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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 498

01/18/2023 Authored by Hansen, R.; Richardson; Jordan; Brand; Hornstein and others
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; establishing a highways for habitat program; appropriating
1.3 money for roadside vegetation and living snow fence purposes; proposing coding
1.4 for new law in Minnesota Statutes, chapter 160.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [160.2325] HIGHWAYS FOR HABITAT PROGRAM.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Integrated roadside vegetation management" means an approach to right-of-way
1.10 maintenance that combines a variety of techniques with sound ecological principles to
1.11 establish and maintain safe, healthy, and functional roadsides. Integrated roadside vegetation
1.12 management includes but is not limited to judicious use of herbicides, spot mowing,
1.13 biological control, prescribed burning, mechanical tree and brush removal, erosion prevention
1.14 and treatment, and prevention and treatment of other right-of-way disturbances.

1.15 (c) "Program" means the highways for habitat program established in this section.

1.16 Subd. 2. Program establishment. The commissioner must establish a highways for
1.17 habitat program to enhance roadsides with pollinator and other wildlife habitat and vegetative
1.18 buffers.

1.19 Subd. 3. General requirements. In implementing the program, the commissioner must:

1.20 (1) identify and prioritize highways for habitat installations under an integrated roadside
1.21 vegetation management plan with priority given to new construction and reconstruction;

2.1 (2) develop and erect signage, where appropriate, that identifies highways for habitat
 2.2 projects and clearly marks the habitat and management restrictions;

2.3 (3) develop and require training for department personnel and contractors that apply
 2.4 pesticides and manage vegetation on the use of integrated roadside vegetation management
 2.5 and native plant identification;

2.6 (4) assess, in consultation with the commissioners of natural resources and agriculture,
 2.7 the categorization and management of noxious weeds to reduce the use of mowing and
 2.8 pesticides;

2.9 (5) maintain a website that includes information on program implementation, program
 2.10 funding and expenditures, integrated roadside vegetation management, and related best
 2.11 management practices; and

2.12 (6) identify funding sources and develop proposals for ongoing funding for the program.

2.13 Subd. 4. **Management standards.** (a) The commissioner, in consultation with the
 2.14 commissioner of natural resources and the Board of Water and Soil Resources, must develop
 2.15 standards and best management practices for integrated roadside vegetation management
 2.16 plans under the program.

2.17 (b) The standards and best management practices must include:

2.18 (1) guidance on seed and vegetation selection based on the Board of Water and Soil
 2.19 Resources' native vegetation establishment and enhancement guidelines;

2.20 (2) requirements for roadside vegetation management protocols that avoid the use of
 2.21 pollinator lethal insecticides as defined under section 18H.02, subdivision 28a;

2.22 (3) practices that are designed to avoid habitat destruction and protect nesting birds,
 2.23 pollinators, and other wildlife; and

2.24 (4) identification of appropriate right-of-way tracts for wildflower and native habitat
 2.25 establishment.

2.26 **Sec. 2. APPROPRIATION; HIGHWAYS FOR HABITAT.**

2.27 \$1,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner
 2.28 of transportation for the highways for habitat program under Minnesota Statutes, section
 2.29 160.2325. This is a onetime appropriation.

3.1 Sec. 3. APPROPRIATIONS; LIVING SNOW FENCES.

3.2 (a) For purposes of this section, "living snow fence implementation" means acquiring,
3.3 building, planting, and improving living snow fences consisting of trees, shrubs, native
3.4 grasses, and wildflowers. Living snow fence implementation includes costs of acquiring
3.5 and planting trees and shrubs that are climate adaptive to Minnesota, contracts, easements,
3.6 rental agreements, and program delivery.

3.7 (b) \$2,000,000 in fiscal year 2024 is appropriated from the general fund to the
3.8 commissioner of transportation for living snow fence implementation under the state road
3.9 construction budget activity. This is a onetime appropriation.

3.10 (c) \$330,000 in fiscal year 2024 and \$330,000 in fiscal year 2025 are appropriated from
3.11 the trunk highway fund to the commissioner of transportation for living snow fence
3.12 implementation under the operations and maintenance budget activity. The base for operations
3.13 and maintenance is increased by \$330,000 annually.