

## **S.F. No. 2438 – Environment and Natural Resources Omnibus Finance (1<sup>st</sup> Engrossment)**

**Author:** Senator Founq Hawj

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

**Date:** April 11, 2023

---

### **Article 2 – Environment and Natural Resources Modifications**

**Section 1 [Escaped Farmed Cervidae]** requires an owner to immediately notify the commissioner of natural resources of the escape of a farmed cervid if the cervid is not returned within 24 hours of escape. This section also allows a person with a hunting license to kill and possess escaped farmed cervidae without being liable to the owner for loss of the animal. Requires escaped farmed cervidae that are killed to be tested for chronic wasting disease (CWD). Makes the owner responsible for proper disposal of a deceased CWD-positive escaped cervid and for paying any costs associated with the escaped cervid.

**Section 2 [Fencing Requirements for Farmed Cervidae]** requires fencing for farmed cervidae to be constructed and maintained in a manner that prevents physical contact between farmed cervidae and free-roaming cervidae. Requires fencing deficiencies to be repaired immediately if the deficiency allows entry or exit of farmed or wild cervidae. All other deficiencies must be fixed within a reasonable time not to exceed 14 days.

**Section 3 [Prohibition Against New White-Tailed Deer Farms]** prohibits new registrations of white-tailed deer farms. Allows transfer or sale of a white-tailed deer farm registration one time only. Transfer or sale may only be approved once the BAH has verified that the herd is CWD-free.

**Section 4 [Effects of CWD Detection]** prohibits moving a farmed white-tailed deer from a CWD-positive herd to another location. Requires the owner of premises where CWD has been detected to cooperate with inspections by the appropriate state agencies and prohibits raising farmed cervidae on the premises for ten years. This section also requires written disclosure to a purchaser of the property of the date the herd was depopulated and notice of the requirements and limitations that apply to the property as a result of CWD having been detected on it. Finally, the owner must file a notice containing related information with the appropriate county recorder or registrar of titles.

**Section 5 [CWD Liability]** provides that a herd owner is civilly liable to a person injured by the owner's sale or unlawful disposal of farmed cervidae that the owner knew or reasonably should have known were infected with or exposed to CWD. Provides further that a herd owner is liable to the state for costs associated with the owner's unlawful disposal of farmed cervidae infected with or exposed to CWD.

**Section 6 [Live Cervid and Cervidae Semen Importation Prohibition]** prohibits the importation of live cervidae or cervidae semen from a herd that is CWD positive or that has been exposed to CWD, or from a state or province where CWD is present in the farmed or wild cervid population. Live cervidae and cervidae semen may only be imported from states and provinces that are free from CWD and that have been subject to a CWD monitoring program for at least three years.

**Section 7 [Cooperation with Board of Animal Health]** authorizes the Department of Natural Resources (DNR) to contract with the Board of Animal Health to administer some or all of the statutes that govern farmed white-tailed deer once those duties are transferred to the DNR.

**Section 8 [Consultation with the Center for Prion Research]** requires BAH and the DNR to consult with the Minnesota Center for Prion Research and Outreach at the University of Minnesota in the administration of § 35.155 (farmed cervidae provisions).

**Section 9 [Notification of CWD Infections Required]** requires the BAH to promptly notify affected local and Tribal governments when an animal in a farmed cervidae herd tests positive for CWD.

**Section 10 [Annual CWD Testing of Farmed Cervidae Required]** requires BAH to annually test each farmed white-tailed deer for CWD using a live animal real-time quaking-induced conversion (RT-QuIC) test once the test is approved for that purpose by the USDA. If the first test is positive, a second test is required. If the second test is positive, the animal must be destroyed and a post-mortem CWD performed.

**Section 11 [Repeal of Requirement to File Permit Application in Quadruplicate]** repeals a requirement that applications for licenses permitting the passage of utilities over public lands and water be filed in quadruplicate.

**Section 12 [Watercraft Safety Definitions]** defines terms used in connection with watercraft safety and boater education requirements.

**Section 13 [Issuance of Watercraft Operator's Permit]** requires the DNR to issue a watercraft operator's permit to a person 12 years of age or older who completes the watercraft safety course and test administered by the DNR or a similar course approved by the DNR.

**Section 14 [Watercraft Operator's Permit Required]** will eventually require all nonexempt persons 12 and older who were born after June 30, 1987, to obtain a watercraft operator's permit to operate a motorboat, including a personal watercraft.

**Section 15 [Watercraft Safety Program]** requires the DNR to establish a water safety course and testing program for personal watercraft and watercraft operators and to create a short boater safety examination to be administered by motorboat rental businesses to renters of motorboats.

**Section 16 [Motorboat Rental Businesses]** imposes various requirements on motorboat rental businesses, including a requirement to create a list of authorized users, to provide personal floatation devices, to provide a summary of applicable motorboat regulations to motorboat renters, and to administer a short test on the regulations. This section also prohibits renting to anyone under age 18.

**Section 17 [Technical Change]** makes a conforming change to reflect changes made elsewhere in the bill.

**Section 18 [Resident Angling Licenses for Military Spouses]** authorizes DNR to issue a resident angling license to the spouse of a person in the armed forces that is stationed in the state.

**Section 19 [Resident Angling Licenses for National Guard Spouses]** authorizes DNR to issue a resident angling license to the spouse of a person in the National Guard that is stationed in the state.

**Section 20 [Repeal of Turtle Seller License Fees]** repeals language that sets a fee for turtle seller's licenses and turtle seller's apprentice licenses to reflect the fact that these licenses will no longer be issued if the bill becomes law. This section also reduces the cost of a recreational turtle license from \$25 to \$5.

**Section 21 [Recreational Turtle License Required to Take Turtles]** requires a recreational turtle license to take, possess, or transport turtles. This is in addition to an existing requirement to possess an angling license for these purposes. This section also provides that turtles taken from the wild are for personal use only and may not be resold.

**Section 22 [Exemptions to Turtle License Requirements]** repeals several existing exemptions to the requirement to possess turtle licenses and adds several new exemptions to the license requirements.

**Section 23 [Turtle Taking Methods]** prohibits taking turtles with traps or commercial equipment.

**Section 24 [Turtle Species Limits]** prohibits possessing more than 3 snapping turtles or more than 3 western painted turtles except in certain circumstances. This section also makes technical changes that repeal language that is no longer needed.

**Section 25 [BWSR Agreements with Other Entities]** authorizes the Board of Water and Soil Resources (BWSR) to enter into agreements, including grant agreements, with Tribal nations, federal agencies, higher education institutions, local governments, and private sector organizations to carry out programs and other responsibilities authorized by statute.

**Section 26 [Work with Stakeholders on Conservation Practices]** requires BWSR to work with Tribal nations and other stakeholders to foster mutual understanding and provide recommendations for standardized specifications related to conservation practices.

**Section 27 [Work with Stakeholders to Enhance Native Vegetation]** requires BWSR to work with state and federal agencies, Tribal nations, academic institutions, local governments, practitioners, and stakeholders to foster mutual understanding and to provide recommendations for standardized specifications to establish and enhance native vegetation. Authorizes BWSR to convene work groups for this purpose.

**Section 28 [Easement Stewardship Accounts Modifications]** expands permissible uses of the water and soil conservation easement stewardship account to include repairing or replacing structures and requires BWSR to consider the estimated annualized costs for repairing and replacing water control structures in determining the amount of the financial contribution to the account it seeks when it acquires a conservation easement.

**Section 29 [Lawns to Legumes Program]** statutorily establishes the Lawns to Legumes program.

**Section 30 [Habitat-Friendly Utilities Program]** authorizes BWSR to provide financial and technical assistance to promote the successful establishment of native vegetation as part of utility projects, including solar and wind projects, pipelines, and electrical transmission corridors.

**Section 31 [Habitat-Enhancement Landscape Program]** authorizes BWSR to provide financial and technical assistance to establish or enhance areas of diverse native vegetation.

**Section 32 [Expansion of Permissible Uses of Cost-Share Program Money]** expands permissible uses of money provided under what is currently known as the BWSR cost-share program. Currently, that money can be used for practices for erosion or sedimentation control or water quality improvement, but this section would expand permissible uses to include improvements related to water quantity, habitat enhancement, plant biodiversity, energy conservation, or climate adaptation, resiliency, or mitigation. This section is one of several sections related to the cost-share program that facilitate its transformation from a cost-share program into a more general program providing technical and financial assistance.

**Section 33 [Expansion of Permissible Uses of Cost-Share Program Money]** expands permissible uses of cost-share program money by limiting permissible uses to include projects identified in state-approved plans that are related to water and natural resources and established under chapters 103B, 103C, 103D, 103F, 103G, and 114D.

**Section 34 [Cost-Share Program Conforming Changes; Repeal of Contract Requirements]** makes various conforming changes to reflect changes to the cost-share program statutes made elsewhere in the bill. This section also repeals statutory language governing the length of a cost-share contract and penalties to be paid for nonperformance.

**Section 35 [Cost-Share Program Conforming Changes]** makes various conforming changes to reflect changes to the cost-share program statutes made elsewhere in the bill.

**Section 36 [Technical Changes]** makes technical changes to a statute that governs watershed district projects.

**Section 37 [Establishment of Soil Health Practices Program]** requires BWSR to establish a soil health practices program to provide technical and financial assistance to support no till, field borders, prairie strips, cover crops, and other practices designed to produce soil health practices that achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits. Under the program, BWSR would provide support to local units of government, private sector organizations, and farmers.

**Section 38 [RIM Purposes Expansion]** expands the purposes of the Reinvest in Minnesota Resources Law to include establishing perennial vegetation, restoring and enhancing marginal land, and protecting environmentally sensitive areas, including wellhead protection areas, grasslands, peatlands, shorelands, and forest lands in priority areas.

**Section 39 [Grasslands Definition]** adds a definition of grasslands to Minnesota Statutes Chapter 103F.

**Section 40 [Establishment of Reinvest in Minnesota Working Lands Program]** requires BWSR to establish a Reinvest in Minnesota Working Lands Program that would complement the existing Reinvest in Minnesota Reserve Program.

**Section 41 [Reporting of Fish Kills]** requires a state or county staff person or official who learns of a fish kill in public waters to report the location of the fish kill to the Minnesota State Duty Officer within one hour. The Minnesota State Duty Officer, in turn, must alert certain state agencies within one hour, and the incident must be posted to the Environmental Quality Board (EQB) Monitor in its next scheduled posting.

**Section 42 [Fish Kill Response Protocol]** requires the commissioners of agriculture, health, and natural resources, and the commissioner of the Pollution Control Agency to develop a protocol for steps state agencies responding to a fish kill must take to ascertain the cause of the fish kill as well as to inform the public of potential hazards.

**Section 43 [Definition of Microplastic]** adds a definition of microplastic to the statutes.

**Section 44 [Definition of Nanoplastic]** adds a definition of nanoplastic to the statutes.

**Section 45 [Definition of Plastic]** adds a definition of plastic to the statutes.

**Section 46 [Chloride Reduction Training]** establishes the Pollution Control Agency's chloride reduction training program and existing fee in statute.

**Section 47 [Paint Stewardship Program Modifications]** makes various modifications to the paint stewardship program, including adding a requirement that the financial reserve not exceed 75% of annual operating expenses, allowing the PCA to rewrite a stewardship plan after multiple inadequate submissions, and clarifying the language of the statute.

**Section 48 [Capital Assistance Program Modifications]** modifies the capital assistance program statute that helps local governments pay for and expand their solid waste and materials management infrastructure. This section would expand the alternatives to disposal that the program must encourage local communities to undertake.

**Section 49 [Capital Assistance Program Applicant Requirements]** requires applicants for assistance under the capital assistance program to demonstrate that they have evaluated the proposed project's impact on climate change, including greenhouse gas emissions, and have reviewed the project's impact on overburdened areas, conducted stakeholder engagement, and assessed community input.

**Sections 50 [Technical Change]** makes conforming changes in response to changes made elsewhere in the bill.

**Section 51 [Increase in Maximum Grant Percentage for Certain Projects]** increases from 50% to 75% the maximum percentage of bond funded project capital costs that can be paid for with capital assistance program grants.

**Section 52 [Capital Assistance Program Maximum Grant Awards Increase]** raises the maximum amounts that can be awarded in grants under the capital assistance program.

**Sections 53 and 54 [Broadening of Curbside Recycling and Composting Grant Program]** broaden the program that provides competitive grants to political subdivisions and Tribes for curbside recycling and composting to also include waste reduction and reuse.

**Section 55 [Cumulative Impacts]** requires a cumulative impacts analysis to be undertaken by an applicant for a major air permit for a facility located in the metropolitan area. Authorizes the PCA to require a cumulative impacts analysis be undertaken by applicants for other air permits, certain solid waste permits, and permits related to hazardous waste. When a cumulative impacts analysis is required, the applicant must hold public meetings and the PCA must consider both the analysis and comments when making the permit decision. Permits for facilities to be located in environmental justice areas that will have a cumulative adverse effect must be denied unless there is a compelling public interest or the PCA enters into a community benefit agreement.

**Section 56 [PCA Duty to Environmental Justice Areas]** requires the PCA to ensure that actions or programs that have a direct, indirect, or cumulative impact on environmental justice areas incorporate community-focused practices and procedures in agency processes, including communication, outreach, engagement, and education to enhance meaningful, timely, and transparent community access.

**Section 57 [Products Containing PFAS]** prohibits the sale of enumerated items containing PFAS beginning January 1, 2025 and requires manufacturers of other PFAS-containing products to file a notice with the PCA about the PFAS contents of the products.

**Section 58 [Watercraft Operator's Permit Information on Driver's Licenses]** adds language to the statutes that facilitates the inclusion of watercraft operator's permit information on driver's licenses.

**Section 59 [Lottery in Lieu Changes]** raises from 72.43% to 82% the percentage of lottery-in-lieu revenue that must be deposited in the game and fish fund and the natural resources fund. Requires that an additional 2% be deposited in a regional parks and trails account in the natural resources fund and may only be spent for parks and trails of regional significance. This section also requires that an additional 1% be deposited in an outdoor recreational opportunities for underserved communities account in the natural resources fund and provides that this money may only be spent on projects and activities that connect diverse and underserved Minnesotans through expanding cultural environmental experiences, exploration of their environment, and outdoor recreational activities.

**Section 60 [Lead and Cadmium in Consumer Products]** prohibits the importing, manufacturing, selling, or distributing of enumerated consumer products with lead or cadmium levels that exceed the levels set forth in the statute.

**Sections 61 through 63 [PFAS-Containing Firefighting Foam]** prohibit the manufacture, sale, or use of Class B firefighting foam containing PFAS, subject to certain exceptions.

**Section 64 [50-Year Clean Water Plan Scope of Work]** requires the University of Minnesota Water Council to develop a scope of work, timeline, and budget for a plan to promote and protect clean water in Minnesota for the next 50 years.

**Section 65 [Solar Panel Recycling Report]** requires the commissioner of the PCA, in consultation with the commissioners of commerce and employment and economic development, to coordinate preparation of a report on developing a statewide system to reuse and recycle solar photovoltaic modules and installation components in the state.

**Section 66 [Recommendations to Prevent Fish Kills in the Driftless Area]** by January 15, 2024, requires the commissioners of agriculture, health, and natural resources, and the commissioner of the Pollution Control Agency to make recommendations to the legislature for statutory and rules changes that, if implemented, would help prevent fish kills within the boundaries of the Department of Natural Resources Paleozoic Plateau ecological section.

**Section 67 [Temporary Exemption for Terminals and Oil Refineries]** provides a temporary exemption to the prohibition on PFAS-containing Class B firefighting foam for terminals and oil refineries.

**Section 68 [Transfer of White-Tailed Deer-Related Duties]** transfers the responsibility for administering and enforcing statutes and rules regulating farmed white-tailed deer from BAH to the DNR, effective July 1, 2025.

**Section 69 [Prohibition on Turtle Seller License Renewal]** prohibits transfer or renewal of a turtle seller's license.

**Section 70 [Upper Sioux Agency State Park Transfer]** requires the DNR to convey for no consideration all state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper Sioux Community.

**Section 71 [White Bear Lake Area Stakeholder Group]** requires the DNR to convene a group of stakeholders to advise the commissioner and the legislature on options for ensuring communities in the White Bear Lake area have access to sufficient safe drinking water to allow for municipal growth while simultaneously ensuring the sustainability of surface and groundwater sources to supply the needs of future generations.

**Section 72 [Revisor Instruction]** instructs the Revisor of Statutes to make necessary conforming Changes

**Section 73 [Repealer]** repeals statutes and rules in connection with:

- Governor's bill (BWSR cost share changes, NPDES annual report, and cadmium and lead)
- Watercraft safety (SF 553)
- Farmed cervidae (SF 1526)
- Turtle sellers (SF 612)