



# Minnesota Nursery & Landscape Association

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Chair Mathews, Ranking Member Bigham, Members of the Civil Law and Data Practices Policy Committee:

Thank you for this opportunity to submit testimony regarding SF2768.

The Minnesota Nursery & Landscape Association (MNLA) supports the intent of SF2768 to provide liability protection for certified commercial salt applicators and property owners who implement best management practices (BMPs) as developed by the Minnesota Pollution Control Agency (MPCA). Many MNLA members provide snow and ice removal services for businesses in Minnesota and, as Green Industry professionals, are deeply committed to the protection of Minnesota's water resources. The best management practices outlined in this bill are effective and environmentally friendly, and strong liability protections incentivize snow and ice removal specialists and property owners to reduce salt use while ensuring the safety of the public.

While MNLA supports the intent of the bill and has been a strong supporter and advocate for these policies, we express concerns regarding the liability language as written in SF2768, outlined below.

Subd. 3 of SF2768 outlines that a certified commercial applicator who implements best management practices from the MPCA is not liable for damages from snow and ice accumulation. This language is supported by MNLA. However, in paragraph (b), the bill states that this protection is void if the certified commercial applicator "commits an act or omission that constitutes negligence." Given that a great number of slip and fall lawsuits will allege negligence, the liability protections would not extend to these lawsuits. Specifically, the question of negligence – the primary issues in these cases – would need to be fully litigated. If the applicator is found to be *not* negligent, the liability protection is not needed as the case is over, and if they are found to be negligent, the liability protection is voided.

MNLA supports amending this language to provide functioning liability protection which would only be voided in situations of gross negligence, willful and wonton disregard for the safety of entrants, or failure to properly implement the best practices outlined in this bill. This language was amended and implemented in the Minnesota House of Representatives Judiciary Finance and Civil Law committee to protect the environment, the businesses and owners that properly maintain their properties, and the trained specialists that provide these snow removal services.

MNLA thanks Senator Ruud for her continued efforts to pass this important legislation, and we look forward to working to ensure that the intent of the bill is realized.

Respectfully,

Forrest B. Cyr  
MNLA  
Director of Government Affairs