authorizes the Department of Natural Resources (DNR) to use expediting rulemaking to set the placement and boundaries of land use districts established in the Mississippi River Corridor Critical Area.

Section 19 [School Trust Land Reporting] changes the reporting frequency on the management of school trust lands from biannually (twice yearly) to biennially (once each biennium).

Section 20 [Reimbursement of DNR Costs – Utility Licenses] requires an applicant for a license to permitting the passage of utilities over state lands or waters to reimburse the Department of Natural Resources (DNR) for certain costs associated with reviewing the application and issuing the license.

Section 21 [Conveyance of Conservation Easements] allows the DNR to convey conservation easements on state-owned land.

Section 22 [Easement Conveyance to Tribal Governments/Reimbursement of DNR Costs] allows the DNR to convey easements for trails, highways, or roads to federally recognized Indian tribes. Requires a state, federal, or tribal applicant for an easement on state-owned land to reimburse the DNR for certain costs associated with reviewing the application and issuing the easement.

Section 23 [Reimbursement of DNR Costs – Road Easements to Private Parties] requires private persons who apply for road easements over state-owned land to reimburse the DNR for certain costs associated with reviewing the application and issuing the easement.

Section 24 & 25 [Transporting Unregistered Snowmobiles] repeal prohibition on transportation of unregistered snowmobiles.

Section 26 [Critical Habitat Private Sector Matching Account – Match] allows bond proceeds to provide a match for money in the critical habitat private sector matching account and allows the commissioner to spend two dollars for every one dollar of match put into the account.

Section 27 [Critical Habitat Private Sector Matching Account – Uses] allows money in the critical habitat private sector matching account (other than bonding proceeds) to be used for restoration and enhancement of critical natural habitat and for monitoring and evaluation for rare resources and native plant communities.

Section 28 [Restoration and Enhancement Clarification] clarifies that DNR has authority to restore and enhance critical natural habitats, not just improve them.

Section 29 [Asset Preservation Activity Reporting Date] changes to March 1 from January 15 the date by which the commissioner of natural resources must submit to the commissioner of management and budget a list of projects paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year.

Section 30 [Outdoor Engagement Grant Account] establishes an outdoor engagement account for purposes of providing funding for the no child left inside grant program from private donations.

Section 31 [Repeal Invasive Carp Tagging Sunset] repeals sunset of authority for DNR to issue permits to tag and release invasive carp.

Section 32 [Local Recreation Grants Administration Costs] allows DNR to use up to 2.5 percent of money appropriated for local recreation grants for administering the grants.

Section 33 [Repeal of Golf Course Authority; APO Authority] removes authority for the commissioner of natural resources to establish provisions for the improvement and maintenance of golf courses already established in state parks and for the charging of reasonable use fees. Gives DNR the authority to establish administrative authority to issue courtesy warnings for state park permit violations.

Section 34 [State Park Statute Nomenclature] modernizes state park statute nomenclature.

Section 35 [Use of Fee Revenue to Operate Point-of-Sale System] allows DNR to use revenue collected from the state park reservation fee to operate their point-of-sale system.

Section 36 [Special Use Permit Policies] allows DNR to develop reasonable policies for special-use permits to use state parks, state recreation areas, and state waysides.

Section 37 [Owner of Vehicle Responsible for State Park Permit] makes the owner of a vehicle entering a state park responsible for the permit.

Section 38 [Free State Park Permit; Members of Indian Tribes] authorizes DNR to issue a free annual state park permit to any member of the 11 federally recognized tribes in Minnesota.

Section 39 [State Park Open House Day Application to Overnight Guests] clarifies that on state park open house days, registered guests are exempt from state park permit requirements until camping or lodging check-out time the following day.

Section 40 [Appropriation of Cross-Country-Ski Account Money for Trails] statutorily appropriates money in the cross-country-ski account for developing and maintaining state cross-country-ski trails.

Section 41 [Special Use Permit Policies] allows DNR to develop reasonable policies for special-use permits to use state trails and state water access sites.

Section 42 [Riverlands State Forest] statutorily establishes Riverlands State Forest.

Section 43 [Reimbursement of DNR Costs – Leases of Forest Lands] requires applicants for leases of and permits on state forest lands to reimburse the DNR for certain costs associated with reviewing the application and issuing the lease.

Section 44 [Sale of Seedlings and Cuttings] reduces the minimum number on seedlings/cuttings that must be in a lot sold by the DNR for private sale from 500 to 250.

Section 45 [Extension of Sustainable Forest Resources Act] extends the expiration date of the Sustainable Forest Resources Act by seven years (from June 30, 2021, to June 30, 2028).

Section 46 [Reimbursement of DNR Costs – Leases of Certain Lands] requires applicants for leases of state-owned land to remove sand, gravel, clay, rock, marl, peat, and black dirt; to store ore, waste materials from mines, or rock and tailings from ore milling plants; for roads or railroads; to compensate the permanent school fund according to section 92.122; or for other uses consistent with the interests of the state to reimburse the DNR for certain costs associated with reviewing the application and issuing the lease.

Section 47 [Monitoring Fee for Leased Recreational Trails] allows DNR to charge an easement construction monitoring fee to recreational trail lessees in St. Louis County.

Section 48 [Conservation Planning Leases] authorizes DNR to lease state-owned land for 21 years for conservation planning purposes.

Sections 49 [Land Valuation Flexibility] provides flexibility to the DNR in how land is valued for purposes of land exchanges.

Sections 50 & 51 [Conforming Changes] make conforming changes to statutes to reflect changes made to clarify the authority of DNR to charge certain fees.

Section 52 [Fee Authority Clarification] clarifies that DNR has statutory authority to charge a fee for a walk-in-access hunter validation.

Section 53 [Conforming Change] makes a conforming change related to section 54.

Section 54 [DNR Regulation of Snake, Lizard, and Salamander Trade] directs the commissioner of natural resources to prescribe conditions and issue permits to breed, propagate, and sell snakes, lizards, and salamanders.

Section 55 [Minnow Dealer Violations] redefines minnow dealer convictions to be consistent with other game and fish violations.

Section 56 [Revocation of Hunting Privileges for Certain Violations] revokes hunting privileges for five years if night or thermal vision equipment was in possession during specific violations, including taking wild animals in closed season, closed hours, or while trespassing.

Sections 57 & 58 [Fee Authority Clarification] clarify that DNR has statutory authority to charge a fee for a license to take light geese and sandhill crane.

Sections 59 & 60 [Conforming Changes] make conforming changes to statutes to reflect changes made to clarify the authority of DNR to charge certain fees.

Section 61 [Red Lake Band Code Governs Taking of Animals on Reservation Lands] ensures that Red Lake Band's Conservation Code governs the taking and tagging of wild animals on Red Lake Reservation lands.

Section 62 [Cervidae Carcass Import Ban] prohibits the importation of cervidae carcasses procured by any means into the state. Current law prohibits importation of only hunter-harvested cervidae.

Section 63 [Fee Authority Clarification] clarifies that DNR has statutory authority to charge a fee for an apprentice-hunter validation.

Section 64 [Crossbows Prohibited During Muzzleloader Deer Season] clarifies that crossbows may not be used during muzzleloader deer season.

Section 65 [Shooting at Decoys from Motor Vehicles] prohibits shooting a decoy of a wild animal placed by a peace officer by discharging a firearm or an arrow from a bow from a motor vehicle.

Section 66 [Infrared Illuminators] allows infrared illuminators to be used to enhance night vision equipment and prohibits night vision equipment from being used to take coyote or fox during the regular firearms deer season.

Sections 67 & 68 [Conforming Changes] make conforming changes to statutes to reflect changes made to clarify the authority of DNR to charge certain fees.

Section 69 [Repeal of Duck Decoy Prohibitions] repeals prohibition on using duck decoys during early duck season and at any time in WMAs. Instead, the commissioner of natural resources has authority to designate by rule all or any portion of a wetland or lake closed to the use of decoys.

Section 70 [Upper Red Lake Is a Special Management Water] defines Upper Red Lake as a special management water.

Section 71 [Permitting of Youth Fishing Contests] requires DNR permitting of youth fishing contests.

Section 72 [Conforming Change] makes a conforming change as a result of section 71.

Section 73 [Conforming Change] makes statutory changes to conform to the fish disease changes made in sections 2 to 15.

Section 74 [Gar Limits] directs the commissioner of natural resources to annually establish daily and possession limits for gar.

Section 75 [Turtle Taking Methods] adds additional prohibitions on the methods by which turtles are taken.

Section 76 [Turtle Species Limits] adds additional possession limits for certain enumerated turtle species.

Section 77 [Netting of Lake Whitefish and Cisco] limits the number of allowable nets for lake whitefish and cisco to one.

Section 78 [Lake Superior Management Plan] removes the Lake Superior Management Plan specific due date for reassessing annual quotas and replaces it with a requirement that the quotas be reassessed every 10 years.

Section 79 [SWCD Supervisor Compensation] raises SWCD supervisor maximum compensation from \$75 to \$125 per day.

Section 80 [Water Quality and Storage Program] requires BWSR to establish a program to provide financial assistance to local units of government to control water volume and flow rates. Requires BWSR to give priority to the Minnesota River Basin and Lower Mississippi River Basin.

Section 81 [Prohibition on Appropriating Water from Mt. Simon-Hinckley Aquifer] expands to all counties the prohibition on issuing water appropriations permits from the Mt. Simon-Hinckley aquifer. The exception for appropriations for potable water use under a water conservation plan remains in place.

Section 82 [Prohibition on Bulk Transfer of Water] prohibits DNR from issuing water appropriations permits for more than 1 million gallons per year for transfer or consumption more than 50 miles away from the point of appropriation.

Section 83 [Notification of OHWL Determinations] requires DNR to notify affected local governments when the department establishes an ordinary high-water level for a public water.

Section 84 [Appeal of OHWL Determinations] establishes a process for a local government to appeal an ordinary high-water level for a public water.

Sections 85 to 90 [E-Waste Statute Modernization] make various technical corrections to the E-Waste statutes and modernizes the statutory language.

Section 91 [Solid Waste Reporting] removes a requirement for reporting by waste disposal facility owners/operators on a particular date. The report will instead be set by rule.

Section 92 [Tribal Eligibility for Recycling Grants] makes federally recognized tribes eligible for competitive grants to political subdivisions to establish curbside recycling or composting.

Section 93 [Permanent Priority List Must Use Current Ranking System] requires the Pollution Control Agency (PCA) to use the current Hazard Ranking System adopted by the EPA to formulate the permanent priority list under the Minnesota Environmental Response and Liability Act (MS §§ 115B.01 to 115B.20).

Section 94 [Priority Qualified Landfills – Legislative Findings] amends the legislative findings with respect to priority qualified facilities to make prevention of both an unjust financial windfall to, and double liability of, owners and operators of those facilities a legislative priority.

Section 95 [Priority Qualified Landfills – Lien Changes] makes the following changes with respect to environmental liens on priority qualified facilities:

- Provides that those liens include not only environmental response costs, but also reasonable and necessary expenses.
- Repeals language limiting duration of lien to 6 years; instead, they will continue until satisfied or released.
- Provides that the state also has a lien for the amount of any increase in fair market value of a facility that results from environmental response actions taken by the state at the facility.
- Authorizes the lien to be released by the commissioner if the commissioner determines that the lien is not in the public interest.

Section 96 [Eminent Domain Damages] provides that when priority qualified facility property is acquired through eminent domain, reasonably foreseeable remediation costs may be deducted from the damages paid to the owner. These costs must be taken into account in any subsequent recovery for environmental response costs and must be paid back to the owner where estimated costs exceed actual costs.

Section 97 [Closed Landfill Investment Fund] statutorily appropriates \$4.5 million annually from the closed landfill investment fund to the commissioner of the PCA to conduct activities under the Closed Landfill Program. Appropriates an additional \$9 million each biennium for the PCA to address releases or threatened releases from closed landfills. These statutory appropriations expire on June 30, 2025.

Section 98 [Real Property Acquisition Authority] authorizes the PCA to acquire environmental covenants and related easements at solid waste disposal facilities when related to closure, postclosure care, or related purposes.

Section 99 [Feedlot Permit BMPs/Manure] prohibits PCA from requiring implementation of nitrogen best management practices as a condition of allowing application of manure in October, unless prohibited by the EPA.

Sections 100 & 101 [Mississippi River Corridor Critical Area Changes] exempt plans and local regulations in the Mississippi River Corridor Critical Area from the review and approval procedures that ordinarily apply and replaces those requirements with a more streamlined review and approval process.

Section 102 [School Trust Lands Strategic Plans] requires the strategic plans and frameworks developed by the school trust lands director to advance strategies on school trust lands to capitalize on ecosystem services markets.

Section 103 [SFIA Purposes Include Carbon Sequestration] adds natural carbon sequestration to the list of roles forests play in context of the purpose of the Sustainable Forest Incentive Act (SFIA).

Section 104 [Repeal of Requirement for Redundant Information] repeals a requirement in the SFIA program statutes that requests information that the DNR already possesses.

Section 105 [Prohibition on Use of PFAs in Food Packaging] beginning January 1, 2025, prohibits the manufacture, sale, or distribution of food packaging containing PFAs.

Section 106 [Wild Rice Lease Exchanges] makes wild rice lessees responsible for all costs associated with certain land exchanges authorized in the 2016.

Section 107 [Consideration of Gifts of Land] allows the land exchange board to consider gifts of land when evaluating whether a proposed land exchange in St. Louis County is in the best interests of the school trust.

Section 108 [Section 404 Assumption Reporting Date] pushes back by one year the date by which the board must submit a report on the additional funding necessary to secure section 404 assumption and the additional funding needed to fully implement the state-assumed program.

Section 109 [Storm Water Rule Technical Correction] makes a technical correction to a 2019 storm water law.

Section 110 [Additions to State Parks] adds land to the statutory boundaries of Fort Snelling State Park (Dakota County) and Lake Vermillion-Soudan Underground Mine State Park (St. Louis County).

Section 111 [Addition to State Recreation Area] adds land to the statutory boundaries of Iron Range Off-Highway Vehicle Recreation Area (St. Louis County).

Section 112 [Deletions from State Parks] removes land from the statutory boundaries of Fort Snelling State Park (Dakota County), Minneopa State Park (Blue Earth County), and William O'Brien State Park (Washington County).

Sections 113 to 116 [Private Sales of Surplus & Tax-Forfeited Land] authorize private sales of surplus land in Cass, Lake of the Woods, and St. Louis County.

Section 117 [Private Sale of Surplus Land Bordering Water in Wadena County] authorizes private sale of surplus land bordering water in Wadena County.

Section 118 [Boundaries of Riverlands State Forest] sets the statutory boundaries of Riverlands State Forest.

Section 119 [Private Sale of Tax-Forfeited Land; Aitkin County] authorizes private sale of tax-forfeited land in Aitkin County.

Section 120 [Goodhue County Land Transfers] authorizes sale of county-owned land that abuts Lake Byllesby to adjoining property owners.

Section 121 [Private Sale of Tax-Forfeited Land; Itasca County] authorizes private sale of tax-forfeited land in Itasca County.

Section 122 [Private Sale of Surplus Land Bordering Water; Roseau County] authorizes private sale of surplus land bordering public waters in Roseau County.

Section 123 [Private Sale of Tax-Forfeited Lands; St. Louis County] authorizes private sale of tax-forfeited lands in St. Louis County.

Section 124 [St. Louis County Land Lease] authorizes a lease for a water intake and treatment facility for a longer term than is otherwise allowed.

Section 125 [Conveyance of Certain Parcels; St. Louis County] authorizes St. Louis County to convey to adjoining landowners certain small parcels of county-owned land.

Section 126 [Private Sale of Tax-Forfeited Land; Beltrami County] authorizes private sale of tax-forfeited land in Beltrami County.

Section 127 [Private Sale of Surplus Land Bordering Water in Sherburne County] authorizes private sale of surplus land bordering water in Sherburne County.

Section 128 [Timber Permit Extensions; Refunds] extends certain timber permits for two years and allows for surrendering of a timber permit and a full or partial refund under certain circumstances.

Section 129 [Engineered Wood Product Manufacturing Facility; Itasca County] exempts certain engineered wood product manufacturing facilities in Itasca County from mandatory EIS requirements where that requirement is based solely on the size of the facility's gross floor space area. Imposes additional wetland replacement requirements in certain circumstances.

Section 130 [Conditions Upon Termination of Certain Mineral Leases] requires state agencies to refrain from terminating environmental permits associated with a mining project for a period of two years after the underlying mineral lease is terminated.

Section 131 [Solid Waste Facility Reporting] requires the PCA to adopt rules requiring that solid waste facility reports be submitted to the agency by March 1 for the previous calendar year.

Section 132 [State Forest Carbon Sequestration 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.

Section 133 [Amending Feedlot Permits] requires the commissioner of the PCA to amend permits to reflect the statutory changes in Section 99.

Section 134 [Repealer] repeals statutes and rules related to DNR operation of golf courses and a PCA rule that would conflict with the statute, as amended by section 93.

Article 3 – Driving Under the Influence Uniformity

Section 1 [Operating Off-Road Recreational Vehicles While Impaired] makes it a crime to authorize or allow an individual a person knows or has reason to believe is under the influence of alcohol, a controlled substance, or an intoxicating substance to operate an off-road recreational vehicle. Makes provisions related to revoking, suspending, or canceling a driver's license and to the ignition interlock program applicable to off-road recreational vehicle violations.

Section 2 [Conforming Change] makes a conforming change to reflect the changes made in section 7.

Section 3 [Fines and Forfeited Bail] requires fines and forfeited bail collected under certain statutory sections regulating the operation of snowmobiles to be deposited in the state treasury. Half of the receipts must be credited to the general fund and half to the snowmobile trails and enforcement account.

Section 4 [Operating Motorboat While Impaired] makes it a crime to authorize or allow an individual a person knows or has reason to believe is under the influence of alcohol, a controlled substance, or an intoxicating substance to operate a motorboat. Makes provisions related to revoking, suspending, or canceling a driver's license and to the ignition interlock program applicable to motorboat violations.

Section 5 [Conforming Change] makes a conforming change to reflect the changes made in section 4.

Section 6 [Fines and Forfeited Bail] requires fines and forfeited bail collected under game and fish laws and certain related statutory sections be deposited in the state treasury. Half of the receipts must be credited to the general fund and half to the game and fish fund.

Section 7 [Conforming Change] repeals exceptions to the DUI law for violations related to motorboats and off-road recreational vehicles to conform with other changes made in the article.

Section 8 [Revocation of Licenses for Failure or Refusal to Take Sobriety Test] extends to motorboats and off-road recreational vehicles existing provisions that require revocation of a person's drivers license for failing or refusing to take a test to determine if the person is under the influence of intoxicating substances.

Section 9 [Revocation of Licenses for DUI Conviction] extends to motorboats and off-road recreational vehicles existing provisions that require revocation of a person's drivers license upon conviction of operating under the influence of intoxicating substances.

Section 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.

Section 11 [Ignition Interlock Program] requires that participants in the ignition interlock program not operate a motorboat or off-road recreational vehicle unless the boat or vehicle is equipped with an ignition interlock system.

Section 12 [Revisor Instruction] instructs the Revisor of Statutes to make statutory changes to conform with the changes made in the article.

Section 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), section 84.91 (operating snowmobiles and ATVs under the influence of alcohol or controlled substances), and section 86B.331, subdivision 1 (operating a motorboat while using alcohol or drugs).

Article 4 - Law Enforcement Salaries

Section 1 [Conservation Officer Salary Increase] increases the salaries of conservation officers represented by the Minnesota Law Enforcement Association.

Section 2 [Conservation Officer Salary Supplement for FY 2020] provides a salary supplement payment to conservation officers represented by the Minnesota Law Enforcement Association for fiscal year 2020.

Section 3 [Conservation Officer Salary Supplement for FY 2021] provides a salary supplement payment to conservation officers represented by the Minnesota Law Enforcement Association for fiscal year 2021.

Sections 4 & 5 [Appropriations] appropriate money for the salary increases and supplements provided in this article.

Section 6 [Cancellation and Reappropriation] cancels and reappropriates previous appropriations for salary increase included in the final collective bargaining agreement between the commissioner of management and budget and the Minnesota Law Enforcement Association for the period from July 1, 2019, to June 30, 2021.

Article 5 – Environment and Natural Resources Trust Fund Fiscal Year 2021

(See spreadsheet)

Article 6 - Environment and Natural Resources Trust Fund Fiscal Year 2022

(See spreadsheet)