

## S.F. No. 2904 – Environment Policy Omnibus Bill (A-2 Delete Everything Amendment)

**Author:** Senator Founq Hawj

**Prepared by:** Ben Stanley, Senate Counsel (651/296-4793)

**Date:** March 23, 2023

---

**Section 1 [Investment of Financial Assurance Money Under Permit to Mine]** allows the State Board of Investment to invest money collected as part of the financial assurance provided under a permit to mine and appropriates that money to the commissioner of natural resources for financial assurance purposes.

**Section 2 [Transfer of Off-Highway Motorcycles]** allows current owners, not just registered owners, to apply for a transfer of ownership of an off-highway motorcycle.

**Section 3 [Issuance of Snowmobile Registration Decal]** requires a snowmobile registration number to be printed on a registration decal issued at the time of registration and requires the decal to be permanently affixed to the snowmobile in a clearly visible manner.

**Section 4 [Display of Snowmobile Registration Decal]** requires a snowmobile registration decal to be affixed to a particular part of the snowmobile, depending on when the snowmobile was made.

**Section 5 [Snowmobile Manufacturer Requirements]** makes statutory a requirement that is currently in rules (6100.5700, subp. 4) for snowmobile manufacturers to provide an area of certain dimensions on a snowmobile's cowling for placement of a snowmobile registration decal.

**Section 6 [Transfer of Snowmobiles]** allows current owners, not just registered owners, to apply to transfer ownership of a snowmobile.

**Section 7 [Conforming Changes]** narrows the Department of Natural Resource's (DNR) rulemaking authority to reflect changes made in another section of the bill.

**Section 8 [Crossing of Highways by Snowmobiles]** allows road authorities to approve safe locations for the crossing of highways by snowmobiles.

**Section 9 [Transfer of ATVs]** allows current owners of ATVs, not just registered owners, to apply to transfer ownership of a snowmobile.

**Section 10 [Minnesota Naturalist Corps Program]** amends the statute that directs the DNR to develop a Minnesota Naturalist Corps program to support state parks. This section requires that the agency not just develop the program but that they implement it and that it supports not just state parks but also state trails.

**Section 11 [Minnesota Naturalist Corps Modifications]** amends the qualifications to enroll in the Minnesota Naturalist Corps by repealing a requirement that a person be a permanent resident of the state and have completed at least one year of postsecondary education.

**Section 12 [Luce Line Trail Connection]** amends the statutory definition of the Luce Line Trail to include a connection to Greenleaf Lake State Recreation Area.

**Section 13 [Reservation Policy Authority]** provides the DNR authority to develop reservation policies for lodging facilities, day-use facilities, tours, educational programs, seminars, events, and rentals.

**Section 14 [Extension of Sustainable Forest Resources Act]** extends the Sustainable Forest Resources Act for an additional five years. The act is currently set to expire in 2028, but this section would extend that to 2033.

**Section 15 [Deadline for Timber Payments]** replaces the current requirement that payment for timber cut from state lands be paid within 30 days of the statement with a requirement that payment be postmarked by that date.

**Section 16 [Definition of Unloaded]** modernizes the definition of an unloaded firearm to account for advances in firearm technology.

**Section 17 [Wanton Waste]** exempts common carp from the prohibition on wantonly wasting or destroying a usable part of a protected wild animal.

**Section 18 [Walk-In Access Program Expansion]** expands the walk-in access program to include birdwatching, nature photography, and similar compatible uses.

**Section 19 [WMA Access by Persons with Disabilities]** modernizes the statute that authorizes the DNR to permit people with disabilities to use motor vehicles in wildlife management areas. Repeals the requirement that the access be for hunting purposes.

**Section 20 [Deer Stands in Certain WMAs Sunset Repeal]** repeals a sunset on authority to leave deer stands overnight in certain wildlife management areas.

**Section 21 [Conforming Change]** makes a conforming change related to section 22.

**Section 22 [DNR Regulation of Taking of Certain Wild Animals]** directs the commissioner of natural resources to prescribe conditions and issue permits to take wild animals during activities covered under a federal incidental take permit issued under section 10(a)(1)(B) of the Endangered Species Act.

**Section 23 [Establishing Residency with Driver’s License Application]** allows a person to use a driver’s license application receipt to establish residency for resident game and fish license purposes if the receipt is at least 60 days old.

**Section 24 [Issuance of Big Game License After Conviction]** clarifies that the prohibition on using big game licenses for three years after conviction of certain game and fish violations applies to big game licenses purchased prior to conviction.

**Section 25 [Permissible Firearms; Big Game and Wolves]** modernizes the statute that governs which firearms may be used to take big game and wolves to reflect advances in firearm technology.

**Section 26 [Blaze Orange/Pink Required for Persons in Ground Blinds]** requires a person in a fabric or synthetic ground blind on public land to have a blaze orange or blaze pink on top of the blind or on each side of the blind.

**Sections 27 and 28 [Technical Corrections]** make technical corrections to deer hunting statutes.

**Section 29 [Application of Shotgun Zone Restrictions]** clarifies that shotgun zone limitations apply to any firearms season and not just regular firearms season.

**Section 30 [Deer and Elk Causing Damage]** authorizes nonlethal scaring, hazing, chasing, or harassing of deer or elk that are causing damage to agricultural crops. Requires deaths of deer or elk from these activities to be reported.

**Section 31 [Methods for Removing Rough Fish and Catfish]** repeals language authorizing the DNR to remove lake whitefish with seines, nets, and other devices, and also repeals language authorizing the DNR to remove catfish with seines, nets, and other devices on the Minnesota-Wisconsin boundary waters.

**Section 32 [Two-Line Angling]** authorizes anglers to use two lines in the Minnesota River downstream of the Granite Falls dam and in the Mississippi River downstream of St. Anthony Falls.

**Section 33 [Technical Correction]** makes a technical correction to correct a date range.

**Section 34 [Prohibition on Felt-Soled Waders]** prohibits the use of felt-soled waders in waters of this state.

**Section 35 [Spearing of Cisco Authorized]** authorizes cisco (tulibee) to be taken by spearing.

**Section 36 [Spearing of Cisco from Dark Houses]** provides that cisco (tulibee) may only be speared from dark houses.

**Sections 37 through 40 [Technical Corrections]** make a technical correction to correct a date range.

**Section 40 [Tribal Notification of Permit Applications]** requires applicants for DNR permits to provide copies of the application and related documentation to the Tribal chair of a reservation or Tribal community within which the proposed action is proposed to be undertaken.

**Sections 41 through 43 [Sustainable Diversion Definitions]** add definitions related to the new sustainable diversion limits provision on groundwater appropriation.

**Section 44 [DNR Orders and Investigations]** authorizes the DNR to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders, schedules of compliance, and stipulation agreements, to issue notices of violation, and to take various other actions in enforcing Chapter 103G.

**Section 45 [Duty of Candor]** prohibits making a false statement or failing to disclose relevant information to the commissioner in connection with Chapter 103G.

**Section 46 [Groundwater Appropriations Must Avoid Known Negative Impacts to Surface Waters]** provides that groundwater appropriations may be authorized only if they avoid known negative impacts to surface waters. This section also authorizes the DNR to use a sustainable diversion limit to avoid negative impacts to surface waters.

**Section 47 [DNR APO Authority Clarification]** clarifies that the DNR may issue administrative penalty orders for violations of water appropriations permits and not just for appropriations of water without a permit.

**Section 48 [DNR APO Penalty Amounts]** raises from \$20,000 to \$40,000 the maximum penalty that a DNR administrative penalty order.

**Section 49 [Forgiveness of APO Penalties]** provides that when corrective action has been taken, penalties under an administrative penalty order must be forgiven. This section provides further that penalties resulting from repeated serious violations are not forgivable.

**Section 50 [Conforming Change]** makes a conforming change in response to section 51.

**Section 51 [Chapter 103G Penalties & Enforcement]** provides the DNR with various civil penalty, injunction authority, and other mechanisms for enforcing Chapter 103G.

**Section 52 [Tribal Notification of Permit Applications]** requires applicants for DNR permits to provide copies of the application and related documentation to the Tribal chair of a reservation or Tribal community within which the proposed action is proposed to be undertaken.

**Section 53 [Tribal Consultation on Permit Applications]** allows an Indian Tribe to submit recommendations to the DNR with respect to permit applications that affect a reservation or Tribal community and to request consultation on the permit application.

**Section 54 [Notification of Discharge of Sewage]** requires a publicly owned treatment works or a publicly or privately owned domestic sewer system owner to notify the public and affected drinking water facilities of a sewage discharge.

**Section 55 [City of Lake Elmo Water Use Permits]** authorizes the DNR to issue necessary permits for the City of Lake Elmo to construct and operate a new water supply well and to appropriate groundwater in amounts contemplated in its most recently approved water supply plan.

**Section 56 [Moratorium on Water Appropriation]** prohibits the DNR from reducing allowable amounts of groundwater appropriations under a White Bear Lake area water appropriations permit issued or amended prior to January 2023.

**Section 57 [Registration Decal Format Transition]** facilitates the transition from older format snowmobile registration decals to those required under the changes made in the bill.

**Section 58 [Revisor Instruction]** directs the Revisor of Statutes to make certain technical modifications to the statutes in response to changes made by sections 41 through 43 of the bill.

**Section 58 [Repealer]** repeals rules to conform with changes related to snowmobile registration made elsewhere in the bill.

This section also repeals a statute that requires DNR to remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish