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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3911

02/19/2024	Authored by Hansen, R.; Lillie, Lee, F.; Reyer; Virnig and others The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
04/24/2024	Adoption of Report: Amended and re-referred to the Committee on Ways and Means
04/29/2024	Adoption of Report: Placed on the General Register as Amended Read for the Second Time
05/01/2024	Calendar for the Day, Amended Read Third Time as Amended Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
05/07/2024	Returned to the House as Amended by the Senate Refused to concur and a Conference Committee was appointed
05/17/2024	Conference Committee Report Adopted Read Third Time as Amended by Conference and repassed by the House Read Third Time as Amended by Conference and repassed by the Senate

1.1	A bill for an act
1.2	relating to state government; appropriating money for environment and natural
1.3	resources; modifying prior appropriations; modifying and establishing duties,
1.4	authorities, and prohibitions regarding environment and natural resources;
1.5	modifying and creating environment and natural resources programs; modifying
1.6	disposition of certain state revenue and state property; modifying remedies,
1.7	penalties, and enforcement; providing for boat wrap product stewardship; providing
1.8	for recovery of certain state and county costs; prohibiting certain
1.9	mercury-containing lighting; establishing and modifying grant programs; providing
1.10	for coordinated environmental review; modifying snowmobile requirements;
1.11	modifying use of state lands; providing for tree planting; providing for gas and oil
1.12	exploration and production leases and permits on state-owned land; modifying
1.13	state park provisions; providing for sales, conveyances, and leases of certain state
1.14	lands; modifying forestry provisions; modifying game and fish laws; modifying
1.15	Water Law; establishing Packaging Waste and Cost Reduction Act; providing for
1.16	domestic hog control; modifying fur farm provisions; creating accounts; modifying
1.17	and providing for fees; creating task force; providing criminal penalties; requiring
1.18	studies and reports; requiring rulemaking; amending Minnesota Statutes 2022,
1.19	sections 13.7931, by adding a subdivision; 16A.125, subdivision 5; 84.027,
1.20	subdivision 12; 84.033, subdivision 3; 84.0895, subdivisions 1, 8; 84.788,
1.21	subdivisions 5a, 6; 84.871; 84B.061, as amended; 85.015, subdivision 1b; 88.82;
1.22	89.36, subdivision 1; 89.37, subdivision 3; 93.0015, subdivision 3; 93.222; 93.25,
1.23	subdivisions 1, 2; 94.343, subdivision 8a; 94.3495, by adding a subdivision;
1.24	97A.015, by adding a subdivision; 97A.105; 97A.341, subdivisions 1, as amended,
1.25	2, 3; 97A.345; 97A.425, subdivision 4, by adding a subdivision; 97A.475,
1.26	subdivisions 2, 3; 97A.505, subdivision 8; 97A.512; 97A.56, subdivision 2, by
1.27	adding a subdivision; 97B.022, subdivisions 2, 3; 97B.667, subdivision 3; 97C.001,
1.28	subdivision 2; 97C.005, subdivision 2; 97C.395, as amended; 97C.411; 103B.101,
1.29	subdivisions 12, 12a, by adding a subdivision; 103F.211, subdivision 1; 103F.48,
1.30	subdivision 7; 103G.005, subdivision 15; 103G.201; 103G.315, subdivision 15;
1.31	115.071, subdivisions 1, 3, 4, by adding a subdivision; 115.073; 115A.02; 115A.03,
1.32	by adding a subdivision; 115A.5502; 115B.421; 116.07, subdivision 9, by adding
1.33	subdivisions; 116.072, subdivisions 2, 5; 116.11; 116.92, by adding a subdivision;
1.34	116D.02, subdivision 2; 473.845, by adding a subdivision; Minnesota Statutes
1.35	2023 Supplement, sections 17.457, as amended; 97B.071; 103B.104; 103G.301,
1.36	subdivision 2; 115.03, subdivision 1; 116P.09, subdivision 6; 116P.18; 297A.94;
1.37	Laws 2023, chapter 60, article 1, section 3, subdivisions 3, 10; article 3, section
1.38	35; article 4, section 109; article 8, section 6, subdivision 9; proposing coding for

2.1 new law in Minnesota Statutes, chapters 11A; 84; 86B; 93; 97A; 97C; 115A; 116;
2.2 282; 473; repealing Minnesota Statutes 2022, sections 17.353; 85.012, subdivisions
2.3 27b, 58; 97B.802; 115A.5501; 138.662, subdivision 33.

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

2.5 **ARTICLE 1**

2.6 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.7 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.8 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
2.9 and for the purposes specified in this article. The appropriations are from the general fund,
2.10 or another named fund, and are available for the fiscal years indicated for each purpose.
2.11 The figures "2024" and "2025" used in this article mean that the appropriations listed under
2.12 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
2.13 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
2.14 is fiscal years 2024 and 2025.

2.15	<u>APPROPRIATIONS</u>		
2.16	<u>Available for the Year</u>		
2.17	<u>Ending June 30</u>		
2.18	<u>2024</u>	<u>2025</u>	

2.19 Sec. 2. **POLLUTION CONTROL AGENCY**

2.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>14,858,000</u>
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2.21	<u>Appropriations by Fund</u>			
2.22		<u>2024</u>	<u>2025</u>	
2.23	<u>General</u>	<u>-0-</u>	<u>7,043,000</u>	
2.24	<u>Environmental</u>	<u>-0-</u>	<u>7,815,000</u>	

2.25 The amounts that may be spent for each
2.26 purpose are specified in the following
2.27 subdivisions.

2.28 **Subd. 2. Air Regulatory Work; Environmental**
2.29 **Justice Areas**

2.30 \$2,975,000 the second year is from the
2.31 environmental fund for prioritizing air
2.32 regulatory program work in environmental
2.33 justice areas. This appropriation is available
2.34 until June 30, 2027. The base in fiscal year
2.35 2026 and thereafter is \$2,625,000.

3.1 **Subd. 3. Legal Services**

3.2 \$525,000 the second year is from the
3.3 environmental fund for Operations Division
3.4 legal services that support industrial
3.5 compliance programs.

3.6 \$5,500,000 the second year is for legal costs.
3.7 This is a onetime appropriation and is
3.8 available until June 30, 2027.

3.9 **Subd. 4. Mobile Emissions Monitoring Trailer**

3.10 \$1,025,000 the second year is from the
3.11 environmental fund to construct and operate
3.12 a mobile emissions regulatory monitoring
3.13 trailer. This appropriation is available until
3.14 June 30, 2027. The base in fiscal year 2026
3.15 and thereafter is \$535,000.

3.16 **Subd. 5. Researching Climate Adaptation and**
3.17 **Resilience Study**

3.18 \$750,000 the second year is for the
3.19 Researching Climate Adaptation and
3.20 Resilience Costs for Minnesota Study. This is
3.21 a onetime appropriation and is available until
3.22 June 30, 2026.

3.23 **Subd. 6. Composting Grants for Multifamily**
3.24 **Buildings**

3.25 \$593,000 the second year is to make grants
3.26 for pilot projects that encourage composting
3.27 by residents of multifamily buildings. Of this
3.28 amount, \$393,000 is from the general fund
3.29 and \$200,000 is from the environmental fund.
3.30 Notwithstanding Minnesota Statutes, section
3.31 16B.98, subdivision 14, the commissioner may
3.32 use up to five percent of this appropriation for
3.33 administrative costs. This is a onetime

4.1 appropriation and is available until June 30,
4.2 2027.

4.3 Eligible applicants include: (1) a political
4.4 subdivision; (2) an owner of a multifamily
4.5 building; or (3) an organization that is exempt
4.6 from taxation under section 501(c)(3) of the
4.7 Internal Revenue Code.

4.8 The commissioner must submit a report on
4.9 the grants awarded under this subdivision to
4.10 the chairs and ranking minority members of
4.11 the senate and house of representatives
4.12 committees with primary jurisdiction over
4.13 environment policy and finance. The report
4.14 must contain, at a minimum, a list of grantees,
4.15 the amount of each grant awarded, the
4.16 activities undertaken with grant funds, and, if
4.17 possible, the results of the grant with respect
4.18 to encouraging composting in multifamily
4.19 buildings. The report is due by October 1,
4.20 2027.

4.21 **Subd. 7. Olmsted County Tire and Solid Waste**
4.22 **Removal**

4.23 \$550,000 the second year is for a grant to
4.24 Olmsted County for the environmental cleanup
4.25 of a 12-acre tax-forfeited property in Haverhill
4.26 Township. Of this amount, \$400,000 is from
4.27 the general fund and \$150,000 is from the
4.28 environmental fund. This appropriation may
4.29 be used to remove tires and solid waste. This
4.30 is a onetime appropriation and is available
4.31 until June 30, 2026.

4.32 **Subd. 8. Critical Materials Recovery Advisory**
4.33 **Task Force**

4.34 \$319,000 the second year is from the
4.35 environmental fund for the costs of the Critical

5.1 Materials Recovery Advisory Task Force. This
5.2 is a onetime appropriation and is available
5.3 until June 30, 2026.

5.4 **Subd. 9. State Salt Purchase Reporting**

5.5 \$88,000 the second year is from the
5.6 environmental fund for the annual reporting
5.7 requirements of the purchase of deicing salt
5.8 by state agencies under Minnesota Statutes,
5.9 section 116.2021.

5.10 **Subd. 10. State Nitrogen Fertilizer Purchase**
5.11 **Reporting**

5.12 \$88,000 the second year is from the
5.13 environmental fund to prepare a report on state
5.14 agency nitrogen fertilizer purchases as
5.15 required by Minnesota Statutes, section
5.16 116.2022.

5.17 **Subd. 11. Analyze PFAS in Sewage Sludge**

5.18 \$350,000 the second year is from the
5.19 environmental fund to prepare and implement
5.20 a strategy to analyze PFAS in sewage sludge
5.21 prepared for land application as required in
5.22 this act. This is a onetime appropriation.

5.23 **Subd. 12. Lawn and Snow Removal**
5.24 **Electrification Rebates**

5.25 \$1,000,000 the second year is from the
5.26 environmental fund to establish a pilot
5.27 program that provides financial assistance to
5.28 eligible applicants for the purchase of lawn
5.29 and snow removal equipment powered solely
5.30 by electricity. The commissioner must engage
5.31 with environmental justice communities to
5.32 design eligibility criteria that prioritize
5.33 applications from residents of environmental
5.34 justice areas, as defined in Minnesota Statutes,

6.1 section 115A.03, subdivision 10b, and as
6.2 informed by the United States Environmental
6.3 Protection Agency's Environmental Justice
6.4 Screening and Mapping Tool. This is a
6.5 onetime appropriation and is available until
6.6 June 30, 2027.

6.7 **Subd. 13. Stationary Air Monitors**
6.8 \$1,095,000 the second year is from the
6.9 environmental fund for monitoring ambient
6.10 air for hazardous air pollutants in Hennepin,
6.11 Ramsey, Washington, and Olmsted Counties.
6.12 The base in fiscal year 2026 and thereafter is
6.13 \$881,000.

6.14 **Subd. 14. Availability of Climate Resiliency and**
6.15 **Water Infrastructure Grants**

6.16 Of the amount appropriated under Laws 2023,
6.17 chapter 60, article 1, section 2, subdivision 2,
6.18 paragraph (k), for a climate resiliency and
6.19 water infrastructure grant program, up to
6.20 \$5,000,000 may be used to supplement any
6.21 federal grant that the commissioner receives
6.22 under the United States Environmental
6.23 Protection Agency's Climate Pollution
6.24 Reduction Grant (CPRG) program.

6.25 **Subd. 15. Extending Appropriation Availability**

6.26 The appropriations in Laws 2023, chapter 60,
6.27 article 1, section 2, subdivision 2, paragraphs
6.28 (l), (m), and (n), are available until June 30,
6.29 2025.

6.30 Any unspent portion of the appropriation
6.31 under Laws 2023, chapter 60, article 1, section
6.32 2, subdivision 2, paragraph (t), remaining after
6.33 the PFAS manufacturers fee work group report
6.34 has been submitted to the legislature must be

7.1 used for the PFAS removal report required
7.2 under this act and is available until June 30,
7.3 2025.

7.4 **Sec. 3. DEPARTMENT OF NATURAL**
7.5 **RESOURCES**

7.6 **Subdivision 1. Total Appropriation** **\$** **768,000** **\$** **21,455,000**

7.7	<u>Appropriations by Fund</u>		
7.8		<u>2024</u>	<u>2025</u>
7.9	<u>General</u>	<u>-0-</u>	<u>4,382,000</u>
7.10	<u>Game and Fish</u>	<u>-0-</u>	<u>8,160,000</u>
7.11	<u>Natural Resources</u>	<u>768,000</u>	<u>8,496,000</u>
7.12	<u>Permanent School</u>	<u>-0-</u>	<u>417,000</u>

7.13 The amounts that may be spent for each
7.14 purpose are specified in the following
7.15 subdivisions.

7.16 **Subd. 2. Legal Costs**
7.17 \$1,300,000 the second year is for legal costs.
7.18 This is a onetime appropriation.

7.19 The commissioner of natural resources must
7.20 work with the commissioners of management
7.21 and budget, the Pollution Control Agency, and
7.22 other cabinet departments that incur significant
7.23 litigation-related costs to develop
7.24 recommendations for a statewide funding
7.25 strategy to address escalating litigation-related
7.26 costs across cabinet agencies. That strategy
7.27 should consider the unpredictable and outsized
7.28 effects that major litigation can have on an
7.29 individual agency's budget. The
7.30 commissioners must submit a report of the
7.31 recommendations to the relevant committee
7.32 chairs by December 15, 2024.

8.1 Subd. 3. **Public Safety Costs**

8.2 \$200,000 the second year is for public safety
8.3 costs. This is a onetime appropriation.

8.4 Subd. 4. **Report on Reopening General C.C.**
8.5 **Andrews State Nursery**

8.6 \$200,000 the second year is from the heritage
8.7 enhancement account in the game and fish
8.8 fund to the commissioner of natural resources
8.9 to prepare and submit a report on reopening
8.10 General C.C. Andrews State Nursery to
8.11 provide conservation-grade container seedlings
8.12 to meet the state's reforestation needs. The
8.13 report must be submitted to the chairs and
8.14 ranking minority members of the legislative
8.15 committees and divisions with jurisdiction
8.16 over environment and natural resources by
8.17 January 15, 2025, and include funding
8.18 recommendations and any statutory changes
8.19 necessary to reopen the nursery and produce
8.20 the seedlings. This is a onetime appropriation.

8.21 Subd. 5. **Electronic Licensing System**

8.22 \$2,600,000 the second year is to support the
8.23 development and implementation of a modern
8.24 electronic licensing system. Of this amount,
8.25 \$330,000 is from the water recreation account;
8.26 \$80,000 is from the snowmobile account;
8.27 \$204,000 is from the all-terrain vehicle
8.28 account; \$7,000 is from the off-highway
8.29 motorcycle account; \$4,000 is from the
8.30 off-road vehicle account; and \$1,975,000 is
8.31 from the game and fish fund. This is a onetime
8.32 appropriation and is available until June 30,
8.33 2026.

9.1 **Subd. 6. Compensation for Conservation Officers**

9.2 \$300,000 the second year is to maintain
9.3 current law enforcement service levels. Of this
9.4 amount, \$30,000 is from the water recreation
9.5 account; \$15,000 is from the all-terrain vehicle
9.6 account; and \$255,000 is from the game and
9.7 fish fund.

9.8 The increase to the base for fiscal year 2026
9.9 and thereafter is \$1,080,000, and of this
9.10 amount, \$108,000 is from the water recreation
9.11 account; \$54,000 is from the all-terrain vehicle
9.12 account; and \$918,000 is from the game and
9.13 fish fund.

9.14 **Subd. 7. Test Source Water at State Fish**
9.15 **Hatcheries**

9.16 \$30,000 the second year is from the game and
9.17 fish fund to test source water at state fish
9.18 hatcheries and for reporting required under
9.19 Minnesota Statutes, section 97C.202.

9.20 **Subd. 8. Plant Trees in State Parks**

9.21 \$2,000,000 the second year is from the natural
9.22 resources fund to plant trees in state parks and
9.23 state recreation areas. This appropriation is
9.24 from revenue deposited in the natural
9.25 resources fund under Minnesota Statutes,
9.26 section 297A.94, paragraph (h), clause (2).
9.27 This is a onetime appropriation and is
9.28 available until June 30, 2027.

9.29 **Subd. 9. Community Tree-Planting Grants**

9.30 Notwithstanding Minnesota Statutes, section
9.31 297A.94, \$5,000,000 the second year is from
9.32 the heritage enhancement account in the game
9.33 and fish fund for community tree-planting
9.34 grants under Minnesota Statutes, section

10.1 84.705. Of this amount, \$300,000 is for a grant
10.2 to the city of Northfield and \$300,000 is for a
10.3 grant to the city of St. Peter. This is a onetime
10.4 appropriation and is available until June 30,
10.5 2027.

10.6 **Subd. 10. Feral Swine and Fur Farms**

10.7 \$700,000 the second year is from the heritage
10.8 enhancement account in the game and fish
10.9 fund to implement feral swine and fur farm
10.10 requirements under this act. The base for this
10.11 appropriation in fiscal year 2026 and thereafter
10.12 is \$550,000.

10.13 **Subd. 11. Unsafe Ice Search and Rescue**
10.14 **Reimbursement**

10.15 \$200,000 the second year is to reimburse
10.16 county sheriffs and other local law
10.17 enforcement agencies for search and rescue
10.18 operations related to recreational activities on
10.19 unsafe ice under Minnesota Statutes, section
10.20 86B.1065. This is a onetime appropriation and
10.21 is available until June 30, 2027.

10.22 **Subd. 12. International Wolf Center**

10.23 \$1,332,000 the second year is for maintenance,
10.24 repair, energy efficiency improvements,
10.25 heating and ventilation system replacement,
10.26 and visitor enhancements to the building
10.27 currently leased to the International Wolf
10.28 Center in Ely, Minnesota. This is a onetime
10.29 appropriation and is available until June 30,
10.30 2027.

10.31 **Subd. 13. Condemnation of Certain Land in**
10.32 **Mille Lacs County**

10.33 \$750,000 the second year is to initiate
10.34 condemnation proceedings of the lands

11.1 described in article 8, section 13. The
11.2 commissioner may use this appropriation for
11.3 project costs, including but not limited to
11.4 valuation expenses, legal fees, closing costs,
11.5 transactional staff costs, and the condemnation
11.6 award. This is a onetime appropriation and is
11.7 available until June 30, 2027.

11.8 **Subd. 14. Outreach and Education**
11.9 \$500,000 the second year is to create new or
11.10 expand existing outreach and education
11.11 programs for nonnative English-speaking
11.12 communities. Of this amount, \$200,000 is for
11.13 a competitive grant program for nonprofit
11.14 organizations to connect youth in underserved
11.15 communities in metropolitan area
11.16 environmental justice areas with outdoor
11.17 experiences, and \$300,000 is for the Fishing
11.18 in the Neighborhood program for outreach to
11.19 new and underserved audiences. This
11.20 appropriation may be used for community
11.21 outreach consultants for reaching new
11.22 audiences. This is a onetime appropriation and
11.23 is available until June 30, 2028.

11.24 **Subd. 15. Report on Recreational Use of**
11.25 **Permanent School Land**
11.26 \$417,000 the second year is transferred from
11.27 the forest suspense account to the permanent
11.28 school fund and is appropriated from the
11.29 permanent school fund for the Office of
11.30 School Trust Lands for conducting the study
11.31 of the recreational use of school trust lands.
11.32 This is a onetime transfer.

12.1 **Subd. 16. Nonpetroleum Gas Regulatory**
12.2 **Framework**

12.3 \$768,000 the first year is from the minerals
12.4 management account in the natural resources
12.5 fund for the Minnesota Gas and Oil Resources
12.6 Technical Advisory Committee. This is a
12.7 onetime appropriation and is available until
12.8 June 30, 2027.

12.9 \$2,406,000 the second year is from the
12.10 minerals management account in the natural
12.11 resources fund to adopt a regulatory
12.12 framework for gas and oil production in
12.13 Minnesota and for rulemaking. This is a
12.14 onetime appropriation and is available until
12.15 June 30, 2028.

12.16 **Subd. 17. All-Terrain Vehicle Grant-in-Aid**
12.17 **Program**

12.18 \$1,500,000 the second year is from the
12.19 all-terrain vehicle account in the natural
12.20 resources fund for the grant-in-aid program
12.21 under Minnesota Statutes, section 84.927,
12.22 subdivision 2, clause (4). This is a onetime
12.23 appropriation.

12.24 **Subd. 18. Prospector Loop ATV Trail System**

12.25 \$1,200,000 the second year is from the
12.26 all-terrain vehicle account in the natural
12.27 resources fund for a grant to St. Louis County
12.28 to construct and maintain the Prospector Loop
12.29 all-terrain vehicle trail system. This is a
12.30 onetime appropriation and is available until
12.31 June 30, 2027.

12.32 **Subd. 19. Zoo Tree-Planting**

12.33 \$300,000 the second year is from the natural
12.34 resources fund for grants to be divided equally

13.1 between the city of St. Paul for the Como Park
13.2 Zoo and Conservatory and the city of Duluth
13.3 for the Lake Superior Zoo for purposes of
13.4 planting trees within the zoos. This
13.5 appropriation is from revenue deposited to the
13.6 natural resources fund under Minnesota
13.7 Statutes, section 297A.94, paragraph (h),
13.8 clause (5). This is a onetime appropriation and
13.9 is available until June 30, 2026.

13.10 **Subd. 20. Off-Highway Motorcycle Trail**
13.11 **Ambassador Program**

13.12 \$20,000 the second year is from the
13.13 off-highway motorcycle account in the natural
13.14 resources fund for grants to qualifying
13.15 off-highway motorcycle organizations to assist
13.16 in providing safety and environmental
13.17 education and monitoring trails on public lands
13.18 according to Minnesota Statutes, section
13.19 84.9011. Grants awarded under this
13.20 subdivision must be issued through a formal
13.21 agreement with the organization.

13.22 By December 15 each year, an organization
13.23 receiving a grant under this subdivision must
13.24 report to the commissioner with details on how
13.25 the money was expended and what outcomes
13.26 were achieved.

13.27 **Subd. 21. Accessible School Playgrounds**

13.28 (a) \$400,000 the second year is for grants to
13.29 school districts for accessible and inclusive
13.30 school playgrounds. This is a onetime
13.31 appropriation and is from revenue deposited
13.32 in the natural resources fund under Minnesota
13.33 Statutes, section 297A.94, paragraph (j). This
13.34 appropriation is available until June 30, 2027.
13.35 Of this amount:

- 14.1 (1) \$100,000 is for Independent School
14.2 District No. 196, Rosemount-Apple
14.3 Valley-Eagan, for a playground at Deerwood
14.4 Elementary School;
- 14.5 (2) \$100,000 is for Independent School
14.6 District No. 197, West St. Paul-Mendota
14.7 Heights-Eagan, for a playground at Somerset
14.8 Elementary School;
- 14.9 (3) \$100,000 is for Independent School
14.10 District No. 199, Inver Grove Heights, for a
14.11 playground at Hilltop Elementary School; and
- 14.12 (4) \$100,000 is for Independent School
14.13 District No. 625, St. Paul, for an autism
14.14 sensory-friendly playground at Txuj Ci
14.15 HMong Language and Culture, Lower
14.16 Campus.
- 14.17 (b) A school district receiving a grant under
14.18 this subdivision must use the funds to:
- 14.19 (1) replace, repair, expand, or install
14.20 playground equipment;
- 14.21 (2) create accessible routes to the playground
14.22 equipment;
- 14.23 (3) install unitary surface material to expand
14.24 accessibility; or
- 14.25 (4) create a sensory-friendly playground,
14.26 including sensory-friendly playground
14.27 equipment.
- 14.28 (c) A grant recipient must have its playground
14.29 plans previewed before construction or
14.30 reviewed after the installation is complete by
14.31 a certified playground safety inspector or a
14.32 Minnesota certified accessibility specialist.

15.1 **Subd. 22. Real-Time Water Quality Network**

15.2 \$100,000 the second year is to study, in
15.3 coordination with the commissioner of the
15.4 Pollution Control Agency, the creation of an
15.5 online real-time water quality monitoring
15.6 network in Minnesota. The study must include
15.7 the barriers to implementing this multiagency
15.8 program, including the design of a website
15.9 and the cost to deploy stream flow and nitrate
15.10 monitoring equipment in the state. This is a
15.11 onetime appropriation. The study must be
15.12 completed by June 30, 2025, and submitted
15.13 to the chairs and ranking minority members
15.14 of the legislative committees with jurisdiction
15.15 over environment and natural resources.

15.16 **Subd. 23. Report on Outdoor Opportunities for**
15.17 **Minnesota Youth**

15.18 Up to \$100,000 of the amount appropriated
15.19 under Laws 2023, chapter 60, article 1, section
15.20 3, subdivision 6, paragraph (g), for
15.21 natural-resource-based education and
15.22 recreation programs serving youth may be
15.23 used for the report on outdoor opportunities
15.24 for Minnesota youth required in this act.

15.25 **Subd. 24. Extending Appropriation Availability**

15.26 The appropriation in Laws 2023, chapter 60,
15.27 article 1, section 3, subdivision 5, paragraph
15.28 (o), for a grant to Dakota County for
15.29 improvements to the Swing Bridge Trailhead
15.30 and historic Rock Island Swing Bridge is
15.31 available until June 30, 2025.

15.32 The appropriation in Laws 2023, chapter 60,
15.33 article 1, section 3, subdivision 5, paragraph
15.34 (p), for a grant to Dakota County for adding

16.1 a public boat launch along the Mississippi
16.2 River is available until June 30, 2025.

16.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.4 Sec. 4. **BOARD OF WATER AND SOIL**
16.5 **RESOURCES**

16.6 Subdivision 1. **Total Appropriation** \$ -0- \$ **1,950,000**

16.7 The amounts that may be spent for each
16.8 purpose are specified in the following
16.9 subdivisions.

16.10 Subd. 2. **Manure Management Funding**

16.11 \$850,000 the second year is for manure
16.12 management activities. Notwithstanding
16.13 Minnesota Statutes, section 16B.98,
16.14 subdivision 14, the board may use up to five
16.15 percent of this appropriation for administrative
16.16 costs. This is a onetime appropriation and is
16.17 available until June 30, 2026.

16.18 Money appropriated in this subdivision for
16.19 manure management activities may be used
16.20 to enhance groundwater protection and reduce
16.21 greenhouse gases associated with agriculture.
16.22 Priority must be given to areas with high
16.23 groundwater nitrate levels or geology
16.24 conducive to groundwater pollution, such as
16.25 those shown on the Department of
16.26 Agriculture's vulnerable groundwater area
16.27 map.

16.28 Funded activities may include: providing
16.29 grants; funding projects and practices that limit
16.30 agricultural use of vulnerable land, such as
16.31 establishing karst feature buffers or
16.32 conservation easements; and cost-share
16.33 assistance for constructing manure
16.34 management and storage facilities. All funded

- 17.1 projects must be designed to result in
17.2 improved water quality or reduced greenhouse
17.3 gas emissions. Feedlot funding recipients must
17.4 have a nutrient management plan and must
17.5 operate at fewer than 1,000 animal units.
17.6 Funding for expanded liquid manure storage
17.7 capacity must not exceed 12 months of storage
17.8 based on current animal numbers. Anaerobic
17.9 digesters are not eligible for funding under
17.10 this subdivision.
- 17.11 The board may use this appropriation to match
17.12 federal money. The board must ensure that
17.13 funding agreements include terms necessary
17.14 to document implementation of approved plans
17.15 and activities.
- 17.16 **Subd. 3. Red River of the North; Adaptive**
17.17 **Phosphorus Management**
- 17.18 \$300,000 the second year is for a grant to the
17.19 Red River Basin Commission to facilitate
17.20 development of a feasibility assessment of
17.21 adaptive phosphorus management for the Red
17.22 River of the North. The commission may
17.23 contract with outside experts or academic
17.24 institutions in developing the assessment. The
17.25 assessment: (1) must address applicable
17.26 water-quality targets for phosphorus loading;
17.27 (2) must include an allocation of phosphorus
17.28 between point and nonpoint sources; (3) must
17.29 identify cost-effective nutrient reduction
17.30 implementation strategies; and (4) may include
17.31 other state water-quality goals and objectives.
17.32 This is a onetime appropriation and is
17.33 available until June 30, 2026.
- 17.34 In developing the assessment, the Red River
17.35 Basin Commission must use available data

18.1 and analysis to the extent feasible and
 18.2 incorporate input from an advisory group that
 18.3 includes representatives of agriculture, soil
 18.4 and water conservation districts, watershed
 18.5 districts, municipalities, and other Minnesota
 18.6 organizations represented on the board of
 18.7 directors of the Red River Basin Commission.
 18.8 The Red River Basin Commission may also
 18.9 work with representatives from relevant
 18.10 organizations from North Dakota, South
 18.11 Dakota, and Manitoba.
 18.12 By June 30, 2026, the Red River Basin
 18.13 Commission must submit the final assessment
 18.14 to the chairs and ranking minority members
 18.15 of the legislative committees with jurisdiction
 18.16 over agriculture and environment policy and
 18.17 finance.

18.18 Subd. 4. **Lawns to Legumes**

18.19 \$800,000 the second year is for the lawns to
 18.20 legumes program under Minnesota Statutes,
 18.21 section 103B.104. The board may enter into
 18.22 agreements with local governments, Metro
 18.23 Blooms, and other organizations to support
 18.24 this effort. This is a onetime appropriation and
 18.25 is available until June 30, 2027.

18.26 Sec. 5. **METROPOLITAN COUNCIL** \$ -0- \$ 5,525,000

18.27 Appropriations by Fund

18.28		<u>2024</u>	<u>2025</u>
18.29	<u>General</u>	<u>-0-</u>	<u>3,625,000</u>
18.30	<u>Natural Resources</u>	<u>-0-</u>	<u>1,900,000</u>

18.31 \$3,188,000 the second year is for community
 18.32 tree-planting grants under Minnesota Statutes,
 18.33 section 473.355. Of this amount, \$688,000 is
 18.34 for a grant to the city of South St. Paul. This

19.1 is a onetime appropriation and is available
19.2 until June 30, 2026.

19.3 \$437,000 the second year is for a grant to the
19.4 city of St. Paul Park to replace a pedestrian
19.5 bridge in Lions Levee Park. This is a onetime
19.6 appropriation and is available until June 30,
19.7 2027.

19.8 \$1,400,000 the second year is from the natural
19.9 resources fund for grants to implementing
19.10 agencies to plant trees within the
19.11 metropolitan-area regional parks and trails
19.12 system. This appropriation is from revenue
19.13 deposited in the natural resources fund under
19.14 Minnesota Statutes, section 297A.94,
19.15 paragraph (h), clause (3). This is a onetime
19.16 appropriation and is available until June 30,
19.17 2026.

19.18 \$500,000 the second year is from the natural
19.19 resources fund for new fishing piers to
19.20 increase fishing opportunities on lakes in the
19.21 metropolitan parks system. The council shall
19.22 solicit applications from member park systems
19.23 for proposals under this section. This is a
19.24 onetime appropriation and is from revenue
19.25 deposited in the natural resources fund under
19.26 Minnesota Statutes, section 297A.94,
19.27 paragraph (h), clause (3). This appropriation
19.28 is available until June 30, 2026.

19.29	Sec. 6. <u>ZOOLOGICAL BOARD</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>150,000</u>
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19.30 \$150,000 the second year is from the natural
19.31 resources fund to plant trees at the Minnesota
19.32 Zoological Garden. This appropriation is from
19.33 revenue deposited under Minnesota Statutes,
19.34 section 297A.94, paragraph (h), clause (5).

20.1 This is a onetime appropriation and is
20.2 available until June 30, 2026.

20.3 Sec. 7. Laws 2023, chapter 60, article 1, section 3, subdivision 3, is amended to read:

20.4	Subd. 3. Ecological and Water Resources	48,738,000	45,797,000
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20.5	Appropriations by Fund		
20.6		2024	2025
20.7	General	27,083,000	26,142,000
20.8	Natural Resources	13,831,000	13,831,000
20.9	Game and Fish	7,824,000	5,824,000

20.10 (a) \$4,222,000 the first year and \$4,222,000
20.11 the second year are from the invasive species
20.12 account in the natural resources fund and
20.13 \$2,831,000 the first year and \$2,831,000 the
20.14 second year are from the general fund for
20.15 management, public awareness, assessment
20.16 and monitoring research, and water access
20.17 inspection to prevent the spread of invasive
20.18 species; management of invasive plants in
20.19 public waters; and management of terrestrial
20.20 invasive species on state-administered lands.

20.21 (b) \$6,056,000 the first year and \$6,056,000
20.22 the second year are from the water
20.23 management account in the natural resources
20.24 fund for only the purposes specified in
20.25 Minnesota Statutes, section 103G.27,
20.26 subdivision 2.

20.27 (c) \$124,000 the first year and \$124,000 the
20.28 second year are for a grant to the Mississippi
20.29 Headwaters Board for up to 50 percent of the
20.30 cost of implementing the comprehensive plan
20.31 for the upper Mississippi within areas under
20.32 the board's jurisdiction. By December 15,
20.33 2025, the board must submit a report to the
20.34 chairs and ranking minority members of the

21.1 legislative committees and divisions with
21.2 jurisdiction over environment and natural
21.3 resources on the activities funded under this
21.4 paragraph and the progress made in
21.5 implementing the comprehensive plan.

21.6 (d) \$10,000 the first year and \$10,000 the
21.7 second year are for payment to the Leech Lake
21.8 Band of Chippewa Indians to implement the
21.9 band's portion of the comprehensive plan for
21.10 the upper Mississippi River.

21.11 (e) \$300,000 the first year and \$300,000 the
21.12 second year are for grants for up to 50 percent
21.13 of the cost of implementing the Red River
21.14 mediation agreement. The base for this
21.15 appropriation in fiscal year 2026 and beyond
21.16 is \$264,000.

21.17 (f) \$2,598,000 the first year and \$2,598,000
21.18 the second year are from the heritage
21.19 enhancement account in the game and fish
21.20 fund for only the purposes specified in
21.21 Minnesota Statutes, section 297A.94,
21.22 paragraph (h), clause (1).

21.23 (g) \$1,150,000 the first year and \$1,150,000
21.24 the second year are from the nongame wildlife
21.25 management account in the natural resources
21.26 fund for nongame wildlife management.

21.27 Notwithstanding Minnesota Statutes, section
21.28 290.431, \$100,000 the first year and \$100,000
21.29 the second year may be used for nongame
21.30 wildlife information, education, and
21.31 promotion.

21.32 (h) Notwithstanding Minnesota Statutes,
21.33 section 84.943, \$48,000 the first year and
21.34 \$48,000 the second year from the critical

22.1 habitat private sector matching account may
22.2 be used to publicize the critical habitat license
22.3 plate match program.

22.4 (i) \$6,000,000 the first year and \$6,000,000
22.5 the second year are for the following activities:

22.6 (1) financial reimbursement and technical
22.7 support to soil and water conservation districts
22.8 or other local units of government for
22.9 groundwater-level monitoring;

22.10 (2) surface water monitoring and analysis,
22.11 including installing monitoring gauges;

22.12 (3) groundwater analysis to assist with
22.13 water-appropriation permitting decisions;

22.14 (4) permit application review incorporating
22.15 surface water and groundwater technical
22.16 analysis;

22.17 (5) precipitation data and analysis to improve
22.18 irrigation use;

22.19 (6) information technology, including
22.20 electronic permitting and integrated data
22.21 systems; and

22.22 (7) compliance and monitoring.

22.23 (j) Notwithstanding Minnesota Statutes,
22.24 section 297A.94, paragraph (k), \$2,410,000
22.25 the first year and \$410,000 the second year
22.26 are from the heritage enhancement account in
22.27 the game and fish fund and \$500,000 the first
22.28 year and \$500,000 the second year are from
22.29 the general fund for grants to the Minnesota
22.30 Aquatic Invasive Species Research Center at
22.31 the University of Minnesota to prioritize,
22.32 support, and develop research-based solutions
22.33 that can reduce the effects of aquatic invasive

23.1 species in Minnesota by preventing spread,
23.2 controlling populations, and managing
23.3 ecosystems and to advance knowledge to
23.4 inspire action by others. The general fund
23.5 appropriations are available until June 30,
23.6 2025, and the heritage enhancement account
23.7 appropriations are available until June 30,
23.8 2028.

23.9 (k) \$268,000 the first year and \$268,000 the
23.10 second year are for increased capacity for
23.11 broadband utility licensing for state lands and
23.12 public waters. This is a onetime appropriation
23.13 and is available until June 30, 2028.

23.14 (l) \$998,000 the first year and \$568,000 the
23.15 second year are for protecting and restoring
23.16 carbon storage in state-administered peatlands
23.17 by reviewing and updating the state's peatland
23.18 inventory, piloting a restoration project, and
23.19 piloting trust fund buyouts. This is a onetime
23.20 appropriation and is available until June 30,
23.21 2028.

23.22 (m) \$250,000 the first year is for a grant to the
23.23 Minnesota Lakes and Rivers Advocates to
23.24 work with civic leaders to purchase, install,
23.25 and operate waterless cleaning stations for
23.26 watercraft; conduct aquatic invasive species
23.27 education; and implement education upgrades
23.28 at public accesses to prevent invasive starry
23.29 stonewort spread beyond the lakes already
23.30 infested. This is a onetime appropriation and
23.31 is available until June 30, 2025.

23.32 (n) \$1,720,000 the first year is to prevent and
23.33 manage invasive carp. This includes activities
23.34 related to the Mississippi River Lock and Dam
23.35 and stakeholder engagement. Up to \$325,000

24.1 may be used for a grant to the Board of
24.2 Regents of the University of Minnesota to
24.3 study the Mississippi River Lock Dam 5
24.4 spillway and provide preliminary design to
24.5 optimize management to reduce invasive carp
24.6 passage.

24.7 (o) Up to \$6,000,000 the first year is available
24.8 for transfer from the critical habitat private
24.9 sector matching account to the reinvest in
24.10 Minnesota fund to expand Grey Cloud Island
24.11 Scientific and Natural Area and for other
24.12 scientific and natural area acquisition,
24.13 restoration, and enhancement according to
24.14 Minnesota Statutes, section 84.943,
24.15 subdivision 5b.

24.16 (p) \$40,000 the first year is for a grant to the
24.17 Stearns Coalition of Lake Associations to
24.18 manage aquatic invasive species. The
24.19 unencumbered balance of the general fund
24.20 appropriation in Laws 2021, First Special
24.21 Session chapter 6, article 1, section 3,
24.22 subdivision 3, paragraph (a), for the grant to
24.23 the Stearns Coalition of Lake Associations,
24.24 estimated to be \$40,000, is canceled no later
24.25 than June 29, 2023.

24.26 (q) \$200,000 the first year is for a grant to the
24.27 Board of Regents of the University of
24.28 Minnesota for the University of Minnesota
24.29 Water Council to develop a scope of work,
24.30 timeline, and budget for a plan to promote and
24.31 protect clean water in Minnesota for the next
24.32 50 years according to this act.

24.33 (r) The total general fund base budget for the
24.34 ecological and water resources division for
24.35 fiscal year 2026 and later is \$24,870,000.

25.1 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2023.

25.2 Sec. 8. Laws 2023, chapter 60, article 1, section 3, subdivision 10, is amended to read:

25.3 Subd. 10. **Get Out MORE (Modernizing Outdoor**
25.4 **Recreation Experiences)**

110,000,000

-0-

25.5 (a) \$110,000,000 the first year is for

25.6 modernizing Minnesota's state-managed

25.7 outdoor recreation experiences. Of this

25.8 amount:

25.9 (1) \$25,000,000 is for enhancing access and

25.10 welcoming new users to public lands and

25.11 outdoor recreation facilities, including

25.12 improvements to improve climate resiliency;

25.13 (2) \$5,000,000 is for modernizing camping

25.14 and related infrastructure, including

25.15 improvements to improve climate resiliency;

25.16 (3) \$35,000,000 is for modernizing fish

25.17 hatcheries and fishing infrastructure. Of this

25.18 amount, up to \$366,000 is for installing

25.19 continuous water-quality monitoring devices;

25.20 (4) \$10,000,000 is for restoring streams and

25.21 modernizing water-related infrastructure with

25.22 priority given to fish habitat improvements,

25.23 dam removal, and improvements to improve

25.24 climate resiliency; and

25.25 (5) \$35,000,000 is for modernizing boating

25.26 access.

25.27 (b) Priority for money allocated under

25.28 paragraph (a), clauses (1), (3), (4), and (5),

25.29 must be given to projects where communities

25.30 are currently underserved.

25.31 (c) The commissioner may reallocate money

25.32 appropriated in paragraph (a) across those

25.33 purposes based on project readiness and

26.1 priority. The appropriations in paragraph (a)
26.2 are available until June 30, 2029.

26.3 (d) No later than November 30 each year, the
26.4 commissioner must provide a progress report
26.5 on the expenditure of money appropriated
26.6 under this subdivision to the chairs of the
26.7 legislative committees with jurisdiction over
26.8 environment and natural resources finance.

26.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.10 **ARTICLE 2**
26.11 **POLLUTION CONTROL**

26.12 Section 1. Minnesota Statutes 2023 Supplement, section 115.03, subdivision 1, is amended
26.13 to read:

26.14 Subdivision 1. **Generally.** (a) The commissioner is given and charged with the following
26.15 powers and duties:

26.16 (1) to administer and enforce all laws relating to the pollution of any of the waters of
26.17 the state;

26.18 (2) to investigate the extent, character, and effect of the pollution of the waters of this
26.19 state and to gather data and information necessary or desirable in the administration or
26.20 enforcement of pollution laws, and to make such classification of the waters of the state as
26.21 it may deem advisable;

26.22 (3) to establish and alter such reasonable pollution standards for any waters of the state
26.23 in relation to the public use to which they are or may be put as it shall deem necessary for
26.24 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
26.25 116;

26.26 (4) to encourage waste treatment, including advanced waste treatment, instead of stream
26.27 low-flow augmentation for dilution purposes to control and prevent pollution;

26.28 (5) to adopt, issue, reissue, modify, deny, ~~or~~ revoke, reopen, enter into, or enforce
26.29 reasonable orders, permits, variances, standards, rules, schedules of compliance, and
26.30 stipulation agreements, under such conditions as it may prescribe, in order to prevent, control
26.31 or abate water pollution, or for the installation or operation of disposal systems or parts
26.32 thereof, or for other equipment and facilities:

27.1 (i) requiring the discontinuance of the discharge of sewage, industrial waste or other
27.2 wastes into any waters of the state resulting in pollution in excess of the applicable pollution
27.3 standard established under this chapter;

27.4 (ii) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
27.5 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
27.6 municipal disposal system where the same is likely to get into any waters of the state in
27.7 violation of this chapter and, with respect to the pollution of waters of the state, chapter
27.8 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
27.9 the schedule of compliance within which such prohibition or abatement must be
27.10 accomplished;

27.11 (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a manner
27.12 which does not reasonably assure proper retention against entry into any waters of the state
27.13 that would be likely to pollute any waters of the state;

27.14 (iv) requiring the construction, installation, maintenance, and operation by any person
27.15 of any disposal system or any part thereof, or other equipment and facilities, or the
27.16 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,
27.17 or the adoption of other remedial measures to prevent, control or abate any discharge or
27.18 deposit of sewage, industrial waste or other wastes by any person;

27.19 (v) establishing, and from time to time revising, standards of performance for new sources
27.20 taking into consideration, among other things, classes, types, sizes, and categories of sources,
27.21 processes, pollution control technology, cost of achieving such effluent reduction, and any
27.22 nonwater quality environmental impact and energy requirements. Said standards of
27.23 performance for new sources shall encompass those standards for the control of the discharge
27.24 of pollutants which reflect the greatest degree of effluent reduction which the agency
27.25 determines to be achievable through application of the best available demonstrated control
27.26 technology, processes, operating methods, or other alternatives, including, where practicable,
27.27 a standard permitting no discharge of pollutants. New sources shall encompass buildings,
27.28 structures, facilities, or installations from which there is or may be the discharge of pollutants,
27.29 the construction of which is commenced after the publication by the agency of proposed
27.30 rules prescribing a standard of performance which will be applicable to such source.
27.31 Notwithstanding any other provision of the law of this state, any point source the construction
27.32 of which is commenced after May 20, 1973, and which is so constructed as to meet all
27.33 applicable standards of performance for new sources shall, consistent with and subject to
27.34 the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution
27.35 Control Act, not be subject to any more stringent standard of performance for new sources

28.1 during a ten-year period beginning on the date of completion of such construction or during
28.2 the period of depreciation or amortization of such facility for the purposes of section 167
28.3 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first.
28.4 Construction shall encompass any placement, assembly, or installation of facilities or
28.5 equipment, including contractual obligations to purchase such facilities or equipment, at
28.6 the premises where such equipment will be used, including preparation work at such
28.7 premises;

28.8 (vi) establishing and revising pretreatment standards to prevent or abate the discharge
28.9 of any pollutant into any publicly owned disposal system, which pollutant interferes with,
28.10 passes through, or otherwise is incompatible with such disposal system;

28.11 (vii) requiring the owner or operator of any disposal system or any point source to
28.12 establish and maintain such records, make such reports, install, use, and maintain such
28.13 monitoring equipment or methods, including where appropriate biological monitoring
28.14 methods, sample such effluents in accordance with such methods, at such locations, at such
28.15 intervals, and in such a manner as the agency shall prescribe, and providing such other
28.16 information as the agency may reasonably require;

28.17 (viii) notwithstanding any other provision of this chapter, and with respect to the pollution
28.18 of waters of the state, chapter 116, requiring the achievement of more stringent limitations
28.19 than otherwise imposed by effluent limitations in order to meet any applicable water quality
28.20 standard by establishing new effluent limitations, based upon section 115.01, subdivision
28.21 13, clause (b), including alternative effluent control strategies for any point source or group
28.22 of point sources to insure the integrity of water quality classifications, whenever the agency
28.23 determines that discharges of pollutants from such point source or sources, with the
28.24 application of effluent limitations required to comply with any standard of best available
28.25 technology, would interfere with the attainment or maintenance of the water quality
28.26 classification in a specific portion of the waters of the state. Prior to establishment of any
28.27 such effluent limitation, the agency shall hold a public hearing to determine the relationship
28.28 of the economic and social costs of achieving such limitation or limitations, including any
28.29 economic or social dislocation in the affected community or communities, to the social and
28.30 economic benefits to be obtained and to determine whether or not such effluent limitation
28.31 can be implemented with available technology or other alternative control strategies. If a
28.32 person affected by such limitation demonstrates at such hearing that, whether or not such
28.33 technology or other alternative control strategies are available, there is no reasonable
28.34 relationship between the economic and social costs and the benefits to be obtained, such
28.35 limitation shall not become effective and shall be adjusted as it applies to such person;

(ix) modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants; ~~and~~

(x) requiring that applicants for wastewater discharge permits evaluate in their applications the potential reuses of the discharged wastewater; and

(xi) when appropriate, requiring parties who enter into a negotiated agreement to settle an enforcement matter with the agency to reimburse the agency for oversight costs. The agency may recover oversight costs only if the agency's costs exceed \$25,000. If oversight costs exceed \$25,000, the agency may recover all the oversight costs incurred by the agency that are associated with implementing the negotiated agreement. Oversight costs may include but are not limited to any costs associated with inspections, sampling, monitoring, modeling, risk assessment, permit writing, engineering review, economic analysis and review, and other record or document review. Estimates of anticipated oversight costs must be disclosed in the negotiated agreement, and estimates must be periodically updated and disclosed to the parties to the negotiated agreement. The agency's legal and litigation costs are not recoverable under this clause. In addition to settlement agreements, the commissioner has discretion as to whether to apply this clause in cases when the agency is using schedules of compliance to bring a class of regulated parties into compliance;

(6) to require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;

(7) to prescribe and alter rules, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state;

(8) to conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable for the discharge of its duties under this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member,

30.1 employee, or agent appointed by it to conduct such investigations or, issue such notices and
30.2 hold such hearings;

30.3 (9) for the purpose of water pollution control planning by the state and pursuant to the
30.4 Federal Water Pollution Control Act, as amended, to establish and revise planning areas,
30.5 adopt plans and programs and continuing planning processes, including, but not limited to,
30.6 basin plans and areawide waste treatment management plans, and to provide for the
30.7 implementation of any such plans by means of, including, but not limited to, standards, plan
30.8 elements, procedures for revision, intergovernmental cooperation, residual treatment process
30.9 waste controls, and needs inventory and ranking for construction of disposal systems;

30.10 (10) to train water pollution control personnel and charge training fees as are necessary
30.11 to cover the agency's costs. All such fees received must be paid into the state treasury and
30.12 credited to the Pollution Control Agency training account;

30.13 (11) to provide chloride reduction training and charge training fees as necessary to cover
30.14 the agency's costs not to exceed \$350. All training fees received must be paid into the state
30.15 treasury and credited to the Pollution Control Agency training account;

30.16 (12) to impose as additional conditions in permits to publicly owned disposal systems
30.17 appropriate measures to insure compliance by industrial and other users with any pretreatment
30.18 standard, including, but not limited to, those related to toxic pollutants, and any system of
30.19 user charges ratably as is hereby required under state law or said Federal Water Pollution
30.20 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

30.21 (13) to set a period not to exceed five years for the duration of any national pollutant
30.22 discharge elimination system permit or not to exceed ten years for any permit issued as a
30.23 state disposal system permit only;

30.24 (14) to require each governmental subdivision identified as a permittee for a wastewater
30.25 treatment works to evaluate in every odd-numbered year the condition of its existing system
30.26 and identify future capital improvements that will be needed to attain or maintain compliance
30.27 with a national pollutant discharge elimination system or state disposal system permit; ~~and~~

30.28 (15) to train subsurface sewage treatment system personnel, including persons who
30.29 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,
30.30 and charge fees as necessary to pay the agency's costs. All fees received must be paid into
30.31 the state treasury and credited to the agency's training account. Money in the account is
30.32 appropriated to the agency to pay expenses related to training; and

31.1 (16) to encourage practices that enable the recovery and use of waste heat from
31.2 wastewater treatment operations.

31.3 (b) The information required in paragraph (a), clause (14), must be submitted in every
31.4 odd-numbered year to the commissioner on a form provided by the commissioner. The
31.5 commissioner shall provide technical assistance if requested by the governmental subdivision.

31.6 (c) The powers and duties given the agency in this subdivision also apply to permits
31.7 issued under chapter 114C.

31.8 Sec. 2. Minnesota Statutes 2022, section 115.071, subdivision 1, is amended to read:

31.9 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
31.10 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and
31.11 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
31.12 and permits adopted or issued by the agency thereunder or under any other law now in force
31.13 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced
31.14 by any one or any combination of the following: criminal prosecution; action to recover
31.15 civil penalties; injunction; action to compel or cease performance; or other appropriate
31.16 action, in accordance with the provisions of said chapters and this section.

31.17 Sec. 3. Minnesota Statutes 2022, section 115.071, subdivision 3, is amended to read:

31.18 Subd. 3. **Civil penalties.** (a) Any person who violates any provision of this chapter or
31.19 chapter 114C or 116, except any provisions of chapter 116 relating to air and land pollution
31.20 caused by agricultural operations ~~which~~ that do not involve national pollutant discharge
31.21 elimination system permits, or of (1) any effluent standards and limitations or water quality
31.22 standards, (2) any permit or term or condition thereof, (3) any national pollutant discharge
31.23 elimination system filing requirements, (4) any duty to permit or carry out inspection, entry
31.24 or monitoring activities, or (5) any rules, stipulation agreements, variances, schedules of
31.25 compliance, or orders issued by the agency, ~~shall forfeit~~ forfeits and must pay to the state
31.26 a penalty, in an amount to be determined by the court, of not more than ~~\$10,000~~ \$15,000
31.27 per day of violation, except that if the violation relates to hazardous waste, the person ~~shall~~
31.28 ~~forfeit~~ forfeits and must pay to the state a penalty, in an amount to be determined by the
31.29 court, of not more than ~~\$25,000~~ \$30,000 per day of violation.

31.30 (b) In addition, in the discretion of the court, the defendant may be required to:

32.1 ~~(a)~~ (1) forfeit and pay to the state a sum which will adequately compensate the state for
32.2 the reasonable value of cleanup and other expenses directly resulting from unauthorized
32.3 discharge of pollutants, whether or not accidental; and

32.4 ~~(b)~~ (2) forfeit and pay to the state an additional sum to constitute just compensation for
32.5 any loss or destruction to wildlife, fish or other aquatic life and for other actual damages to
32.6 the state caused by an unauthorized discharge of pollutants.

32.7 (c) As a defense to any of said damages, the defendant may prove that the violation was
32.8 caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state
32.9 of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any
32.10 combination of the foregoing clauses.

32.11 (d) The civil penalties and damages provided for in this subdivision may be recovered
32.12 by a civil action brought by the attorney general in the name of the state.

32.13 Sec. 4. Minnesota Statutes 2022, section 115.071, subdivision 4, is amended to read:

32.14 Subd. 4. **Injunctions.** Any violation of the provisions, rules, standards, orders, stipulation
32.15 agreements, variances, schedules of compliance, or permits specified in this chapter and
32.16 chapters 114C and 116 ~~shall constitute~~ constitutes a public nuisance and may be enjoined
32.17 as provided by law in an action, in the name of the state, brought by the attorney general.
32.18 Injunctive relief under this subdivision may include but is not limited to a requirement that
32.19 a facility or person immediately cease operation or activities until such time as the
32.20 commissioner has reasonable assurance that renewed operation or activities will not violate
32.21 provisions, rules, standards, orders, stipulation agreements, variances, schedules of
32.22 compliance, or permits specified in this chapter and chapters 114C and 116.

32.23 Sec. 5. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision to
32.24 read:

32.25 Subd. 8. **Stipulation agreements.** If a party to a stipulation agreement asserts a good
32.26 cause or force majeure claim for an extension of time to comply with a stipulated term, the
32.27 commissioner may deny the extension if the assertion is based solely on increased costs of
32.28 compliance.

33.1 Sec. 6. Minnesota Statutes 2022, section 115.073, is amended to read:

33.2 **115.073 DISPOSITION OF RECEIPTS; ENFORCEMENT FUNDING.**

33.3 (a) Except as provided in section 115C.05, all money recovered by the state under this
33.4 chapter and chapters 115A and 116, including civil penalties and money paid under an
33.5 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes, must
33.6 be deposited in the state treasury and credited to the environmental fund.

33.7 (b) Oversight funds reimbursed under sections 115.03, subdivision 1, paragraph (a),
33.8 clause (5), and 116.07, subdivision 9, clause (4), must be deposited in a separate settlement
33.9 oversight reimbursement account established in the environmental fund. The commissioner
33.10 must manage the account. Earnings, such as interest, dividends, and any other earnings
33.11 arising from assets of the account, must be credited to the account. Funds remaining in the
33.12 account at the end of a fiscal year remain in the account. Money in the account is appropriated
33.13 to the commissioner for the purposes of the environmental fund.

33.14 Sec. 7. Minnesota Statutes 2022, section 115A.02, is amended to read:

33.15 **115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.**

33.16 (a) It is the goal of this chapter to protect the state's land, air, water, and other natural
33.17 resources and the public health by improving waste management in the state to serve the
33.18 following purposes:

33.19 (1) reduction in the amount and toxicity of waste generated;

33.20 (2) separation and recovery of materials and energy from waste;

33.21 (3) reduction in indiscriminate dependence on disposal of waste;

33.22 (4) coordination of solid waste management among political subdivisions; and

33.23 (5) orderly and deliberate development and financial security of waste facilities including
33.24 disposal facilities.

33.25 (b) The waste management goal of the state is to foster an integrated waste management
33.26 system in a manner appropriate to the characteristics of the waste stream and thereby protect
33.27 the state's land, air, water, and other natural resources and the public health. The following
33.28 waste management practices are in order of preference:

33.29 (1) waste reduction and reuse;

33.30 (2) waste recycling;

34.1 (3) composting of source-separated compostable materials, including but not limited to,
34.2 yard waste and food waste;

34.3 (4) resource recovery through mixed municipal solid waste composting or incineration;

34.4 (5) land disposal which produces no measurable methane gas or which involves the
34.5 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale;
34.6 and

34.7 (6) land disposal which produces measurable methane and which does not involve the
34.8 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale.

34.9 (c) As a means of accomplishing state waste management goals with respect to surplus
34.10 food and food waste, the following waste management practices are in order of preference:

34.11 (1) reducing the amount generated at the source;

34.12 (2) upcycling or donating for human consumption;

34.13 (3) diversion for animal consumption or leaving crops unharvested;

34.14 (4) composting or anaerobic digestion when the biogas and digestate are not disposed
34.15 of but are used as a salable product; and

34.16 (5) either using anaerobic digestion, when the biogas is used as a salable product but
34.17 the digestate is disposed of, or land application of food waste.

34.18 (d) For the purposes of this section, the following terms have the meanings given:

34.19 (1) "anaerobic digestion" means a process through which microorganisms break down
34.20 organic material in the absence of oxygen and generate biogas and digestate;

34.21 (2) "biogas" means a gas that is produced when organic materials decompose and is
34.22 primarily composed of methane and carbon dioxide;

34.23 (3) "composting" means controlled, aerobic biological decomposition of organic material
34.24 to produce a nutrient-rich material;

34.25 (4) "digestate" means the solid or liquid residual material remaining after the anaerobic
34.26 digestion process has been completed;

34.27 (5) "diversion for animal consumption" means diverting food, food scraps, food waste,
34.28 or surplus food not fitting the conditions of adulteration under section 25.37 or 34A.02;

34.29 (6) "food" means a raw, cooked, processed, or prepared substance, beverage, or ingredient
34.30 used for, entering into the consumption of, or used or intended for use in the preparation of
34.31 a food, drink, confectionery, or condiment for humans or animals;

(7) "food scraps" means inedible food, trimmings from preparing food, and food-processing by-products. Food scraps does not include used cooking oil, grease, any material fitting the conditions of adulteration under section 25.37 or 34A.02, or food that is subject to a governmental or producer recall and that cannot be made to be safe for human or animal consumption;

(8) "food waste" means all discarded food, surplus food that is not donated, food scraps, food fitting the conditions of adulteration under section 25.37 or 34A.02, and food subject to governmental or producer recall and that cannot be made to be safe for human or animal consumption;

(9) "land application of food waste" means the direct application of food waste from food manufacturing or processing activities onto or below the surface of the land to enhance soil health;

(10) "leaving crops unharvested" means not harvesting crops that are otherwise ready for harvesting and instead leaving them in the field or tilling them into the soil;

(11) "surplus food" means food that is not sold or used and that is still safe to be consumed by humans or animals. Surplus food does not include food damaged by pests, mold, bacteria, or other contamination; food that is subject to governmental or producer recall due to food safety and that cannot be made to be safe for human or animal consumption; or any material fitting the conditions of adulteration under section 25.37 or 34A.02; and

(12) "upcycling" means capturing, processing, and remaking parts of food and food scraps into new food products for human or animal consumption when the parts of food and food scraps do not fit the conditions of adulteration under section 25.37 or 34A.02.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision to read:

Subd. 24d. Prepared sewage sludge. "Prepared sewage sludge" means exceptional quality sewage sludge, as defined in Minnesota Rules, part 7041.0100, subpart 20, applied to a lawn or home garden and sold or given away in a bag or other container that:

(1) meets low limits on metal concentrations;

(2) has been treated to ensure pathogens, pollutants, and vectors that can transport disease have been carefully managed; and

(3) is labeled with the nutrient content.

36.1 Sec. 9. [115A.1416] BOAT WRAP PRODUCT STEWARDSHIP PROGRAM.

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

36.4 (b) "Boat" has the meaning given to watercraft under section 86B.005, subdivision 18.

36.5 (c) "Boat wrap" means plastic that is used, intended for use, designed, or marketed for
36.6 the purposes of wrapping a boat to protect it against moisture and damage from other
36.7 potentially harmful elements during storage.

36.8 (d) "Brand" means a name, symbol, word, or mark that identifies boat wrap and attributes
36.9 it to the boat wrap producer.

36.10 (e) "Independent auditor" means an independent and actively licensed certified public
36.11 accountant that is:

36.12 (1) retained by a stewardship organization;

36.13 (2) not otherwise employed by or affiliated with the stewardship organization; and

36.14 (3) qualified to conduct the audit required under subdivision 16.

36.15 (f) "Producer" means, with respect to boat wrap that is sold, offered for sale, imported,
36.16 or distributed in the state by any means, a person that:

36.17 (1) manufactured the boat wrap under a brand that the person owns or controls;

36.18 (2) owns or controls or is licensed to use a brand for boat wrap;

36.19 (3) imported or imports the boat wrap into the United States; or

36.20 (4) distributed or distributes boat wrap in or into the state.

36.21 (g) "Recycle" or "recycling" means the process of transforming boat wrap through
36.22 mechanical processes into a finished product for use or into a new material capable of being
36.23 processed into a finished product. Recycle or recycling does not include:

36.24 (1) altering the chemical structure of boat wrap;

36.25 (2) using boat wrap as or processing boat wrap into a feedstock to produce transportation
36.26 fuels; or

36.27 (3) destroying boat wrap by incineration or other processes.

36.28 (h) "Retailer" means a person that sells or offers boat wrap for sale in or into this state
36.29 by any means.

37.1 (i) "Stewardship organization" means an organization designated by one or more
37.2 producers to act on their behalf as an agent to design, submit, and implement a product
37.3 stewardship plan under this section.

37.4 Subd. 2. **Product stewardship program.** A producer selling or offering boat wrap for
37.5 sale in or into this state must, through membership in a stewardship organization, implement
37.6 and finance a statewide product stewardship program according to a stewardship plan
37.7 approved by the commissioner to reduce the volume of boat wrap disposed of in landfills
37.8 by promoting and providing for the negotiation and execution of agreements to collect,
37.9 transport, reuse, and recycle boat wrap.

37.10 Subd. 3. **Participation required to sell.** (a) On and after September 1, 2025, no person
37.11 may use boat wrap, sell boat wrap, or offer boat wrap for sale in or into this state unless the
37.12 producer participates in an approved stewardship plan through a stewardship organization.

37.13 (b) Each producer must enter into an agreement with a stewardship organization to
37.14 operate, on the producer's behalf, a product stewardship program approved by the
37.15 commissioner.

37.16 (c) All producers offering boat wrap for sale in or into this state must become a member
37.17 of a single stewardship organization implementing a single stewardship plan.

37.18 Subd. 4. **Stewardship plan required.** On or before March 1, 2025, a stewardship
37.19 organization, on behalf of member producers, must submit a stewardship plan to the
37.20 commissioner for review and approval or rejection. A stewardship plan must include all
37.21 elements required under subdivision 5.

37.22 Subd. 5. **Plan content.** A stewardship plan must contain:

37.23 (1) contact information for the individual and the entity submitting the plan, a list of all
37.24 producers participating in the product stewardship program, and the brands of boat wrap
37.25 included in the product stewardship program;

37.26 (2) certification that the product stewardship program will accept all discarded boat wrap
37.27 regardless of who produced it;

37.28 (3) a description of methods by which boat wrap will be collected in all areas of the state
37.29 in compliance with subdivision 14, including:

37.30 (i) an explanation of how the collection system will be convenient and adequate to serve
37.31 the needs of boat owners, marinas, and boat storage establishments in both urban and rural
37.32 areas on an ongoing basis; and

(ii) a discussion of how existing marinas, boat storage establishments, and sites designated as recycling centers under section 115A.555 will be considered when selecting collection sites;

(4) a description of how the performance of the collection and recycling program will be measured, monitored, and maintained;

(5) the names and locations of collectors, transporters, reuse facilities, and recyclers that will manage discarded boat wrap;

(6) a description of how discarded boat wrap will be safely and securely transported, tracked, and handled from collection through final recycling and disposal of residuals;

(7) a description of the methods that will be used to separate and manage nonrecyclable materials attached to boat wrap and to recycle discarded boat wrap;

(8) a description of the promotion and outreach activities that will be undertaken to encourage participation in the boat wrap collection and recycling programs and how their effectiveness will be evaluated;

(9) the annual performance goals established by the commissioner under subdivision 12;

(10) evidence of adequate insurance and financial assurance that may be required for collection, transport, reuse, recycling, and disposal operations; and

(11) a discussion of the status of end markets for collected boat wrap and what, if any, additional end markets are needed to improve the functioning of the program.

Subd. 6. **Consultation required.** In developing a stewardship plan, a stewardship organization must consult with stakeholders, including boat owners, owners of marinas and boat storage establishments, contractors, collectors, recyclers, Tribes, and local government units.

Subd. 7. **Agency review and approval or rejection.** (a) Within 120 days after receiving a proposed stewardship plan, the commissioner must determine whether the plan complies with subdivision 5. If the commissioner approves a plan, the commissioner must notify the applicant of the plan approval in writing. If the commissioner rejects a plan, the commissioner must notify the applicant in writing of the reasons for rejection. An applicant whose plan is rejected by the commissioner must submit a revised plan to the commissioner within 60 days after receiving notice of rejection. If a revised plan is rejected by the commissioner, the commissioner may elect to write a plan that the applicant must implement.

(b) Commissioner approval of a written plan amendment is required before a stewardship organization may make any change to an approved plan or its implementation. A proposed plan amendment must be submitted to the commissioner for review and approval or rejection according to paragraph (a) and subdivision 8.

(c) A stewardship organization may operate under an approved stewardship plan for five years after the date the plan is approved by the commissioner, at which time the plan expires.

(d) Six months before an approved stewardship plan expires, a stewardship organization must submit a new proposed stewardship plan to the commissioner that meets the requirements of this section. The commissioner must review and approve or reject the new proposed stewardship plan according to this subdivision and subdivision 8.

Subd. 8. **Plan availability.** The commissioner must make a proposed stewardship plan or proposed plan amendment available on the agency website for public review and comment at least 45 days before the commissioner's decision regarding plan approval or rejection. The commissioner must make an approved stewardship plan available on the agency website.

Subd. 9. **Conduct authorized.** A stewardship organization that organizes collection, transport, reuse, and recycling of boat wrap under this section is immune from liability for conduct under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce only to the extent that the conduct is necessary to plan and implement the producer's or organization's chosen collection, transportation, reuse, or recycling program.

Subd. 10. **Stewardship organization responsibilities.** A stewardship organization must provide boat wrap purchasers with educational materials regarding the product stewardship program. The materials must include, but are not limited to, information regarding available collection, transportation, reuse, and recycling options for boat wrap offered through the product stewardship program.

Subd. 11. **Retailer responsibilities.** (a) A retailer and a wholesaler are responsible for reviewing the list of compliant producers on the agency website, maintained under subdivision 12, to determine whether a producer is compliant with this section.

(b) A retailer or wholesaler of boat wrap is not in violation of this subdivision if, on the date the boat wrap was ordered from a producer or wholesaler, the producer was listed as compliant on the agency website.

(c) A retailer may elect to participate as a designated point where boat wrap is collected as part of a product stewardship program approved under this section and in accordance with applicable law.

Subd. 12. **Agency responsibilities.** (a) The commissioner must maintain on the agency website a list of all compliant producers and brands participating in a stewardship plan that the commissioner has approved and a list of all producers and brands the commissioner has identified as noncompliant with this section.

(b) The commissioner must, in consultation with the stewardship organization, establish annual performance goals regarding the percentage and weight of boat wrap collected and recycled that the stewardship organization must incorporate into its stewardship plan and meet annually. The performance goals must increase each year and be based on:

(1) the most recent collection data available for the state;

(2) the estimated weight of boat wrap sold and discarded annually;

(3) actual collection data from boat wrap recycling or stewardship programs operating in other states; and

(4) continuous progress necessary to meet the requirements in paragraph (c).

(c) By June 1, 2030, no less than 50 percent of the total weight of boat wrap sold in this state must be collected and recycled. By June 1, 2035, no less than 80 percent of the total weight of boat wrap sold in this state must be collected and recycled.

(d) After June 1, 2035, the commissioner may establish additional requirements for the percentage of boat wrap sold in the state that must be collected and recycled. The requirements must not be less than those listed in this subdivision and must be based on the factors in paragraph (b), clauses (1) to (3).

Subd. 13. **Administrative fee.** (a) A stewardship organization must pay an annual administrative fee to the commissioner. Before June 1, 2025, and before each June 1 thereafter, the commissioner must identify the costs the agency incurs to administer and enforce this section. The commissioner must set the fee at an amount that, when paid by the stewardship organization, is sufficient to reimburse the agency's full costs of administering and enforcing this section but does not exceed those costs.

(b) A stewardship organization must pay the administrative fee required under this subdivision on or before July 1, 2025, and annually thereafter, on a schedule and in a manner prescribed by the commissioner.

41.1 (c) The commissioner must deposit all fees received under this subdivision in the account
41.2 established in subdivision 15.

41.3 Subd. 14. **User fees prohibited.** The stewardship program must be fully paid for by
41.4 producers, without any fee, charge, surcharge, or any other cost to members of the public,
41.5 businesses other than a producer, persons managing boat wrap, the state or any political
41.6 subdivision, or any other person who is not a producer.

41.7 Subd. 15. **Account established.** (a) A boat wrap stewardship account is established in
41.8 the special revenue fund in the state treasury. The account consists of money received from
41.9 the administrative fee established in subdivision 13. The commissioner must manage the
41.10 account.

41.11 (b) Money in the account is appropriated annually to the commissioner for administering
41.12 and enforcing this section.

41.13 Subd. 16. **Stewardship reports.** Beginning March 1, 2026, and each March 1 thereafter,
41.14 a stewardship organization operating under this section must submit an annual report to the
41.15 commissioner describing the program operations of the stewardship plan during the previous
41.16 calendar year. At a minimum, the report must contain:

41.17 (1) a description of the methods used to collect, transport, reuse, and recycle discarded
41.18 boat wrap in all regions of the state;

41.19 (2) the weight of all boat wrap collected and recycled in each separate region of the
41.20 state;

41.21 (3) the weight of all boat wrap sold in the state;

41.22 (4) the weight of discarded boat wrap collected in the state by method of disposition,
41.23 including recycling, reuse, disposal of residuals, and other methods of processing;

41.24 (5) a comparison of the amount of boat wrap collected and recycled with the performance
41.25 goals established according to subdivision 12 and, if the goals have not been met, a discussion
41.26 of why the performance goals were not met and proposed modifications to the collection
41.27 program the stewardship organization will implement to ensure that future performance
41.28 goals will be met;

41.29 (6) samples of educational materials provided to boat wrap consumers, marinas, and
41.30 boat storage establishments and an evaluation of the effectiveness of the materials and the
41.31 methods used to disseminate the materials; and

(7) an independent financial audit of stewardship organization activities performed by an independent auditor. The independent auditor must be selected by the stewardship organization and approved or rejected by the commissioner. If the commissioner rejects an independent auditor, the operator must select a different independent auditor for approval or rejection by the commissioner. The independent audit must meet the requirements of Accounting Standards Update 2018-08, Not-for-Profit Entities (Topic 958), Financial Accounting Standards Board, as amended.

Subd. 17. **Data classification.** Trade secret and sales information, as defined under section 13.37, submitted to the commissioner under this section are private or nonpublic data under section 13.37.

Subd. 18. **Duty to provide information.** Upon request of the commissioner for purposes of determining compliance with this section, a person must furnish to the commissioner any information that the person has or may reasonably obtain.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. **[115A.412] WASTE COMPOSITION; INFORMATION REQUIRED.**

Subdivision 1. **Study required.** (a) Every three years, beginning in 2029, the commissioner must direct the owners and operators at 20 percent of each of the following facility types to perform a waste composition study:

(1) mixed municipal solid waste land disposal facilities;

(2) industrial solid waste land disposal facilities;

(3) demolition debris land disposal facilities;

(4) transfer stations that annually transfer more than 5,000 tons of waste to a facility outside Minnesota; and

(5) other facilities identified by the commissioner.

(b) The waste composition study must be performed at the sole expense of each owner or operator as directed by the commissioner.

(c) When selecting facilities for waste composition studies, the commissioner must rotate the participants so that, over time, the studies cover the entirety of the facilities identified under paragraph (a). The commissioner must determine the time frame for each study in the three-year cycle. The owner or operator of each selected facility must complete the study within one year of being notified by the commissioner of selection to perform a waste composition study.

43.1 Subd. 2. **Study requirements.** (a) The commissioner must:

43.2 (1) determine the sampling methods to be used and the categories of materials to be
43.3 sampled for waste composition studies; and

43.4 (2) provide the sampling methods and any additional requirements identified by the
43.5 commissioner to each owner or operator directed to perform a study.

43.6 (b) The sampling methods must include the number of samples to be taken, the size or
43.7 weight of each sample, the duration of a sampling event, the sampling interval, and any
43.8 additional methods identified by the commissioner. The categories of materials to be sampled
43.9 must include categories and subcategories identified by the commissioner to represent the
43.10 materials present at each facility.

43.11 (c) Resource recovery facilities required to do waste sorts required under air rules adopted
43.12 under section 116.07 must use the study requirements developed under this section when
43.13 conducting waste composition analysis to meet the rule requirements.

43.14 (d) The commissioner must obtain input from counties, cities, and owners or operators
43.15 of waste facilities before finalizing the sampling methods and requirements. The
43.16 commissioner must consider cost effectiveness and data quality when determining the
43.17 sampling methods.

43.18 Subd. 3. **Report.** Within six months after completing a waste composition study required
43.19 under this section, the owner or operator of a facility must submit the raw data and results
43.20 of the study to the commissioner in a form and manner prescribed by the commissioner.

43.21 Subd. 4. **Compilation.** After each three-year cycle, the commissioner must compile and
43.22 summarize the waste composition data received under subdivision 3. The commissioner
43.23 must make the summary information available to the public.

43.24 Subd. 5. **Additional studies; information.** (a) The commissioner may conduct additional
43.25 waste composition studies at facilities described in subdivision 1.

43.26 (b) Upon request of the commissioner for purposes of determining compliance with this
43.27 section, a person must furnish to the commissioner any information that the person has or
43.28 may reasonably obtain.

43.29 (c) The owner or operator of a facility shall allow access upon reasonable notice to
43.30 authorized agency staff for the purpose of conducting waste composition studies.

44.1 Sec. 11. Minnesota Statutes 2022, section 115A.5502, is amended to read:

44.2 **115A.5502 PACKAGING PRACTICES; PREFERENCES; GOALS.**

44.3 Packaging forms a substantial portion of solid waste and contributes to environmental
44.4 degradation and the costs of managing solid waste. It is imperative to reduce the amount
44.5 and toxicity of packaging that must be managed as solid waste. In order to achieve significant
44.6 reduction of packaging in solid waste ~~and to assist packagers and others to meet the packaging~~
44.7 ~~reduction goal in section 115A.5501~~, the goal of the state is that items be distributed without
44.8 any packaging where feasible and, only when necessary to protect health and safety or
44.9 product integrity, with the minimal amount of packaging possible. The following categories
44.10 of packaging are listed in order of preference for use by all persons who find it necessary
44.11 to package items for distribution or use in the state:

44.12 (1) minimal packaging that contains no intentionally introduced toxic materials and that
44.13 is designed to be and actually is reused for its original purpose at least five times;

44.14 (2) minimal packaging that contains no intentionally introduced toxic materials and
44.15 consists of a significant percentage of postconsumer material;

44.16 (3) minimal packaging that contains no intentionally introduced toxic materials, that is
44.17 recyclable, and is regularly collected through recycling collection programs available to at
44.18 least 75 percent of the residents of the state;

44.19 (4) minimal packaging that does not comply with clause (1), (2), or (3) because it is
44.20 required under federal or state law and for which there does not exist a commercially feasible
44.21 alternative that does comply with clause (1), (2), or (3);

44.22 (5) packaging that contains no intentionally introduced toxic materials but does not
44.23 comply with clauses (1) to (4); and

44.24 (6) all other packaging.

44.25 Sec. 12. Minnesota Statutes 2022, section 115B.421, is amended to read:

44.26 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

44.27 Subdivision 1. Establishment. (a) The closed landfill investment fund is established in
44.28 the state treasury. The fund consists of money credited to the fund and interest and other
44.29 earnings on money in the fund. Funds must be deposited as described in section 115B.445.
44.30 The fund must be managed to maximize long-term gain through the State Board of
44.31 Investment.

(b) Each fiscal year, up to \$4,500,000 is appropriated from the closed landfill investment fund to the commissioner for the purposes of sections 115B.39 to 115B.444.

(c) If the commissioner determines that a release or threatened release from a qualified facility for which the commissioner has assumed obligations for environmental response actions under section 115B.40 or 115B.406 constitutes an emergency requiring immediate action to prevent, minimize, or mitigate damage either to the public health or welfare or the environment or to a system designed to protect the public health or welfare or the environment, up to \$9,000,000 in addition to the amount appropriated under paragraph (b) is appropriated to the commissioner in the first year of the biennium and may be spent by the commissioner to take reasonable and necessary emergency response actions. Money not spent in the first year of the biennium may be spent in the second year. If money is appropriated under this paragraph, the commissioner must notify the chairs of the senate and house of representatives committees having jurisdiction over environment policy and finance as soon as possible. The commissioner must maintain the fund balance to ensure long-term viability of the fund and reflect the responsibility of the landfill cleanup program in perpetuity.

(d) Paragraphs (b) and (c) expire June 30, 2025.

Subd. 2. **Local notification.** If money in the closed landfill investment fund is spent or transferred for purposes other than the purposes provided under sections 115B.39 to 115B.444, the commissioner must provide written notification to each county with a qualified facility within 30 days of the transfer or expenditure that includes the amount, purpose, and authority used to spend or transfer the money.

Sec. 13. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to read:

Subd. 4n. **Compliance protocols.** (a) The commissioner must develop a compliance protocol for use under this subdivision, consisting of:

(1) methods the agency requires a facility to employ to physically measure the actual emissions of each air toxic emitted by the facility; and

(2) the frequency with which the facility must employ each method.

(b) Methods of physical measurement the agency may require include but are not limited to:

(1) continuous emission monitoring systems;

- 46.1 (2) performance tests;
- 46.2 (3) ambient monitoring near the facility;
- 46.3 (4) portable monitoring units that have been calibrated with performance tests or
- 46.4 continuous emission monitors; and
- 46.5 (5) any other physical method of measuring actual emissions that the commissioner
- 46.6 determines is accurate and technically and physically feasible.
- 46.7 (c) For violations of state and federal air pollution laws involving emissions of hazardous
- 46.8 air pollutants, the commissioner may require a compliance protocol as part of a state
- 46.9 individual air quality permit issued in response to an enforcement action.
- 46.10 (d) The commissioner may require a facility to employ quality control measures and
- 46.11 procedures to ensure that pollution control equipment and emissions monitoring equipment
- 46.12 are properly calibrated, operated, and maintained to ensure accuracy.
- 46.13 (e) For the purposes of this subdivision, "state individual air quality permit" means an
- 46.14 air quality permit that:
- 46.15 (1) is issued to an individual facility that is required to obtain a permit under Minnesota
- 46.16 Rules, part 7007.0250, subparts 2 to 6; and
- 46.17 (2) is not a general permit issued under Minnesota Rules, part 7007.1100.
- 46.18 (f) Beginning January 15, 2025, the commissioner must annually submit a report to the
- 46.19 chairs and ranking minority members of the environment and natural resources finance and
- 46.20 policy committees on the use of compliance protocols over the preceding year.
- 46.21 Sec. 14. Minnesota Statutes 2022, section 116.07, subdivision 9, is amended to read:
- 46.22 Subd. 9. **Orders; investigations.** ~~The agency shall have~~ the commissioner has the following
- 46.23 powers and duties for ~~the enforcement of~~ enforcing any provision of this chapter and chapter
- 46.24 114C, relating to air contamination or waste:
- 46.25 (1) to adopt, issue, reissue, modify, deny, revoke, reopen, enter into or enforce reasonable
- 46.26 orders, schedules of compliance and stipulation agreements;
- 46.27 (2) to require the owner or operator of any emission facility, air contaminant treatment
- 46.28 facility, potential air contaminant storage facility, or any system or facility related to the
- 46.29 storage, collection, transportation, processing, or disposal of waste to establish and maintain
- 46.30 records; to make reports; to install, use, and maintain monitoring equipment or methods;
- 46.31 and to make tests, including testing for odor where a nuisance may exist, in accordance with

methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(3) to conduct investigations, issue notices, public and otherwise, and order hearings as it may deem necessary or advisable for the discharge of its duties under this chapter and chapter 114C, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices; and

(4) when appropriate, requiring parties who enter into a negotiated agreement to settle an enforcement matter with the agency to reimburse the agency for oversight costs. The agency may recover oversight costs only if the agency's costs exceed \$25,000. If oversight costs exceed \$25,000, the agency may recover all the oversight costs incurred by the agency that are associated with implementing the negotiated agreement. Oversight costs may include but are not limited to any costs associated with inspections, sampling, monitoring, modeling, risk assessment, permit writing, engineering review, economic analysis and review, and other record or document review. Estimates of anticipated oversight costs must be disclosed in the negotiated agreement, and estimates must be periodically updated and disclosed to the parties to the negotiated agreement. The agency's legal and litigation costs are not recoverable under this clause. In addition to settlement agreements, the commissioner has discretion as to whether to apply this clause in cases where the agency is using schedules of compliance to bring a class of regulated parties into compliance.

Sec. 15. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to read:

Subd. 9a. **Stipulation agreements.** If a party to a stipulation agreement asserts a good cause or force majeure claim for an extension of time to comply with a stipulated term, the commissioner may deny the extension if the assertion is based solely on increased costs of compliance.

Sec. 16. Minnesota Statutes 2022, section 116.072, subdivision 2, is amended to read:

Subd. 2. **Amount of penalty; considerations.** (a) The commissioner or county board may issue orders assessing penalties up to ~~\$20,000~~ \$25,000 for violations identified during an inspection or other compliance review.

(b) In determining the amount of a penalty, the commissioner or county board ~~may~~ must consider:

48.1 (1) the willfulness of the violation;

48.2 (2) the gravity of the violation, including damage to humans, animals, air, water, land,
48.3 or other natural resources of the state;

48.4 (3) the history of past violations;

48.5 (4) the number of violations;

48.6 (5) the economic benefit gained by the person by allowing or committing the violation;
48.7 and

48.8 (6) other factors as justice may require, if the commissioner or county board specifically
48.9 identifies the additional factors in the commissioner's or county board's order.

48.10 (c) For a violation after an initial violation, the commissioner or county board ~~shall~~ must,
48.11 in determining the amount of a penalty, consider the factors in paragraph (b) and the:

48.12 (1) similarity of the most recent previous violation and the violation to be penalized;

48.13 (2) time elapsed since the last violation;

48.14 (3) number of previous violations; and

48.15 (4) response of the person to the most recent previous violation identified.

48.16 Sec. 17. Minnesota Statutes 2022, section 116.072, subdivision 5, is amended to read:

48.17 Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner or county
48.18 board determines that the violation has been corrected or appropriate steps have been taken
48.19 to correct the action, the penalty must be forgiven. Unless the person requests review of the
48.20 order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and
48.21 payable:

48.22 (1) on the 31st day after the order was received, if the person subject to the order fails
48.23 to provide information to the commissioner or county board showing that the violation has
48.24 been corrected or that appropriate steps have been taken toward correcting the violation; or

48.25 (2) on the 20th day after the person receives the commissioner's or county board's
48.26 determination under subdivision 4, paragraph (b), if the person subject to the order has
48.27 provided information to the commissioner or county board that the commissioner or county
48.28 board determines is not sufficient to show the violation has been corrected or that appropriate
48.29 steps have been taken toward correcting the violation.

48.30 (b) For a repeated or serious violation, the commissioner or county board may issue an
48.31 order with a penalty that will not be forgiven after the corrective action is taken. A penalty

for a repeated violation that occurs within 36 months after one or more previous violations
must be at least ten percent higher than the penalty imposed for the most recent violation,
except the amount must not exceed the maximum penalty established in subdivision 2. The
penalty is due by 31 days after the order was received unless review of the order under
subdivision 6, 7, or 8 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under
this subdivision on the 31st day after the order with the penalty was received.

Sec. 18. Minnesota Statutes 2022, section 116.11, is amended to read:

116.11 EMERGENCY POWERS.

Subdivision 1. Imminent and substantial danger. If there is imminent and substantial
danger to the health and welfare of the people of the state, or of any of them, as a result of
the pollution of air, land, or water, the agency commissioner may by emergency order direct
the immediate discontinuance or abatement of the pollution without notice and without a
hearing or at the request of the agency commissioner, the attorney general may bring an
action in the name of the state in the appropriate district court for a temporary restraining
order to immediately abate or prevent the pollution. The agency commissioner's order or
temporary restraining order ~~shall remain~~ is effective until notice, hearing, and determination
pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order
of the agency commissioner in these cases ~~shall be~~ is appealable in accordance with chapter
14.

Subd. 2. Other acts of concern. (a) The commissioner may exercise the authority under
paragraph (b) when the commissioner has evidence of any of the following:

(1) falsification of records;

(2) a history of noncompliance with schedules of compliance or terms of a stipulation
agreement;

(3) chronic or substantial permit violations; or

(4) operating with or without a permit where there is evidence of danger to the health
or welfare of the people of the state or evidence of environmental harm.

(b) When the commissioner has evidence of behavior specified in paragraph (a),
regardless of the presence of imminent and substantial danger, the commissioner may
investigate and may:

(1) suspend or revoke a permit;

- 50.1 (2) issue an order to cease operation or activities;
- 50.2 (3) require financial assurances;
- 50.3 (4) reopen and modify a permit to require additional terms;
- 50.4 (5) require additional agency oversight; or
- 50.5 (6) pursue other actions deemed necessary to abate pollution and protect human health.

50.6 Sec. 19. **[116.2021] STATE SALT PURCHASE REPORT AND REDUCTION GOAL.**

50.7 Subdivision 1. **Definition.** For the purposes of this section, "deicing salt" refers to salt

50.8 in its solid form used to melt snow and ice, excluding salt used on roads managed by the

50.9 Department of Transportation.

50.10 Subd. 2. **Salt purchase report.** By February 1, 2025, and every year thereafter, the

50.11 commissioner of the Pollution Control Agency, in cooperation with other state agencies,

50.12 must submit a report to the chairs and ranking minority members of the legislative committees

50.13 and divisions with jurisdiction over environment and natural resources policy and finance

50.14 that details the purchase of deicing salt by state agencies, excluding the Department of

50.15 Transportation, and strategies to meet the salt reduction goal established in subdivision 3.

50.16 Subd. 3. **Reduction goal.** It is the goal of the state that no later than January 1, 2030,

50.17 state agencies will reduce the purchase of deicing salt by 25 percent from the level first

50.18 reported under subdivision 2.

50.19 Subd. 4. **Sunset.** This section expires January 1, 2030.

50.20 Sec. 20. **[116.2022] STATE NITROGEN FERTILIZER PURCHASE REPORT AND**

50.21 **REDUCTION GOAL.**

50.22 Subdivision 1. **Nitrogen fertilizer report.** By February 1, 2025, and every year thereafter,

50.23 the commissioner of the Pollution Control Agency, in cooperation with other state agencies,

50.24 must submit a report to the chairs and ranking minority members of the legislative committees

50.25 and divisions with jurisdiction over environment and natural resources policy and finance

50.26 that details the purchase of nitrogen fertilizer by state agencies and strategies to meet the

50.27 nitrogen fertilizer reduction goal established in subdivision 2.

50.28 Subd. 2. **Reduction goal.** It is the goal of the state that no later than January 1, 2030,

50.29 state agencies will reduce the purchase of nitrogen fertilizer by 25 percent from the level

50.30 first reported under subdivision 1.

50.31 Subd. 3. **Sunset.** This section expires January 1, 2030.

51.1 Sec. 21. **[116.391] RESILIENT COMMUNITY ASSISTANCE PROGRAM.**

51.2 Subdivision 1. **Citation.** This section may be cited as the "Minnesota Resilient

51.3 Community Act."

51.4 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision

51.5 have the meanings given.

51.6 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

51.7 (c) "Local government unit" means any unit of government other than a state or federal

51.8 unit of government and includes watershed districts established according to chapter 103D,

51.9 soil and water conservation districts, watershed management organizations, counties, towns,

51.10 cities, port authorities, housing authorities, regional development commissions, school

51.11 districts, and the Metropolitan Council.

51.12 (d) "Tribal government" means any of the Minnesota Tribal governments defined under

51.13 section 10.65, subdivision 2, clause (4), and includes Tribal organizations designated by

51.14 any of the Minnesota Tribal governments.

51.15 Subd. 3. **Establishment.** (a) The commissioner must establish a resilient community

51.16 assistance program to:

51.17 (1) assist local government units, Tribal governments, and other relevant organizations

51.18 as determined by the commissioner in adapting to and developing community resilience to

51.19 impacts of climate change;

51.20 (2) help coordinate climate adaptation planning, implementation, and evaluation efforts

51.21 among state agencies, local government units, Tribal governments, and other relevant

51.22 organizations; and

51.23 (3) address inequities due to social, economic, historical, and political factors that result

51.24 in some communities having less ability to prepare for, cope with, and recover from impacts

51.25 of climate change.

51.26 (b) To address inequities under paragraph (a), clause (3), the commissioner must seek

51.27 input and collaboration from disproportionately impacted communities.

51.28 Subd. 4. **Program elements.** The resilient community assistance program may include

51.29 but is not limited to:

51.30 (1) developing, assembling, and disseminating information on climate adaptation and

51.31 resilience;

51.32 (2) technical assistance for climate adaptation and resilience;

52.1 (3) financial assistance programs that provide grants or loans for resilience planning and
52.2 for implementing climate adaptation and resilience actions, coordinated with the Public
52.3 Facilities Authority, as necessary, for state bond-funded projects;

52.4 (4) outreach, including seminars, workshops, training programs, and other similar
52.5 activities, designed to provide education and information on climate adaptation and resilience
52.6 to local government units, Tribal governments, and other relevant organizations as determined
52.7 by the commissioner;

52.8 (5) coordinating, implementing, and measuring progress on climate adaptation and
52.9 resilience and measuring local government and Tribal government climate adaptation in
52.10 Minnesota; and

52.11 (6) other efforts needed to support climate adaptation and community resilience in
52.12 Minnesota as determined by the commissioner.

52.13 Subd. 5. **Administration.** (a) In administering the program, the commissioner may
52.14 coordinate with administrators of other public and private programs that provide technical
52.15 and financial assistance to local government units, Tribal governments, and other relevant
52.16 organizations that receive assistance under this section.

52.17 (b) The commissioner may make grants to or enter into contracts with public or private
52.18 entities to operate elements of the program. Grantees under this paragraph must provide the
52.19 commissioner with periodic reports on their efforts to assist in administering the program.

52.20 (c) When operating or participating in elements of the program according to a grant or
52.21 contract under paragraph (b), a person is an employee of the state who is certified to be
52.22 acting within the scope of employment for purposes of indemnification under section 3.736,
52.23 subdivision 9, for claims that arise out of the information, assistance, and recommendations
52.24 covered by the grant or contract. The state is not obligated to defend or indemnify a grantee
52.25 or contractor under this subdivision to the extent of the grantee's or contractor's liability
52.26 insurance. The grantee's or contractor's right to indemnity is not a waiver of limitations,
52.27 defenses, and immunities available to either the grantee or contractor or the state by law.

52.28 Subd. 6. **Award for excellence in community resilience.** The governor or commissioner
52.29 may issue annual awards in the form of a commendation for excellence in climate adaptation
52.30 and resilience. The commissioner must administer applications for the awards.

53.1 Sec. 22. Minnesota Statutes 2022, section 116.92, is amended by adding a subdivision to
53.2 read:

53.3 Subd. 7b. **Ban; mercury-containing general purpose lighting.** (a) For purposes of this
53.4 subdivision, the following terms have the meanings given:

53.5 (1) "compact fluorescent lamp" means a compact low-pressure, mercury-containing,
53.6 electric-discharge light source:

53.7 (i) of any tube diameter or tube length;

53.8 (ii) of any lamp size or shape for directional and nondirectional installations, including
53.9 but not limited to PL, spiral, twin tube, triple twin, 2D, U-bend, and circular;

53.10 (iii) in which a fluorescent coating transforms some of the ultraviolet energy generated
53.11 by the mercury discharge into visible light;

53.12 (iv) that has one base or end cap of any type, including but not limited to screw, bayonet,
53.13 two pins, and four pins;

53.14 (v) that is integrally ballasted or non-integrally ballasted; and

53.15 (vi) that has light emission between a correlated color temperature of 1700K and 24000K
53.16 and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE)
53.17 Uniform Color Space (CAM02-UCS);

53.18 (2) "linear fluorescent lamp" means a low-pressure, mercury-containing, electric-discharge
53.19 light source:

53.20 (i) of any tube diameter, including but not limited to T5, T8, T10, and T12;

53.21 (ii) with a tube length from 0.5 to 8.0 feet, inclusive;

53.22 (iii) of any lamp shape, including but not limited to linear, U-bend, and circular;

53.23 (iv) in which a fluorescent coating transforms some of the ultraviolet energy generated
53.24 by the mercury discharge into visible light;

53.25 (v) that has two bases or end caps of any type, including but not limited to single-pin,
53.26 two-pin, and recessed double contact; and

53.27 (vi) that has light emission between a correlated color temperature of 1700K and 24000K
53.28 and a Duv of +0.024 and -0.024 in the CIE CAM02-UCS;

53.29 (3) "mercury vapor lamp" means a high-intensity discharge lamp, including clear,
53.30 phosphor-coated, and self-ballasted screw base lamps, in which the major portion of the

54.1 light is produced by radiation from mercury typically operating at a partial vapor pressure
54.2 in excess of 100,000 pascals;

54.3 (4) "mercury vapor lamp ballast" means a device that is designed and marketed to start
54.4 and operate mercury vapor lamps intended for general illumination by providing the necessary
54.5 voltage and current; and

54.6 (5) "specialty application mercury vapor lamp ballast" means a mercury vapor lamp
54.7 ballast:

54.8 (i) that is designed and marketed for operating mercury vapor lamps used in quality
54.9 inspection, industrial processing, or scientific applications, including fluorescent microscopy
54.10 and ultraviolet curing; and

54.11 (ii) the label of which states "For specialty applications only, not for general illumination"
54.12 and indicates the specific applications for which the ballast is designed.

54.13 (b) Effective January 1, 2025, a person may not sell, offer for sale, or distribute in the
54.14 state as a new manufactured product a screw- or bayonet-base type compact fluorescent
54.15 lamp, a mercury vapor lamp, or a mercury vapor lamp ballast, whether sold separately, in
54.16 a retrofit kit, or in a luminaire. Effective January 1, 2026, a person may not sell, offer for
54.17 sale, or distribute in the state as a new manufactured product a pin-base type compact
54.18 fluorescent lamp or a linear fluorescent lamp.

54.19 (c) This subdivision does not apply to:

54.20 (1) a lamp designed and marketed exclusively for image capture and projection, including
54.21 for:

54.22 (i) photocopying;

54.23 (ii) printing, directly or in preprocessing;

54.24 (iii) lithography;

54.25 (iv) film and video projection; or

54.26 (v) holography;

54.27 (2) a lamp that has a high proportion of ultraviolet light emission and that:

54.28 (i) has high ultraviolet content and ultraviolet power greater than two milliwatts per
54.29 kilolumen;

54.30 (ii) is for germicidal use, such as for destroying DNA, and emits a peak radiation of
54.31 approximately 253.7 nanometers;

55.1 (iii) is designed and marketed exclusively for disinfection or fly-trapping and from
55.2 which:

55.3 (A) the radiation power emitted between 250 and 315 nanometers represents at least
55.4 five percent of the total radiation power emitted between 250 and 800 nanometers; or

55.5 (B) the radiation power emitted between 315 and 400 nanometers represents at least 20
55.6 percent of the total radiation power emitted between 250 and 800 nanometers;

55.7 (iv) is designed and marketed exclusively for generating ozone when the primary purpose
55.8 is to emit radiation at approximately 185.1 nanometers;

55.9 (v) is designed and marketed exclusively for coral zooxanthellae symbiosis and from
55.10 which the radiation power emitted between 400 and 480 nanometers represents at least 40
55.11 percent of the total radiation power emitted between 250 and 800 nanometers; or

55.12 (vi) is designed and marketed exclusively for use in a sunlamp product, as defined in
55.13 Code of Federal Regulations, title 21, section 1040.20(b)(9) (2022);

55.14 (3) specialty application mercury vapor lamp ballasts; or

55.15 (4) a compact fluorescent lamp used to replace a lamp in a motor vehicle if the motor
55.16 vehicle was manufactured on or before January 1, 2020.

55.17 (d) Nothing in this section limits the ability of a utility to offer energy-efficient lighting,
55.18 rebates, or lamp-recycling services or to claim energy savings resulting from such programs
55.19 through the utility's energy conservation and optimization plans approved by the
55.20 commissioner of commerce under section 216B.241 or an energy conservation and
55.21 optimization plan filed by a consumer-owned utility under section 216B.2403.

55.22 Sec. 23. Minnesota Statutes 2022, section 116D.02, subdivision 2, is amended to read:

55.23 Subd. 2. **State responsibilities.** In order to carry out the policy set forth in Laws 1973,
55.24 chapter 412, it is the continuing responsibility of the state government to use all practicable
55.25 means, consistent with other essential considerations of state policy, to improve and
55.26 coordinate state plans, functions, programs and resources to the end that the state may:

55.27 (1) fulfill the responsibilities of each generation as trustee of the environment for
55.28 succeeding generations;

55.29 (2) assure for all people of the state safe, healthful, productive, and aesthetically and
55.30 culturally pleasing surroundings;

56.1 (3) discourage ecologically unsound aspects of population, economic and technological
56.2 growth, and develop and implement a policy such that growth occurs only in an
56.3 environmentally acceptable manner;

56.4 (4) preserve important historic, cultural, and natural aspects of our national heritage,
56.5 and maintain, wherever practicable, an environment that supports diversity, and variety of
56.6 individual choice;

56.7 (5) encourage, through education, a better understanding of natural resources management
56.8 principles that will develop attitudes and styles of living that minimize environmental
56.9 degradation;

56.10 (6) develop and implement land use and environmental policies, plans, and standards
56.11 for the state as a whole and for major regions thereof through a coordinated program of
56.12 planning and land use control;

56.13 (7) define, designate, and protect environmentally sensitive areas;

56.14 (8) establish and maintain statewide environmental information systems sufficient to
56.15 gauge environmental conditions;

56.16 (9) practice thrift in the use of energy and maximize the use of energy efficient systems
56.17 ~~for the utilization of~~ producing, distributing, and using energy, including recovering and
56.18 reusing waste heat, and minimize the environmental impact from energy production and
56.19 use;

56.20 (10) preserve important existing natural habitats of rare and endangered species of plants,
56.21 wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation,
56.22 including necessary protective measures where appropriate;

56.23 (11) reduce wasteful practices which generate solid wastes;

56.24 (12) minimize wasteful and unnecessary depletion of nonrenewable resources;

56.25 (13) conserve natural resources and minimize environmental impact by encouraging
56.26 ~~extension of extended product lifetime, by lifetimes;~~ reducing the number of unnecessary
56.27 and wasteful materials practices; and ~~by~~ recycling materials, water, and energy to conserve
56.28 both materials and energy;

56.29 (14) improve management of renewable resources in a manner compatible with
56.30 environmental protection;

56.31 (15) provide for reclamation of mined lands and assure that any mining is accomplished
56.32 in a manner compatible with environmental protection;

(16) reduce the deleterious impact on air and water quality from all sources, including the deleterious environmental impact due to operation of vehicles with internal combustion engines in urbanized areas;

(17) minimize noise, particularly in urban areas;

(18) prohibit, where appropriate, floodplain development in urban and rural areas; and

(19) encourage advanced waste treatment in abating water pollution.

Sec. 24. Minnesota Statutes 2022, section 473.845, is amended by adding a subdivision to read:

Subd. 3a. **Local notification.** If money in the metropolitan landfill contingency action trust account is spent or transferred for purposes other than the purposes provided under this section, the commissioner must provide written notification to each county with a facility eligible for spending from the metropolitan landfill contingency action trust account within 30 days of the transfer or expenditure that includes the amount, purpose, and authority used to spend or transfer the money.

Sec. 25. Laws 2023, chapter 60, article 3, section 35, is amended to read:

Sec. 35. **RESOURCE MANAGEMENT; REPORT.**

(a) By ~~July 15, 2025~~ January 15, 2026, the commissioner of the Pollution Control Agency must conduct a study and prepare a report that includes a pathway to implement resource management policies, programs, and infrastructure. The commissioner must submit the report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over environmental policy and finance and energy policy. The report must include:

(1) an overview of how municipal solid waste is currently managed, including how much material is generated in the state and is reused, recycled, composted, digested, or disposed of;

(2) a summary of infrastructure, programs, policies, and resources needed to reduce the amount of materials disposed of in landfills or incinerators statewide by more than 90 percent over a 2021 baseline by 2045 or sooner. The summary must include analysis and recommendations of scenarios above Waste-to-Energy on the state's Waste Hierarchy that maximizes the environmental benefits when meeting the 90 percent reduction target;

(3) an analysis of:

58.1 (i) waste prevention program impacts and opportunities;

58.2 (ii) how much additional capacity is needed after prevention for reuse, recycling,
58.3 composting, and anaerobic digestion systems to achieve that goal; and

58.4 (iii) what steps can be taken to implement that additional capacity, including working
58.5 collaboratively with local governments, industry, and community-based organizations to
58.6 invest in such facilities and to work together to seek additional state and federal funding
58.7 assistance;

58.8 (4) strategic programmatic, regulatory, and policy initiatives that will be required to
58.9 produce source reduction, rethink and redesign products and packaging to more efficiently
58.10 use resources, and maximize diversion from disposal of materials in a way that prevents
58.11 pollution and does not discharge to land, water, or air or threaten the environment or human
58.12 health;

58.13 (5) recommendations for reducing the environmental and human health impacts of waste
58.14 management, especially across environmental justice areas as defined under Minnesota
58.15 Statutes, section 115A.03, and ensuring that the benefits of these resource management
58.16 investments, including the creation of well-paying green jobs, flow to disadvantaged
58.17 communities that are marginalized, underserved, and overburdened by pollution and that
58.18 land, water, air, and climate impacts are considered; and

58.19 (6) a review of feasibility, assumptions, costs, and milestones necessary to meet study
58.20 goals.

58.21 (b) The commissioner must obtain input from counties and cities inside and outside the
58.22 seven-county metropolitan area; reuse, recycling, and composting facilities; anaerobic
58.23 digestion facilities; waste haulers; environmental organizations; community-based
58.24 organizations; Tribal representatives; and diverse communities located in environmental
58.25 justice areas that contain a waste facility. The commissioner must provide for an open public
58.26 comment period of at least 60 days on the draft report. Written public comments and
58.27 commissioner responses to all those comments must be included in the final report.

58.28 Sec. 26. Laws 2023, chapter 60, article 8, section 6, subdivision 9, is amended to read:

58.29 Subd. 9. **Report to legislature.** No later than ~~March~~ February 15, ~~2025~~ 2026, the
58.30 commissioner must submit a report to the chairs and ranking minority members of the
58.31 legislative committees with primary jurisdiction over environment policy and finance on
58.32 the results of the grant program, including:

59.1 (1) any changes in the agency's air-monitoring network that will occur as a result of data
59.2 developed under the program;

59.3 (2) any actions the agency has taken or proposes to take to reduce levels of pollution
59.4 that impact the areas that received grants under the program; and

59.5 (3) any recommendations for legislation, including whether the program should be
59.6 extended or expanded.

59.7 Sec. 27. **SEWAGE SLUDGE FOR LAND APPLICATION ANALYZED FOR PFAS.**

59.8 The commissioner of the Pollution Control Agency must develop a strategy to require
59.9 sewage sludge prepared for application to land in Minnesota to be analyzed under Minnesota
59.10 Rules, part 7041.1500, subpart 3, for the presence of perfluoroalkyl and polyfluoroalkyl
59.11 substances (PFAS) by December 31, 2024, and begin implementing this strategy in water
59.12 discharge permits thereafter.

59.13 Sec. 28. **CRITICAL MATERIALS RECOVERY ADVISORY TASK FORCE.**

59.14 Subdivision 1. Definitions. In this section, the following terms have the meanings given:

59.15 (1) "critical materials" means materials on the final 2023 Critical Materials List published
59.16 by the United States Secretary of Energy in the Federal Register on August 4, 2023, as
59.17 amended, as required under section 7002 of the Energy Act of 2020; and

59.18 (2) "recovery" means the deployment of technological processes to extract and remove
59.19 critical materials from waste streams with the goal of reconstituting them in a pure form
59.20 that can be reused.

59.21 Subd. 2. Composition of task force. (a) The commissioner of the Pollution Control
59.22 Agency must, no later than October 1, 2024, establish and appoint a Critical Materials
59.23 Recovery Advisory Task Force consisting of 15 members appointed as follows:

59.24 (1) the commissioner of the Pollution Control Agency or the commissioner's designee;

59.25 (2) the commissioner of employment and economic development or the commissioner's
59.26 designee;

59.27 (3) an expert in one or more subjects that are relevant to the work of the task force;

59.28 (4) one representative from the Solid Waste Administrators Association;

59.29 (5) one representative from a company that disassembles electronic waste;

59.30 (6) one representative from an energy advocacy organization;

60.1 (7) one representative from an organization that is primarily involved in environmental
60.2 justice issues;

60.3 (8) one representative from an industrial labor union;

60.4 (9) one representative from a labor union affiliated with the Building and Construction
60.5 Trades Council;

60.6 (10) one representative from a manufacturer that uses critical materials as inputs;

60.7 (11) one representative from the Minnesota Indian Affairs Council;

60.8 (12) one representative from an electronics manufacturer that operates an e-waste
60.9 recycling program and is also an electronics retailer;

60.10 (13) one representative from the Natural Resources Research Institute in Duluth;

60.11 (14) one representative of a utility providing retail electric service to customers in
60.12 Minnesota; and

60.13 (15) one representative from a recovery infrastructure operator, who is a nonvoting
60.14 member of the task force.

60.15 (b) A member appointed under paragraph (a) may not be a registered lobbyist.

60.16 Subd. 3. **Duties.** (a) The task force must advise the commissioner of the Pollution Control
60.17 Agency with respect to policy and program options designed to increase the recovery of
60.18 critical materials from end-of-life products by:

60.19 (1) developing a strategic road map for achieving domestic recovery of critical materials;

60.20 (2) investigating emerging technologies employed to recover critical materials from
60.21 electronic waste, components of renewable energy generating systems, and other end-of-life
60.22 products;

60.23 (3) evaluating the economic, environmental, and social costs, benefits, and impacts
60.24 associated with various methods of recovering critical materials from end-of-life products;

60.25 (4) identifying options to prevent products containing critical materials from being
60.26 disposed of in a landfill or waste combustor;

60.27 (5) consulting with stakeholders regarding recycling and end-of-life management options
60.28 for products containing critical materials that enhance the possibility of recovery; and

60.29 (6) identifying infrastructure needed to develop an integrated system to collect, transport,
60.30 and recycle products for critical materials recovery.

61.1 (b) The task force must convene at least one public meeting to gather comments on
61.2 issues regarding critical materials recovery.

61.3 Subd. 4. **Task force; administration.** (a) The task force must elect a chair by majority
61.4 vote at its initial meeting. The task force must meet quarterly. Additional meetings may be
61.5 held at the call of the chair. The commissioner or the commissioner's designee and the
61.6 member appointed under subdivision 2, paragraph (a), clause (3), must cofacilitate task
61.7 force meetings.

61.8 (b) The Pollution Control Agency must serve as staff to the task force.

61.9 Subd. 5. **Report.** No later than December 30, 2025, the task force must submit a written
61.10 report containing its findings and recommendations for administrative and legislative action
61.11 to the commissioner of the Pollution Control Agency and the chairs and ranking minority
61.12 members of the senate and house of representatives committees with primary jurisdiction
61.13 over solid waste. The recommendations in the report must be specific and actionable and
61.14 may not include recommendations for further reports or studies. The task force expires
61.15 December 30, 2025, or upon submission of the report required by this subdivision, whichever
61.16 occurs first.

61.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.18 Sec. 29. **MINNESOTA POLLUTION CONTROL AGENCY AND DEPARTMENT**
61.19 **OF HEALTH; PFAS REMOVAL REPORT.**

61.20 (a) By January 15, 2025, the commissioners of the Pollution Control Agency and health
61.21 must submit a report to the chairs and ranking minority members of the legislative committees
61.22 with jurisdiction over health finance and policy, environment and natural resources finance
61.23 and policy, and capital investment. The report must provide recommendations for:

61.24 (1) strategies or fee mechanisms the state may use to require companies that manufacture,
61.25 use, or release perfluoroalkyl and polyfluoroalkyl substances (PFAS) to pay for the cost of
61.26 providing safe drinking water to people that have had their private and public water sources
61.27 contaminated by PFAS; and

61.28 (2) strategies or fee mechanisms the state may use to require companies that manufacture,
61.29 use, or release PFAS to:

61.30 (i) prevent or remove PFAS from influent waters entering municipal wastewater facilities
61.31 so that treatment of effluent is not required; or

62.1 (ii) pay the cost of treating and disposing of the PFAS from municipal wastewater
62.2 facilities effluent.

62.3 (b) The report must include recommendations for any legislation needed to implement
62.4 the strategies or fee mechanisms. The report must consider options from the report submitted
62.5 by the PFAS manufacturers fee work group required under Laws 2023, chapter 60, article
62.6 3, section 30, in developing the recommendations. The recommendations in the report must
62.7 be specific and actionable and may not include recommendations for further reports or
62.8 studies.

62.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

62.10 Sec. 30. **POSTCLOSURE CARE SOLID WASTE DISPOSAL FACILITIES;**
62.11 **RULEMAKING.**

62.12 (a) The commissioner of the Pollution Control Agency must amend rules related to solid
62.13 waste disposal facilities to require the commissioner's approval to terminate the postclosure
62.14 care period.

62.15 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,
62.16 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
62.17 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
62.18 14.388.

62.19 Sec. 31. **RECOMMENDATIONS FOR PRODUCTS CONTAINING LEAD,**
62.20 **CADMIUM, AND PFAS; ENFORCEMENT MORATORIUM.**

62.21 (a) By January 31, 2025, the commissioner of the Pollution Control Agency must submit
62.22 a report to the chairs and ranking minority members of the legislative committees with
62.23 jurisdiction over environment and natural resources finance and policy with legislative
62.24 recommendations related to the following chemicals and products:

62.25 (1) the use of intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS)
62.26 in electronic or other internal components of upholstered furniture in the 2025 prohibition
62.27 under Minnesota Statutes, section 116.943;

62.28 (2) the use of lead and cadmium in internal electronic components of keys fobs in the
62.29 prohibition under Minnesota Statutes, section 325E.3892;

62.30 (3) the use of lead in pens or mechanical pencils included in the prohibition under
62.31 Minnesota Statutes, section 325E.3892; and

(4) the use of intentionally added PFAS in firefighting foam used in fire suppression systems installed in airport hangers in the prohibitions under Minnesota Statutes, section 325F.072.

(b) The report required by paragraph (a) must include recommendations on whether extensions should be allowed for the uses of the chemicals described in paragraph (a).

(c) Until July 1, 2025, the commissioner of the Pollution Control Agency must not enforce the provisions enumerated in paragraph (a) for the chemicals and products listed in that paragraph.

Sec. 32. **RULEMAKING; CAPITAL ASSISTANCE PROGRAM.**

The commissioner of the Pollution Control Agency must, using the expedited rulemaking process in Minnesota Statutes, section 14.389, amend the rules related to the capital assistance program in Minnesota Rules, parts 9210.0100 to 9210.0180, to conform with and implement the changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54 by Laws 2023, chapter 60, article 3, sections 6 and 9 to 13.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 33. **RESEARCHING CLIMATE ADAPTATION AND RESILIENCE COSTS FOR MINNESOTA.**

(a) The commissioner of the Pollution Control Agency must research and report the projected costs in Minnesota of climate change adaptation and resilience measures needed to mitigate the projected impacts for at least two different future scenarios using either the Shared Socioeconomic Pathways or Representative Concentration Pathways as described by the Intergovernmental Panel on Climate Change. The report must identify what research, data, modeling, stakeholder engagement, and other resources are needed in order to:

(1) estimate costs for mid-century, late-century, and end-of-century, using 2024 dollars as a baseline;

(2) estimate costs related to hazards, including but not limited to precipitation and heat and the impacts of precipitation and heat on soil and lakes;

(3) provide an analysis of the projected costs and impacts of additional hazards like flooding, drought, wildfires, high-wind events, extreme cold, and vector-borne illnesses;

64.1 (4) provide analyses of how these hazards and impacts are experienced differently by
64.2 Minnesotans based on demographics, including race, gender, ability, and age, as well as
64.3 economic status and geography; and

64.4 (5) identify methods for understanding and making decisions about the trade-offs between
64.5 the financial and social costs to mitigate climate risks and the level of risk reduction achieved.

64.6 (b) The report must identify what research, data, modeling, stakeholder engagement,
64.7 and other resources are needed in order to estimate the costs of impacts on:

64.8 (1) Minnesota's natural environment, including but not limited to impacts on:

64.9 (i) working lands and natural lands;

64.10 (ii) water, including but not limited to surface waters, rivers, drinking water, and Lake
64.11 Superior;

64.12 (iii) air, including but not limited to surface temperature and air quality; and

64.13 (iv) the biodiversity of Minnesota's biomes;

64.14 (2) Minnesota's built environment, including but not limited to impacts on:

64.15 (i) residential, commercial, and public buildings; and

64.16 (ii) critical infrastructure, including but not limited to the infrastructure that manages
64.17 stormwater, wastewater, drinking water, transportation, electricity, gas, and communications
64.18 technologies; and

64.19 (3) Minnesota's social environment, including but not limited to impacts on:

64.20 (i) human settlement and migration;

64.21 (ii) statewide and regional economies, including but not limited to impacts on industries
64.22 like tourism, agriculture, and forest products; and

64.23 (iii) public health, including but not limited to impacts related to emergency response,
64.24 asthma, heat exposure, and vector-borne illnesses.

64.25 (c) The report should recommend best practices for integrating costs estimates with
64.26 University of Minnesota's Minnesota CliMAT (Climate Mapping and Analysis Tool) or
64.27 any related preceding or successor modeling tools.

64.28 (d) To prepare the report, the commissioner must engage subject-area experts and other
64.29 stakeholders, as needed, to contribute to the report.

(e) By February 1, 2025, the commissioner shall submit a written report to the chairs and ranking minority members of the legislative committees with primary jurisdiction over energy, environment, health, transportation, and capital investment summarizing the findings of the research.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 34. **REVISOR INSTRUCTION.**

The revisor of statutes must renumber Minnesota Statutes, section 115A.03, subdivision 24c, as Minnesota Statutes, section 115A.03, subdivision 24e.

Sec. 35. **REPEALER.**

Minnesota Statutes 2022, section 115A.5501, is repealed.

ARTICLE 3

NATURAL RESOURCES

Section 1. **[11A.236] ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY FROM PERMITS TO MINE.**

Subdivision 1. **Establishment; appropriation.** (a) The State Board of Investment, when requested by the commissioner of natural resources, may invest money collected by the commissioner as part of financial assurance provided under a permit to mine issued under chapter 93. The State Board of Investment may establish one or more accounts into which money may be deposited for the purposes of this section, subject to the policies and procedures of the State Board of Investment. Use of any money in the account is restricted to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted thereunder and as authorized under any trust fund agreements or other conditions established under a permit to mine.

(b) Money in an account established under paragraph (a) is appropriated to the commissioner of natural resources for the purposes for which the account is established under this section.

Subd. 2. **Account maintenance and investment.** (a) The commissioner of natural resources may deposit money in the appropriate account and may withdraw money from the appropriate account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted thereunder and as authorized under any trust fund agreements or

66.1 other conditions established under the permit to mine for which the financial assurance is
66.2 provided, subject to the policies and procedures of the State Board of Investment.

66.3 (b) Investment strategies related to an account established under this section must be
66.4 determined jointly by the commissioner of natural resources and the executive director of
66.5 the State Board of Investment. The authorized investments for an account are the investments
66.6 authorized under section 11A.24 that are made available for investment by the State Board
66.7 of Investment.

66.8 (c) Investment transactions must be at a time and in a manner determined by the executive
66.9 director of the State Board of Investment. Decisions to withdraw money from the account
66.10 must be determined by the commissioner of natural resources, subject to the policies and
66.11 procedures of the State Board of Investment. Investment earnings must be credited to the
66.12 appropriate account for financial assurance under the identified permit to mine.

66.13 (d) The commissioner of natural resources may terminate an account at any time, so
66.14 long as the termination is in accordance with applicable statutes, rules, trust fund agreements,
66.15 or other conditions established under the permit to mine, subject to the policies and
66.16 procedures of the State Board of Investment.

66.17 Sec. 2. Minnesota Statutes 2022, section 13.7931, is amended by adding a subdivision to
66.18 read:

66.19 Subd. 7. **Forest industry data.** Information that the Department of Natural Resources
66.20 collects, receives, or maintains through voluntary responses to questionnaires or surveys
66.21 by forest industry businesses is classified under section 84.0871.

66.22 Sec. 3. Minnesota Statutes 2022, section 16A.125, subdivision 5, is amended to read:

66.23 Subd. 5. **Forest trust lands.** (a) The term "state forest trust fund lands" as used in this
66.24 subdivision, means public land in trust under the constitution set apart as "forest lands under
66.25 the authority of the commissioner" of natural resources as defined by section 89.001,
66.26 subdivision 13.

66.27 (b) The commissioner of management and budget shall credit the revenue from the forest
66.28 trust fund lands to the forest suspense account. The account must specify the trust funds
66.29 interested in the lands and the respective receipts of the lands.

66.30 (c) After a fiscal year, the commissioner of management and budget shall certify the
66.31 costs incurred for forestry during that year under appropriations for the improvement,
66.32 administration, and management of state forest trust fund lands and construction and

67.1 improvement of forest roads to enhance the forest value of the lands. The certificate must
67.2 specify the trust funds interested in the lands. After presentation to the Legislative Permanent
67.3 School Fund Commission or by June 30 each year, whichever is sooner, the commissioner
67.4 of natural resources shall supply the commissioner of management and budget with the
67.5 information needed for the certificate. The certificate shall include an analysis that compares
67.6 costs certified under this section with costs incurred on other public and private lands with
67.7 similar land assets.

67.8 (d) After a fiscal year, the commissioner shall distribute the receipts credited to the
67.9 suspense account during that fiscal year as follows:

67.10 (1) the amount of the certified costs incurred by the state for forest management, forest
67.11 improvement, and road improvement during the fiscal year shall be transferred to the forest
67.12 management investment account established under section 89.039;

67.13 (2) the amount of costs incurred by the Legislative Permanent School Fund Commission
67.14 under section 127A.30, and by the school trust lands director under section 127A.353, shall
67.15 be transferred to the general fund;

67.16 (3) the balance of the certified costs incurred by the state during the fiscal year shall be
67.17 transferred to the general fund; and

67.18 (4) the balance of the receipts shall then be returned prorated to the trust funds in
67.19 proportion to their respective interests in the lands which produced the receipts.

67.20 Sec. 4. Minnesota Statutes 2022, section 84.027, subdivision 12, is amended to read:

67.21 Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** (a) The
67.22 commissioner may recognize the contribution of money or in-kind services on plaques,
67.23 signs, publications, audiovisual materials, and media advertisements by allowing the
67.24 organization's contribution to be acknowledged in print of readable size.

67.25 (b) The commissioner may accept paid advertising for departmental publications.
67.26 Advertising revenues received are appropriated to the commissioner to be used to defray
67.27 costs of publications, media productions, or other informational materials. The commissioner
67.28 may not accept paid advertising from any elected official or candidate for elective office.

67.29 (c) Notwithstanding section 16B.2975, subdivision 6, clause (2), if the commissioner
67.30 determines that a transfer benefits the state's natural resources management or bison
67.31 management, the commissioner may request that the commissioner of administration donate
67.32 and convey bison to a governmental unit or nonprofit organization, in or outside Minnesota,

68.1 or sell bison. The recipient of the bison is solely responsible for all future expenses related
68.2 to the bison.

68.3 Sec. 5. Minnesota Statutes 2022, section 84.033, subdivision 3, is amended to read:

68.4 Subd. 3. **County approval.** The commissioner must follow the procedures under section
68.5 97A.145, subdivision 2, when acquiring land for designation as a scientific and natural area
68.6 under this section located outside the seven-county metropolitan area.

68.7 Sec. 6. **[84.0871] DATA ON FOREST INDUSTRY.**

68.8 (a) The following data that the Department of Natural Resources collects, receives, or
68.9 maintains through voluntary responses to questionnaires or surveys by forest industry
68.10 businesses are classified as private data on individuals, as defined in section 13.02,
68.11 subdivision 12, if the data are data on individuals or as nonpublic data, as defined in section
68.12 13.02, subdivision 9, if the data are data not on individuals:

68.13 (1) timber resource consumption;

68.14 (2) origin of timber resources;

68.15 (3) cost of delivered timber;

68.16 (4) forest industry product output; and

68.17 (5) production costs.

68.18 (b) Data that the department collects, receives, or maintains through voluntary responses
68.19 to questionnaires or surveys by forest industry businesses and that are not specified under
68.20 paragraph (a), clauses (1) to (5), are public data.

68.21 (c) Summary data, as defined in section 13.02, subdivision 19, that the department
68.22 compiles from data under paragraph (a) or (b) are public data.

68.23 (d) Data collected, received, or maintained by the department from bidders on state
68.24 timber under section 90.145 are not subject to this section.

68.25 Sec. 7. Minnesota Statutes 2022, section 84.0895, subdivision 1, is amended to read:

68.26 Subdivision 1. **Prohibition.** Notwithstanding any other law, a person may not take,
68.27 import, transport, release, or sell any portion of an endangered or threatened species of wild
68.28 animal or plant, or sell or possess with intent to sell an article made with any part of the
68.29 skin, hide, or parts of an endangered or threatened species of wild animal or plant, except
68.30 as provided in subdivisions 2 and 7.

Sec. 8. Minnesota Statutes 2022, section 84.0895, subdivision 8, is amended to read:

Subd. 8. **Application.** This section does not apply retroactively ~~or prohibit importation into this state and subsequent possession, transport, and sale of wild animals, wild plants, or parts of wild animals or plants that are legally imported into the United States or legally acquired and exported from another territory, state, possession, or political subdivision of the United States.~~

Sec. 9. **[84.705] COMMUNITY TREE-PLANTING GRANTS.**

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

(b) "Shade tree" means a woody perennial grown primarily for aesthetic or environmental purposes with minimal to residual timber value.

(c) "Supplemental demographic index" means an index in the Environmental Justice Screening and Mapping Tool developed by the United States Environmental Protection Agency that is based on socioeconomic indicators, including low income, unemployment, less than high school education, limited English speaking, and low life expectancy.

Subd. 2. **Grants.** (a) The commissioner must establish a grant program to provide grants to cities, counties, townships, Tribal governments, and park and recreation boards in cities of the first class for the following purposes:

(1) removing and planting shade trees on public or Tribal land to provide environmental benefits;

(2) replacing trees lost to forest pests, disease, or storms; and

(3) establishing a more diverse community forest better able to withstand disease and forest pests.

(b) Any tree planted with money granted under this section must be a climate-adapted species to Minnesota.

Subd. 3. **Priority.** (a) Priority for grants awarded under this section must be given to:

(1) projects removing and replacing ash trees that pose significant public safety concerns; and

(2) projects located in a census block group with a supplemental demographic index score in the 70th percentile or higher within the state of Minnesota.

70.1 (b) The commissioner may not prioritize projects based on criteria other than the criteria
70.2 established under paragraph (a).

70.3 Subd. 4. **Eligible projects.** (a) The proceeds of state general obligation bonds may only
70.4 be expended for grants to cities, counties, townships, and park and recreation boards in
70.5 cities of the first class.

70.6 (b) Appropriations from the general fund may be expended for grants to Tribal
70.7 governments, cities, counties, townships, and park and recreation boards in cities of the first
70.8 class.

70.9 Sec. 10. Minnesota Statutes 2022, section 84.788, subdivision 5a, is amended to read:

70.10 Subd. 5a. **Report of registration transfers.** (a) Application for transfer of registration
70.11 under this section must be made to the commissioner within 15 days of the date of transfer.

70.12 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
70.13 purchaser using a bill of sale that includes the vehicle serial number.

70.14 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
70.15 fails to apply for transfer of registration as provided under this subdivision.

70.16 Sec. 11. Minnesota Statutes 2022, section 84.788, subdivision 6, is amended to read:

70.17 Subd. 6. **Registration fees.** (a) The fee for registration of an off-highway motorcycle
70.18 under this section, other than those registered by a dealer or manufacturer under paragraph
70.19 (b) or (c), is ~~\$30~~ \$45 for three years and \$4 for a duplicate or transfer.

70.20 (b) The total registration fee for off-highway motorcycles owned by a dealer and operated
70.21 for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

70.22 (c) The total registration fee for off-highway motorcycles owned by a manufacturer and
70.23 operated for research, testing, experimentation, or demonstration purposes is \$150 per year.
70.24 Manufacturer registrations are not transferable.

70.25 (d) The fees collected under this subdivision must be deposited in the state treasury and
70.26 credited to the off-highway motorcycle account.

70.27 Sec. 12. Minnesota Statutes 2022, section 84.871, is amended to read:

70.28 **84.871 EQUIPMENT MUFFLER REQUIREMENTS; PENALTIES.**

70.29 Subdivision 1. **Mufflers.** (a) Except as provided in this section under paragraph (c),
70.30 every snowmobile shall be a person may not operate a snowmobile unless:

71.1 (1) the snowmobile is equipped with a muffler meeting the requirements of rules adopted
71.2 by the commissioner; and

71.3 (2) the snowmobile is equipped at all times with a muffler in good working order which
71.4 that blends the exhaust noise into the overall snowmobile noise and is in constant operation
71.5 to prevent excessive or unusual noise. The

71.6 (b) A snowmobile operated, offered for sale, or sold in this state must have an exhaust
71.7 system shall that does not emit or produce a sharp popping or crackling sound.

71.8 (c) This section does not apply to organized races or similar competitive events held on:

71.9 (1) private lands, with the permission of the owner, lessee, or custodian of the land;

71.10 (2) public lands and water under the jurisdiction of the commissioner of natural resources,
71.11 with the commissioner's permission; or

71.12 (3) other public lands, with the consent of the public agency owning the land.

71.13 (d) No person shall have for sale, sell, or offer for sale on any new snowmobile any
71.14 muffler that fails to comply with the specifications required by the rules of the commissioner
71.15 after the effective date of the rules.

71.16 Subd. 3. **Certification.** Beginning July 1, 2026, all after-market mufflers installed on a
71.17 snowmobile must have a permanent stamp, clearly visible on the muffler, certified by the
71.18 muffler manufacturer and stating that the muffler conforms to the snowmobile muffler noise
71.19 limits specified by the rules of the commissioner.

71.20 Subd. 4. **Penalties.** (a) A person who operates a snowmobile in violation of subdivision
71.21 1, paragraph (a) or (b), is guilty of a misdemeanor.

71.22 (b) Notwithstanding section 609.101, subdivision 4, clause (2), the minimum fine for a
71.23 person who operates a snowmobile in violation of subdivision 1, paragraph (a) or (b), must
71.24 not be less than:

71.25 (1) \$250 for the first offense;

71.26 (2) \$500 for the second offense; and

71.27 (3) \$1,000 for the third and subsequent offenses.

71.28 (c) A conservation officer or other licensed peace officer may issue a civil citation to a
71.29 person who operates a snowmobile in violation of subdivision 1, paragraph (a) or (b). A
71.30 civil citation under this subdivision must impose a penalty of:

71.31 (1) \$250 for the first offense;

72.1 (2) \$500 for the second offense; and

72.2 (3) \$1,000 for the third and subsequent offenses.

72.3 Sec. 13. **[84.9736] STATE COOPERATIVE FARMING AGREEMENT AND**
72.4 **AGRICULTURAL LEASE REQUIREMENTS; FOOD PLOTS.**

72.5 (a) The commissioner of natural resources must require state cooperative farming
72.6 agreements and agricultural leases of lands administered by the commissioner located east
72.7 of Interstate Highway 35 in the karst region of the state to:

72.8 (1) prohibit application of fertilizer in the fall;

72.9 (2) require that no more than 50 percent of the nitrogen budget may be applied before
72.10 crop emergence;

72.11 (3) prohibit nitrogen application rates from exceeding the University of Minnesota
72.12 recommendations on rates; and

72.13 (4) require the use of fall cover crops.

72.14 (b) The commissioner must evaluate existing food plots and establish a process to retire
72.15 food plots on lands administered by the commissioner that do not have a significant value
72.16 to resident and migrating wildlife.

72.17 **EFFECTIVE DATE.** This section is effective January 1, 2025.

72.18 Sec. 14. Minnesota Statutes 2022, section 84B.061, as amended by Laws 2024, chapter
72.19 90, article 2, section 8, is amended to read:

72.20 **84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER**
72.21 **NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND**
72.22 **OTHER PUBLIC OFFICERS.**

72.23 As required by this chapter and the act of Congress authorizing Voyageurs National
72.24 Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly
72.25 owned land for the park, roughly one-fourth of the land area of the park, at a cost of over
72.26 \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which
72.27 the state condemned before making its donation. Pursuant to section 84B.06, lands donated
72.28 by the state, along with other lands acquired by the National Park Service for the park, were
72.29 made subject to concurrent jurisdiction by the state and the United States under section
72.30 1.041. In making these donations, none of the navigable waters within the park and the
72.31 lands under them have been donated to the United States. These navigable waters include

the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to applicable federal and state law, navigable waters and their beds are owned by the state. Ownership of and jurisdiction over these waters, frozen waters, and their beds has not been ceded by the state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent and jurisdiction to the United States to acquire interests in water, as well as land, the consent granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs National Park is limited to land, only. In the discharge of their official duties, the governor, attorney general, other constitutional officers, and other public officials, such as the commissioner of natural resources, shall vigorously assert and defend, in all forums, the state's ownership of and jurisdiction over these waters and their beds and related natural resources, together with associated rights of the state and its citizens arising from the state's ownership and jurisdiction. In discharging their duties, the governor, attorney general, other constitutional officers, and other public officials shall, additionally, be especially cognizant of the free rights of travel afforded to citizens of Minnesota and others under the Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty (proclaimed May 13, 1910) on international and associated boundary waters. Also, in furtherance of duties under this section, the commissioner of natural resources shall continue in effect the commercial removal of native rough fish, as defined in section 97A.015, subdivision 43, from these waters, together with any rights to do so possessed by any person on January 1, 1995, so long as the commissioner determines that such taking is desirable to the management of the native fishery.

Sec. 15. **[86B.1065] COUNTY SHERIFF COSTS FOR UNSAFE ICE SEARCH AND RESCUE.**

A county sheriff may be reimbursed for costs that are over and above the county sheriff's regular operating budget and that are incurred from search and rescue operations due to recreational activities on unsafe ice. Reimbursement may include reimbursements made by the commissioner of natural resources with available appropriations or other available federal, state, and local funds. Reimbursement under this section is limited to 50 percent of the reimbursable costs subject to a maximum state payment of \$5,000 per agency for each search and rescue operation.

74.1 Sec. 16. Minnesota Statutes 2022, section 88.82, is amended to read:

74.2 **88.82 MINNESOTA RELEAF PROGRAM.**

74.3 (a) The Minnesota releaf program is established in the Department of Natural Resources
74.4 to encourage, promote, and fund the inventory, planting, assessment, maintenance,
74.5 improvement, protection, utilization, and restoration of trees and forest resources in this
74.6 state to enhance community forest ecosystem health and sustainability as well as to reduce
74.7 atmospheric carbon dioxide levels and promote energy conservation.

74.8 (b) Priority for grants awarded under this section must be given to projects located in
74.9 whole or in part in a census block group with a supplemental demographic index score in
74.10 the 70th percentile or higher within the state of Minnesota.

74.11 (c) For the purposes of this section, "supplemental demographic index" means an index
74.12 in the Environmental Justice Screening and Mapping Tool developed by the United States
74.13 Environmental Protection Agency that is based on socioeconomic indicators, including low
74.14 income, unemployment, less than high school education, limited English speaking, and low
74.15 life expectancy.

74.16 Sec. 17. Minnesota Statutes 2022, section 89.36, subdivision 1, is amended to read:

74.17 Subdivision 1. **Production at state nurseries.** The commissioner of natural resources
74.18 may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands
74.19 under control of the commissioner which may be deemed suitable and available therefor so
74.20 far as not inconsistent with other uses to which such lands may be dedicated by law. ~~The~~
74.21 ~~commissioner may not produce more than 10,000,000 units of planting stock annually, after~~
74.22 ~~January 1, 2003.~~

74.23 Sec. 18. Minnesota Statutes 2022, section 89.37, subdivision 3, is amended to read:

74.24 Subd. 3. **Private lands.** The commissioner may supply ~~only bare root~~ seedlings, woody
74.25 cuttings, and transplant material for use on private land, provided that such material must
74.26 be sold in lots of not less than 250 for a sum determined by the commissioner to be equivalent
74.27 to the cost of the materials and the expenses of their distribution. The commissioner may
74.28 not directly or indirectly supply any other planting stock for use on private lands.

74.29 Sec. 19. Minnesota Statutes 2022, section 93.0015, subdivision 3, is amended to read:

74.30 Subd. 3. **Expiration.** The committee expires June 30, ~~2026~~ 2033.

75.1 Sec. 20. Minnesota Statutes 2022, section 93.222, is amended to read:

75.2 **93.222 TACONITE IRON ORE SPECIAL ADVANCE ROYALTY ACCOUNT.**

75.3 The taconite iron ore special advance royalty account is created as an account in the
75.4 state treasury for disposal of certain mineral lease money received under negotiated state
75.5 iron ore or taconite iron ore mining leases and under the terms of extension agreements
75.6 adopted under section 93.193, relating to state iron ore or taconite iron ore mining leases.
75.7 The principal of the account is distributed under the terms of the negotiated leases or
75.8 extension agreements to the account or entity entitled by applicable law and lease terms to
75.9 receive the income from the class of land being leased. Interest accruing from investment
75.10 of the account remains with the account until distributed as provided in this section. The
75.11 interest accrued through June 30 under each extension agreement is distributed annually,
75.12 as soon as possible after June 30, to the account or entity entitled by applicable law and
75.13 lease terms to receive the income from the class of land being leased in the same proportion
75.14 that the total acres included in a particular class of land bears to the total acreage of the
75.15 leased land covered by each extension agreement. Money in the taconite iron ore special
75.16 advance royalty account is appropriated for distribution as provided in this section.

75.17 Sec. 21. Minnesota Statutes 2022, section 93.25, subdivision 1, is amended to read:

75.18 Subdivision 1. **Leases.** The commissioner may issue leases to prospect for, mine, and
75.19 remove or extract gas, oil, and minerals other than iron ore ~~upon~~ from any lands owned by
75.20 the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held
75.21 in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging
75.22 to the state. For purposes of this section, iron ore means iron-bearing material where the
75.23 primary product is iron metal. For purposes of this section, "gas" includes both hydrocarbon
75.24 and nonhydrocarbon gases.

75.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

75.26 Sec. 22. Minnesota Statutes 2022, section 93.25, subdivision 2, is amended to read:

75.27 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals ~~or petroleum,~~
75.28 gas, or oil must be approved by the Executive Council, and any other mineral lease issued
75.29 pursuant to this section that covers 160 or more acres must be approved by the Executive
75.30 Council. The rents, royalties, terms, conditions, and covenants of all such leases ~~shall~~ must
75.31 be fixed by the commissioner according to rules adopted by the commissioner, but no lease
75.32 shall be for a longer term than 50 years, and all rents, royalties, terms, conditions, and
75.33 covenants ~~shall~~ must be fully set forth in each lease issued. No nonferrous metallic mineral

76.1 lease shall be canceled by the state for failure to meet production requirements prior to the
76.2 36th year of the lease. The rents and royalties ~~shall~~ must be credited to the funds as provided
76.3 in section 93.22. For purposes of this section, "gas" includes both hydrocarbon and
76.4 nonhydrocarbon gases.

76.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

76.6 Sec. 23. **[93.513] PROHIBITION ON PRODUCTION OF GAS OR OIL WITHOUT**
76.7 **PERMIT.**

76.8 Subdivision 1. **Permit required.** Except as provided in section 103I.681, a person must
76.9 not engage in or carry out production of gas or oil from consolidated or unconsolidated
76.10 formations in the state unless the person has first obtained a permit for the production of
76.11 gas or oil from the commissioner of natural resources. Any permit under this section must
76.12 be protective of natural resources and require a demonstration of control of the extraction
76.13 area through ownership, lease, or agreement. For purposes of this section, "gas" includes
76.14 both hydrocarbon and nonhydrocarbon gases. For purposes of this section, "production"
76.15 includes extraction and beneficiation of gas or oil.

76.16 Subd. 2. **Moratorium.** Until rules are adopted under section 93.514, the commissioner
76.17 may not grant a permit for the production of gas or oil unless the legislature approves a
76.18 temporary permit framework that allows issuance of temporary permits.

76.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

76.20 Sec. 24. **[93.514] GAS AND OIL PRODUCTION RULEMAKING.**

76.21 (a) The following agencies may adopt rules governing gas and oil exploration or
76.22 production, as applicable:

76.23 (1) the commissioner of the Pollution Control Agency may adopt or amend rules
76.24 regulating air emissions; water discharges, including stormwater management; and storage
76.25 tanks as they pertain to gas and oil production;

76.26 (2) the commissioner of health may adopt or amend rules on groundwater and surface
76.27 water protection, exploratory boring construction, drilling registration and licensure, and
76.28 inspections as they pertain to the exploration and appraisal of gas and oil resources;

76.29 (3) the Environmental Quality Board may adopt or amend rules to establish mandatory
76.30 categories for environmental review as they pertain to gas and oil production;

(4) the commissioner of natural resources must adopt or amend rules pertaining to the conversion of an exploratory boring to a production well, pooling, spacing, unitization, well abandonment, siting, financial assurance, and reclamation for the production of gas and oil; and

(5) the commissioner of labor and industry may adopt or amend rules to protect workers from exposure and other potential hazards from gas and oil production.

(b) An agency adopting rules under this section must use the expedited procedure in section 14.389. Rules adopted or amended under this authority are exempt from the 18-month time limit under section 14.125. The agency must publish notice of intent to adopt expedited rules within 24 months of the effective date of this section.

(c) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. "Production" includes extraction and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

(d) Any grant of rulemaking authority in this section is in addition to existing rulemaking authority and does not replace, impair, or interfere with any existing rulemaking authority.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 25. **[93.516] GAS AND OIL LEASING.**

Subdivision 1. **Authority to lease.** (a) With the approval of the Executive Council, the commissioner of natural resources may enter into leases for gas or oil exploration and production from lands belonging to the state or in which the state has an interest.

(b) For purposes of this section, "gas or oil exploration and production" includes the exploration and production of both hydrocarbon and nonhydrocarbon gases, including noble gases. "Noble gases" means a group of gases that includes helium, neon, argon, krypton, xenon, radon, and oganesson. "Production" includes extraction and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

Subd. 2. **Application.** An application for a lease under this section must be submitted to the commissioner of natural resources. The commissioner must prescribe the information to be included in the application. The applicant must submit with the application a certified check, cashier's check, or bank money order payable to the Department of Natural Resources in the sum of \$100 as a fee for filing the application. The application fee must not be refunded under any circumstances. The right is reserved to the state to reject any or all applications for an oil or gas lease.

78.1 Subd. 3. **Lease terms.** The commissioner must negotiate the terms of each lease entered
78.2 into under this section on a case-by-case basis, taking into account the unique geological
78.3 and environmental aspects of each proposal, control of adjacent lands, and the best interests
78.4 of the state. A lease entered into under this section must be consistent with the following:

78.5 (1) the primary term of the lease may not exceed five years plus the unexpired portion
78.6 of the calendar year in which the lease is issued. The commissioner and applicant may
78.7 negotiate the conditions by which the lease may be extended beyond the primary term, in
78.8 whole or in part;

78.9 (2) a bonus consideration of not less than \$15 per acre must be paid by the applicant to
78.10 the Department of Natural Resources before the lease is executed;

78.11 (3) the commissioner of natural resources may require an applicant to provide financial
78.12 assurance to ensure payment of any damages resulting from the production of gas or oil;

78.13 (4) the rental rates must not be less than \$5 per acre per year for the unexpired portion
78.14 of the calendar year in which the lease is issued and in years thereafter; and

78.15 (5) on gas and oil produced and sold by the lessee from the lease area, the lessee must
78.16 pay a production royalty to the Department of Natural Resources of not less than 18.75
78.17 percent of the gross sales price of the product sold free on board at the delivery point, and
78.18 the royalty must be credited as provided in section 93.22. For purposes of this section, "gross
78.19 sales price" means the total consideration paid by the first purchaser that is not an affiliate
78.20 of the lessee for gas or oil produced from the leased premises.

78.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

78.22 Sec. 26. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
78.23 to read:

78.24 Subd. 47a. **Taxidermist.** "Taxidermist" means a person who engages in the business or
78.25 operation of preserving or mounting wild animals or parts thereof that do not belong to the
78.26 person.

78.27 Sec. 27. Minnesota Statutes 2022, section 97A.341, subdivision 1, as amended by Laws
78.28 2024, chapter 90, article 2, section 13, is amended to read:

78.29 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
78.30 animal in violation of the game and fish laws or section 343.21 is liable to the state for the
78.31 value of the wild animal as provided in this section. Species afforded protection include
78.32 members of the following groups as defined by statute or rule: game fish, native rough fish,

79.1 game birds, big game, small game, fur-bearing animals, minnows, and threatened and
79.2 endangered animal species. Other animal species may be added by rule of the commissioner
79.3 as determined after public meetings and notification of the chairs of the environment and
79.4 natural resources committees in the senate and house of representatives.

79.5 Sec. 28. Minnesota Statutes 2022, section 97A.341, subdivision 2, is amended to read:

79.6 Subd. 2. **Arrest and charging procedure.** (a) An enforcement officer who arrests a
79.7 person for killing, injuring, or possessing a wild animal in violation of the game and fish
79.8 laws or section 343.21 must describe the number, species, and restitution value of wild
79.9 animals illegally killed, injured, or possessed on the warrant or the notice to appear in court.

79.10 (b) As part of the charge against a person arrested for killing, injuring, or possessing a
79.11 wild animal in violation of the game and fish laws or section 343.21, the prosecuting attorney
79.12 must include a demand that restitution be made to the state for the value of the wild animal
79.13 killed, injured, or possessed. The demand for restitution is in addition to the criminal penalties
79.14 otherwise provided for the violation.

79.15 Sec. 29. Minnesota Statutes 2022, section 97A.341, subdivision 3, is amended to read:

79.16 Subd. 3. **Sentencing procedure.** If a person is convicted of or pleads guilty to killing,
79.17 injuring, or possessing a wild animal in violation of the game and fish laws or section 343.21,
79.18 the court must require the person to pay restitution to the state for replacement of the wild
79.19 animal as part of the sentence or state in writing why restitution was not imposed. The court
79.20 may consider the economic circumstances of the person and, in lieu of monetary restitution,
79.21 order the person to perform conservation work representing the amount of restitution that
79.22 will aid the propagation of wild animals. If the court does not order a person to pay restitution,
79.23 the court administrator must send a copy of the court order to the commissioner.

79.24 Sec. 30. Minnesota Statutes 2022, section 97A.345, is amended to read:

79.25 **97A.345 RESTITUTION VALUE OF WILD ANIMALS.**

79.26 (a) The commissioner may, by rules adopted under chapter 14, prescribe the dollar value
79.27 to the state of species of wild animals. The value may reflect the value to other persons to
79.28 legally take the wild animal, the replacement cost, or the intrinsic value to the state of the
79.29 wild animals. Species of wild animals with similar values may be grouped together.

79.30 (b) The value of a wild animal under the rules adopted by the commissioner is prima
79.31 facie evidence of a wild animal's value under section 97A.341.

80.1 (c) The commissioner shall report annually to the legislature the amount of restitution
80.2 collected under section 97A.341 and the manner in which the funds were expended.

80.3 (d) When a person kills, injures, or possesses a wild animal in violation of section 343.21,
80.4 the restitution value prescribed by the commissioner under paragraph (a) is doubled.

80.5 Sec. 31. Minnesota Statutes 2022, section 97A.425, is amended by adding a subdivision
80.6 to read:

80.7 Subd. 3a. **Waste disposal.** (a) Licensed taxidermists must dispose of all cervid carcasses
80.8 or cervid parts not returned to the patron, all biosolids resulting from cleaning cervid skulls,
80.9 and all carrion beetles and beetle waste used to clean cervid skulls. All disposals must be
80.10 to a disposal facility or transfer station that is permitted to accept it, and proof of the disposal
80.11 must be retained for inspection.

80.12 (b) The following cervid parts are exempt from the disposal requirement:

80.13 (1) cervid hides from which all excess tissue has been removed;

80.14 (2) if free of brain and muscle tissues, whole or portions of skulls, antlers, or teeth; and

80.15 (3) finished taxidermy mounts.

80.16 Sec. 32. Minnesota Statutes 2022, section 97A.425, subdivision 4, is amended to read:

80.17 Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions
80.18 1 to 3 3a, governing record keeping, reporting, and marking of specimens by taxidermists.

80.19 Sec. 33. Minnesota Statutes 2022, section 97A.475, subdivision 2, is amended to read:

80.20 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents
80.21 only, are:

80.22 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;

80.23 (2) for persons age 65 or over, \$7 to take small game;

80.24 (3) for persons age 18 or over to take turkey, \$26;

80.25 (4) for persons age 13 or over and under age 18 to take turkey, \$5;

80.26 (5) for persons age 18 or over to take deer with firearms during the regular firearms
80.27 season, \$34;

80.28 (6) for persons age 18 or over to take deer by archery, \$34;

- 81.1 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
81.2 season, \$34;
- 81.3 (8) to take moose, for a party of not more than six persons, \$356;
- 81.4 (9) for persons age 18 or over to take bear, \$44;
- 81.5 (10) to take elk, for a party of not more than two persons, \$287;
- 81.6 ~~(11) to take Canada geese during a special season, \$4;~~
- 81.7 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- 81.8 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- 81.9 ~~(14)~~ (13) to take prairie chickens, \$23;
- 81.10 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during
81.11 the regular firearms season, \$5;
- 81.12 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 81.13 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader
81.14 during the muzzleloader season, \$5;
- 81.15 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;
- 81.16 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 81.17 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period
81.18 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the
81.19 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
81.20 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
81.21 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
81.22 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
81.23 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition
81.24 account;
- 81.25 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 81.26 ~~(22)~~ (21) to take wolf, \$30;
- 81.27 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;
- 81.28 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 81.29 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and

82.1 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the
82.2 muzzleloader season, no fee.

82.3 Sec. 34. Minnesota Statutes 2022, section 97A.475, subdivision 3, is amended to read:

82.4 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to
82.5 nonresidents, are:

82.6 (1) for persons age 18 or over to take small game, \$90.50;

82.7 (2) for persons age 18 or over to take deer with firearms during the regular firearms
82.8 season, \$180;

82.9 (3) for persons age 18 or over to take deer by archery, \$180;

82.10 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
82.11 season, \$180;

82.12 (5) for persons age 18 or over to take bear, \$225;

82.13 (6) for persons age 18 or over to take turkey, \$91;

82.14 (7) for persons age 13 or over and under age 18 to take turkey, \$5;

82.15 (8) to take raccoon or bobcat, \$178;

82.16 ~~(9) to take Canada geese during a special season, \$4;~~

82.17 ~~(10)~~ (9) to take light geese during the light goose conservation order, \$2.50;

82.18 ~~(11)~~ (10) to take sandhill crane during the sandhill crane season, \$3;

82.19 ~~(12)~~ (11) for persons age 13 or over and under age 18 to take deer with firearms during
82.20 the regular firearms season in any open season option or time period, \$5;

82.21 ~~(13)~~ (12) for persons age 13 or over and under age 18 to take deer by archery, \$5;

82.22 ~~(14)~~ (13) for persons age 13 or over and under age 18 to take deer during the muzzleloader
82.23 season, \$5;

82.24 ~~(15)~~ (14) for persons age 13 or over and under 18 to take bear, \$5;

82.25 ~~(16)~~ (15) for persons age 18 or over to take small game for a consecutive 72-hour period
82.26 selected by the licensee, \$75, of which an amount equal to one-half of the fee for the
82.27 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
82.28 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
82.29 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
82.30 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half

83.1 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife
83.2 acquisition account;

83.3 ~~(17)~~ (16) for persons age 16 or 17 to take small game, \$5;

83.4 ~~(18)~~ (17) to take wolf, \$250;

83.5 ~~(19)~~ (18) for persons age 12 and under to take turkey, no fee;

83.6 ~~(20)~~ (19) for persons age 10, 11, or 12 to take deer by firearm, no fee;

83.7 ~~(21)~~ (20) for persons age 10, 11, or 12 to take deer by archery, no fee;

83.8 ~~(22)~~ (21) for persons age 10, 11, or 12 to take deer by muzzleloader during the
83.9 muzzleloader season, no fee; and

83.10 ~~(23)~~ (22) for persons age 10, 11, or 12 to take bear, no fee.

83.11 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph
83.12 (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this
83.13 surcharge.

83.14 Sec. 35. Minnesota Statutes 2022, section 97A.505, subdivision 8, is amended to read:

83.15 Subd. 8. **Importing Cervidae carcasses.** (a) Importing Cervidae carcasses procured by
83.16 any means into Minnesota is prohibited except for:

83.17 (1) cut and wrapped meat;

83.18 (2) quarters or other portions of meat with no part of the spinal column or head attached;

83.19 (3) antlers, hides, or teeth, ~~finished taxidermy mounts, and;~~

83.20 (4) if cleaned of all brain tissue, antlers attached to skull caps ~~that are cleaned of all brain~~
83.21 ~~tissue.~~ or whole skulls; and

83.22 (5) finished taxidermy mounts.

83.23 (b) Cervidae carcasses originating from outside Minnesota may be transported on a
83.24 direct route through the state by nonresidents.

83.25 (c) Heads from cervids with or without the cape and neck attached that originate from
83.26 outside Minnesota may be transported into Minnesota only if they are delivered to a licensed
83.27 taxidermist within 48 hours of entering Minnesota.

84.1 Sec. 36. Minnesota Statutes 2022, section 97A.512, is amended to read:

84.2 **97A.512 SALE OF INEDIBLE PORTIONS OF BIG GAME ANIMALS,**
84.3 **FUR-BEARING ANIMALS, FISH, AND GAME BIRDS OTHER THAN**
84.4 **MIGRATORY WATERFOWL.**

84.5 (a) Except as otherwise provided by the game and fish laws and as restricted in this
84.6 section, a person may possess, transport, buy, or sell the following inedible portions of
84.7 lawfully taken or acquired big game animals, fur-bearing animals, fish, and game birds
84.8 other than migratory waterfowl: bones, including skulls; sinews; adipose tissue, hides, and
84.9 skins; hooves; teeth; claws; and antlers.

84.10 (b) A person may not buy or sell bear paws, unless attached to the hide, or bear
84.11 gallbladders.

84.12 Sec. 37. Minnesota Statutes 2022, section 97B.022, subdivision 2, is amended to read:

84.13 Subd. 2. **Requirements.** (a) A resident or nonresident born after December 31, 1979,
84.14 who is age 12 or over and who does not possess a hunter education firearms safety certificate
84.15 or a resident or nonresident born after December 31, 1989, who does not possess a trapper
84.16 education certificate may be issued an apprentice-hunter/trapper validation. An
84.17 apprentice-hunter/trapper validation may be purchased two license years in a lifetime and
84.18 used to obtain hunting or trapping licenses during the same license year that the validation
84.19 is purchased.

84.20 (b) An individual in possession of an apprentice-hunter/trapper validation may ~~hunt~~ take
84.21 small game, deer, and bear only when accompanied by an adult who has a valid license to
84.22 ~~hunt~~ take the same species of game in Minnesota and whose license was not obtained using
84.23 an apprentice-~~hunter~~ validation.

84.24 (c) When an individual in possession of an apprentice-hunter/trapper validation is hunting
84.25 turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed for
84.26 another permit area or time period but must be licensed for the same season as the apprentice
84.27 hunter. If the accompanying adult is not licensed for the same permit area or time period
84.28 as the apprentice hunter, the accompanying adult may not shoot or possess a firearm or bow
84.29 while accompanying the apprentice hunter under this paragraph.

84.30 (d) An apprentice-hunter/trapper-validation holder must obtain all required licenses and
84.31 stamps.

85.1 Sec. 38. Minnesota Statutes 2022, section 97B.022, subdivision 3, is amended to read:

85.2 Subd. 3. **Apprentice-hunter/trapper validation; fee.** The fee for an
85.3 apprentice-hunter/trapper validation is \$3.50. Fees collected must be deposited in the firearms
85.4 safety and trapper education training account, except for the electronic licensing system
85.5 commission established by the commissioner under section 84.027, subdivision 15, and
85.6 issuing fees collected under section 97A.485, subdivision 6, and are appropriated annually
85.7 to the Enforcement Division of the Department of Natural Resources for administering the
85.8 firearm safety course ~~program~~ and trapper education programs.

85.9 Sec. 39. Minnesota Statutes 2023 Supplement, section 97B.071, is amended to read:

85.10 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
85.11 **ORANGE OR BLAZE PINK.**

85.12 (a) Except as provided in rules adopted under paragraph (d), a person may not hunt or
85.13 trap during the open season where deer may be taken by firearms under applicable laws and
85.14 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,
85.15 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink
85.16 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each
85.17 foot square. This section does not apply to migratory-waterfowl hunters on waters of this
85.18 state or in a stationary shooting location or to trappers on waters of this state.

85.19 (b) Except as provided in rules adopted under paragraph (d), and in addition to the
85.20 requirement in paragraph (a), a person may not take small game other than turkey, migratory
85.21 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
85.22 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
85.23 does not apply to a person when in a stationary location while hunting deer by archery or
85.24 when hunting small game by falconry.

85.25 (c) A person hunting deer in a fabric or synthetic ground blind on public land must have:

85.26 (1) a blaze orange safety covering on the top of the blind that is visible for 360 degrees
85.27 around the blind; or

85.28 (2) at least 144 square inches of blaze orange material on each side of the blind.

85.29 (d) The commissioner may, by rule, prescribe an alternative color in cases where
85.30 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
85.31 Law 103-141.

86.1 (e) A violation of paragraph (b) does not result in a penalty, but is punishable only by
86.2 a safety warning.

86.3 Sec. 40. Minnesota Statutes 2022, section 97B.667, subdivision 3, is amended to read:

86.4 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a
86.5 beaver under this section, the road authority or government unit must contact a conservation
86.6 officer for a special beaver permit if the beaver will be killed within two weeks before or
86.7 after the trapping season for beaver, and the conservation officer must issue the permit for
86.8 any beaver subject to this section. A permit is not required:

86.9 (1) for a licensed trapper during the open trapping season for beaver; or

86.10 (2) when the trapping season for beaver is closed and it is not within two weeks before
86.11 or after the trapping season for beaver.

86.12 (b) A road authority or government unit that kills or arranges to have killed a beaver
86.13 under this section must notify a conservation officer or employee of the Fish and Wildlife
86.14 Division within ten days after the animal is killed.

86.15 (c) Unless otherwise directed by a conservation officer, the road authority, local
86.16 government unit, the landowner, or their agent may dispose of or retain beaver killed under
86.17 this section. Human consumption of a retained beaver is prohibited.

86.18 Sec. 41. Minnesota Statutes 2022, section 97C.001, subdivision 2, is amended to read:

86.19 Subd. 2. **Public notice and ~~meeting~~ comment.** (a) Before the commissioner designates,
86.20 or vacates or extends the designation of, experimental waters, ~~a public meeting must be~~
86.21 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
86.22 change must be provided in the county where the largest portion of the waters is located, a
86.23 virtual or in-person meeting must be held, and opportunity to submit public comment must
86.24 be offered.

86.25 (b) ~~At least 90 days before the public meeting and during the open angling season for~~
86.26 ~~fish the taking of which is, or is proposed to be, regulated under subdivision 3 on the waters~~
86.27 ~~under consideration,~~ Before the year that the designation is to become effective, the
86.28 commissioner must give notice of the proposed designation, vacation, or extension must
86.29 be. The notice must summarize the proposed action and invite public comment. Public
86.30 comments must be accepted at least through September 30, and the commissioner must
86.31 consider any public comments received in making a final decision. Notice must include:

(1) signs of the proposed changes and instructions for submitting comments posted at publicly maintained access points on the water- by June 1;

(2) a list of proposed changes posted on the department's website by June 1, summarizing the proposed actions and inviting public comment; and

(3) a news release issued by the commissioner by July 1, a notice published in a newspaper of general circulation in the area where the waters are located by August 20, and at least one more digital media communication published by August 31.

~~(c) Before the public meeting, notice of the meeting must be published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed experimental waters are located. The notice must be published at least once between 30 and 60 days before the meeting, and at least once between seven and 30 days before the meeting. A virtual or in-person meeting must be held before September 20 where public comment must be accepted. An in-person meeting, where public comment must be accepted, must be held in the county where the largest portion of the waters is located if:~~

(1) a water or connected waters to be designated is over 5,000 acres or a stream or river reach is over ten miles; or

(2) a request for an in-person meeting is submitted to the commissioner by August 20 before the year that the designation is to become effective.

(d) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

(e) If a water to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area unless a virtual meeting is held and notice of the meeting is published in a newspaper of general circulation in the seven-county metropolitan area.

Sec. 42. Minnesota Statutes 2022, section 97C.005, subdivision 2, is amended to read:

Subd. 2. **Public notice and ~~meeting~~ comment.** (a) Before the commissioner designates special management waters, ~~public comment must be received and, for waters other than those proposed to be designated as trout streams or trout lakes, a public meeting must be held in the county where the largest portion of the waters is located~~ notice of the proposed

88.1 designation must be given, a virtual or in-person meeting must be held, and opportunity to
88.2 submit public comment must be offered.

88.3 ~~(b) For waters previously designated as experimental waters, a proposed change in status~~
88.4 ~~to special management waters must be announced before the public meeting by notice~~
88.5 ~~published in a news release issued by the commissioner and in a newspaper of general~~
88.6 ~~circulation in the area where the waters are located. The notice must be published at least~~
88.7 ~~once between 30 and 60 days before the public meeting, and at least once between seven~~
88.8 ~~and 30 days before the meeting. If a water proposed to be designated is a lake with a water~~
88.9 ~~area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a~~
88.10 ~~public meeting must also be held in the seven-county metropolitan area unless a virtual~~
88.11 ~~meeting is held and notice of the meeting is published in a newspaper of general circulation~~
88.12 ~~in the seven-county metropolitan area.~~

88.13 ~~(c) For proposed special management waters, other than designated trout lakes and~~
88.14 ~~designated trout streams, that were not previously designated as experimental waters, notice~~
88.15 ~~of the proposed designation must be given as provided in this paragraph. The notice must~~
88.16 ~~be posted at publicly maintained access points at least 90 days before the public meeting~~
88.17 ~~and during the open angling season for fish the taking of which on the waters is proposed~~
88.18 ~~to be regulated under subdivision 3. Before the public meeting, notice of the meeting must~~
88.19 ~~be published in a news release issued by the commissioner and in a newspaper of general~~
88.20 ~~circulation in the area where the proposed special management waters are located. The~~
88.21 ~~notice must be published at least once between 30 and 60 days before the meeting, and at~~
88.22 ~~least once between seven and 30 days before the meeting. If a water to be designated is a~~
88.23 ~~lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more~~
88.24 ~~than six miles, a public meeting must also be held in the seven-county metropolitan area.~~

88.25 (c) For proposed special management waters other than designated trout lakes and
88.26 designated trout streams, before the year that the designation is to become effective, the
88.27 commissioner must give notice of the proposed designation. The notice must summarize
88.28 the proposed action and invite public comment. Public comments must be accepted at least
88.29 through September 30, and the commissioner must consider any public comments received
88.30 in making a final decision. Notice must include:

88.31 (1) signs of the proposed designation and instructions for submitting comments posted
88.32 at publicly maintained access points on the water by June 1;

88.33 (2) a list of proposed designations posted on the department's website by June 1,
88.34 summarizing the proposed action and inviting public comment; and

(3) a news release issued by the commissioner by July 1, a notice published in a newspaper of general circulation in the area where the waters are located by August 15, and at least one more digital media communication published by August 31.

(d) A virtual or in-person meeting must be held before September 20 where public comment must be accepted. An in-person meeting, where public comment must be accepted, must be held in the county where the largest portion of the waters is located if:

(1) a water to be designated is a lake over 5,000 acres or is a stream or river reach over ten miles; or

(2) a request for an in-person meeting is submitted to the commissioner by August 20 before the year that the designation is to become effective.

~~(d)~~ (e) For waters proposed to be designated as trout streams or trout lakes, notice of the proposed designation must be published at least 90 days before the effective date of the designation in a news release issued by the commissioner and in a newspaper of general circulation in the area where the waters are located. In addition, all riparian owners along the waters must be notified at least 90 days before the effective date of the designation.

~~(e)~~ (f) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

Sec. 43. [97C.202] WATER-QUALITY MONITORING AT STATE FISH HATCHERIES.

(a) The commissioner, in conjunction with the commissioners of health, agriculture, and the Pollution Control Agency, must test the source water at the state fish hatcheries located in the cities of Altura, Lanesboro, and Peterson monthly for nitrates and pesticides, including neonicotinoids. By February 15 each year, the commissioner must report the results of the previous calendar year's testing to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance and health policy and finance.

(b) Once construction of the state fish hatchery in the city of Waterville is completed, the commissioner must test the groundwater source water monthly and report the results as required for other hatcheries under paragraph (a).

90.1 Sec. 44. Minnesota Statutes 2022, section 97C.395, as amended by Laws 2023, chapter
90.2 60, article 4, section 70, and Laws 2024, chapter 90, article 2, section 33, is amended to
90.3 read:

90.4 **97C.395 OPEN SEASONS FOR ANGLING.**

90.5 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
90.6 are as follows:

90.7 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
90.8 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend through the
90.9 last Sunday in February;

90.10 ~~(2) for lake trout, from January 1 through October 31;~~

90.11 ~~(3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
90.12 ~~splake on all lakes located outside or partially within the Boundary Waters Canoe Area,~~
90.13 ~~from January 15 through March 31;~~

90.14 ~~(4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
90.15 ~~splake on all lakes located entirely within the Boundary Waters Canoe Area, from January~~
90.16 ~~1 through March 31;~~

90.17 ~~(5)~~ (2) for brown trout, brook trout, lake trout, rainbow trout, and splake, between January
90.18 1 through October 31 as prescribed by the commissioner by rule except as provided in
90.19 section 97C.415, subdivision 2; and

90.20 ~~(6)~~ (3) for salmon, as prescribed by the commissioner by rule.

90.21 (b) The commissioner shall close the season in areas of the state where fish are spawning
90.22 and closing the season will protect the resource.

90.23 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
90.24 crappie, yellow perch, channel catfish, rock bass, white bass, yellow bass, burbot, cisco
90.25 (tullibee), lake whitefish, common carp, and native rough fish, the open season is continuous.

90.26 Sec. 45. Minnesota Statutes 2022, section 97C.411, is amended to read:

90.27 **97C.411 STURGEON AND PADDLEFISH.**

90.28 Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold,
90.29 transported or possessed except as provided by rule of the commissioner. ~~The commissioner~~
90.30 ~~may only allow the taking of these fish in waters that the state boundary passes through and~~
90.31 ~~in tributaries to the St. Croix River.~~

91.1 Sec. 46. Minnesota Statutes 2022, section 103F.211, subdivision 1, is amended to read:

91.2 Subdivision 1. **Adoption.** The commissioner shall adopt model standards and criteria
91.3 for the subdivision, use, and development of shoreland in municipalities and areas outside
91.4 of a municipality. The authority to adopt model standards and criteria is exempt from the
91.5 18-month time limit under section 14.125 and does not expire. The standards and criteria
91.6 must include:

91.7 (1) the area of a lot and length of water frontage suitable for a building site;

91.8 (2) the placement of structures in relation to shorelines and roads;

91.9 (3) the placement and construction of sanitary and waste disposal facilities;

91.10 (4) designation of types of land uses;

91.11 (5) changes in bottom contours of adjacent public waters;

91.12 (6) preservation of natural shorelands through the restriction of land uses;

91.13 (7) variances from the minimum standards and criteria; and

91.14 (8) for areas outside of a municipality only, a model ordinance.

91.15 Sec. 47. Minnesota Statutes 2022, section 103G.005, subdivision 15, is amended to read:

91.16 Subd. 15. **Public waters.** (a) "Public waters" means:

91.17 (1) water basins assigned a shoreland management classification by the commissioner
91.18 under sections 103F.201 to 103F.221;

91.19 (2) waters of the state that have been finally determined to be public waters or navigable
91.20 waters by a court of competent jurisdiction;

91.21 (3) meandered lakes, excluding lakes that have been legally drained;

91.22 (4) water basins previously designated by the commissioner for management for a
91.23 specific purpose such as trout lakes and game lakes pursuant to applicable laws;

91.24 (5) water basins designated as scientific and natural areas under section 84.033;

91.25 (6) water basins located within and totally surrounded by publicly owned lands;

91.26 (7) water basins where the state of Minnesota or the federal government holds title to
91.27 any of the beds or shores, unless the owner declares that the water is not necessary for the
91.28 purposes of the public ownership;

92.1 (8) water basins where there is a publicly owned and controlled access that is intended
92.2 to provide for public access to the water basin;

92.3 (9) natural and altered watercourses with a total drainage area greater than two square
92.4 miles;

92.5 (10) natural and altered watercourses designated by the commissioner as trout streams;
92.6 and

92.7 (11) public waters wetlands, unless the statute expressly states otherwise.

92.8 (b) Public waters are not determined exclusively by:

92.9 (1) the proprietorship of the underlying, overlying, or surrounding land or by;

92.10 (2) whether it is a body or stream of water that was navigable in fact or susceptible of
92.11 being used as a highway for commerce at the time this state was admitted to the union; or

92.12 (3) their inclusion in or exclusion from the public waters inventory required under section
92.13 103G.201. This clause is effective July 1, 2027.

92.14 Sec. 48. Minnesota Statutes 2022, section 103G.201, is amended to read:

92.15 **103G.201 PUBLIC WATERS INVENTORY.**

92.16 (a) The commissioner shall maintain a public waters inventory map of each county that
92.17 shows the waters of this state that are designated as public waters under the public waters
92.18 inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall
92.19 provide access to a copy of the maps. As county public waters inventory maps are revised
92.20 according to this section, the commissioner shall send a notification or a copy of the maps
92.21 to the auditor of each affected county.

92.22 (b) The commissioner ~~is authorized to~~ must revise the map of public waters established
92.23 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
92.24 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
92.25 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
92.26 public waters wetlands as public waters if:

92.27 (1) they are assigned a shoreland management classification by the commissioner under
92.28 sections 103F.201 to 103F.221;

92.29 (2) they are classified as lacustrine wetlands or deepwater habitats according to
92.30 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al.,
92.31 1979 edition); or

93.1 (3) the state or federal government has become titleholder to any of the beds or shores
93.2 of the public waters wetlands, subsequent to the preparation of the public waters inventory
93.3 map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state
93.4 or federal agency declares that the water is necessary for the purposes of the public
93.5 ownership.

93.6 (c) The commissioner must provide notice of the reclassification to the local government
93.7 unit, the county board, the watershed district, if one exists for the area, and the soil and
93.8 water conservation district. Within 60 days of receiving notice from the commissioner, a
93.9 party required to receive the notice may provide a resolution stating objections to the
93.10 reclassification. If the commissioner receives an objection from a party required to receive
93.11 the notice, the reclassification is not effective. If the commissioner does not receive an
93.12 objection from a party required to receive the notice, the reclassification of a wetland under
93.13 paragraph (b) is effective 60 days after the notice is received by all of the parties.

93.14 (d) The commissioner shall give priority to the reclassification of public waters wetlands
93.15 that are or have the potential to be affected by public works projects.

93.16 (e) The commissioner may revise the public waters inventory map of each county:

93.17 (1) to reflect the changes authorized in paragraph (b); and

93.18 (2) as needed, to:

93.19 (i) correct errors in the original inventory;

93.20 (ii) add or subtract trout stream tributaries within sections that contain a designated trout
93.21 stream following written notice to the landowner;

93.22 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50
93.23 acres and the shoreland has been zoned for residential development; and

93.24 (iv) add or subtract public waters that have been created or eliminated as a requirement
93.25 of a permit authorized by the commissioner under section 103G.245.

93.26 (f) \$1,000,000 is appropriated from the general fund each year in fiscal years 2025
93.27 through 2032 to the commissioner to update the public water inventory as required in this
93.28 section. The commissioner must develop and implement a process to update the public
93.29 water inventory. This paragraph expires June 30, 2032.

94.1 Sec. 49. Minnesota Statutes 2023 Supplement, section 103G.301, subdivision 2, is amended
94.2 to read:

94.3 Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of
94.4 receiving, recording, and processing must be paid for a permit application authorized under
94.5 this chapter, except for a general permit application, for each request to amend or transfer
94.6 an existing permit, and for a notification to request authorization to conduct a project under
94.7 a general permit. Fees established under this subdivision, unless specified in paragraph (c),
94.8 must comply with section 16A.1285.

94.9 (b) Proposed projects that require water in excess of 100 million gallons per year must
94.10 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred
94.11 for environmental review. Fees collected under this paragraph must be credited to an account
94.12 in the natural resources fund and are appropriated to the commissioner.

94.13 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
94.14 paragraph (b), is \$150. The application fee for a permit to construct or repair a dam that is
94.15 subject to a dam safety inspection, to work in public waters, or to divert waters for mining
94.16 must be at least \$1,200, but not more than \$12,000. The fee for a notification to request
94.17 authorization to conduct a project under a general permit is \$400, except that the fee for a
94.18 notification to request authorization to appropriate water under a general permit is \$100.

94.19 Sec. 50. Minnesota Statutes 2022, section 103G.315, subdivision 15, is amended to read:

94.20 Subd. 15. **Rules.** The commissioner shall adopt rules prescribing standards and criteria
94.21 for issuing and denying water-use permits and public-waters-work permits. The authority
94.22 to adopt the rules is exempt from the 18-month time limit under section 14.125 and does
94.23 not expire.

94.24 Sec. 51. Laws 2023, chapter 60, article 4, section 109, is amended to read:

94.25 Sec. 109. **ENSURING ADEQUATE BAIT SUPPLY.**

94.26 (a) Notwithstanding Minnesota Statutes, sections 97C.211, 97C.341, and 97C.515, or
94.27 any other provision of law, the commissioner of natural resources may adopt emergency
94.28 rules in accordance with Minnesota Statutes, section 84.027, subdivision 13, including by
94.29 the expedited emergency process described in Minnesota Statutes, section 84.027, subdivision
94.30 13, paragraph (b), to alleviate a shortage of bait in this state, including by allowing
94.31 importation of live minnows into the state. Only minnows harvested from waters in states
94.32 that are adjacent to Minnesota may be imported under this section.

(b) By January 15, 2024, the commissioner, in consultation with bait producers, bait harvesters, retailers, and other fishing interest groups, must submit recommendations to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources to ensure a viable Minnesota-grown bait supply and sustainable bait industry for anglers of Minnesota that minimizes the risk of spreading aquatic invasive species or fish disease in Minnesota.

(c) This section expires June 30, ~~2025~~ 2027.

Sec. 52. **REPORT ON RECREATIONAL USE OF SCHOOL TRUST LANDS.**

Subdivision 1. Office of School Trust Lands. The school trust lands director must conduct a study of the recreational use of school trust lands in the state. The study must be used to determine the amount of money to be allocated to the permanent school fund for fees paid to the state for outdoor recreation purposes. The commissioner of natural resources must assist the director by providing existing outdoor recreation use data. The director may contract for additional survey data to complete the study. The director may seek expertise from outdoor recreation industry leaders when preparing the study. The study must include the following:

(1) the estimated annual number of daily visits by individuals with a Minnesota hunting license accessing school trust lands and as a percentage of annual days hunted by all individuals with a Minnesota hunting license;

(2) the estimated annual number of daily visits by individuals with a Minnesota fishing license using a public water access site that contains school trust lands and as a percentage of annual days fishing by all individuals with a Minnesota fishing license;

(3) the estimated annual visits by Minnesota-licensed watercrafts to state-owned public water access sites that contain school trust lands and as a percentage of all visits by Minnesota-licensed watercrafts using public water access sites;

(4) the total number of miles of state-maintained snowmobile trails and all-terrain vehicle trails that are on school trust lands and as a percentage of total miles of state-operated trails for each purpose;

(5) the total amount of acres of school trust lands located within state parks and recreation areas and as a percentage of all acres of land in state parks and recreation areas;

(6) any other uses of school trust lands for outdoor recreation that include individuals purchasing a permit or paying a fee for access to the school trust lands and the percentage of the total permits or fees for that purpose;

96.1 (7) the estimated cost of posting signage near entrances to school trust lands declaring
96.2 that certain portions of the public land that are being used for outdoor recreation is school
96.3 trust land; and

96.4 (8) the estimated cost of updating recreational use maps and other electronic and printed
96.5 documents to distinctly label school trust lands that are contained within or are part of state
96.6 recreational areas, parks, and trails.

96.7 Subd. 2. **Report to the legislature.** By January 15, 2026, the school trust lands director
96.8 must report the findings in subdivision 1 to the chairs and ranking minority members of the
96.9 legislative committees with jurisdiction over environment and natural resources.

96.10 **Sec. 53. STATE PARK LICENSE PLATE DESIGN CONTEST.**

96.11 The commissioner of natural resources must hold a license plate design contest to design
96.12 a new state park license plate available under Minnesota Statutes, section 168.1295,
96.13 subdivision 1.

96.14 **Sec. 54. RUSTY PATCHED BUMBLE BEE ENDANGERED SPECIES**
96.15 **DESIGNATION; RULEMAKING.**

96.16 (a) The commissioner of natural resources must amend Minnesota Rules, part 6134.0200,
96.17 to designate the rusty patched bumble bee, *Bombus affinis*, as an endangered species.

96.18 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
96.19 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
96.20 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
96.21 14.388.

96.22 **Sec. 55. MINNESOTA GAS AND OIL RESOURCES TECHNICAL ADVISORY**
96.23 **COMMITTEE.**

96.24 (a) The commissioner of natural resources must appoint a Minnesota Gas and Oil
96.25 Resources Technical Advisory Committee to develop recommendations according to
96.26 paragraph (d). The commissioner may appoint representatives from the following entities
96.27 to the technical advisory committee:

96.28 (1) the Pollution Control Agency;

96.29 (2) the Environmental Quality Board;

96.30 (3) the Department of Health;

97.1 (4) the Department of Revenue;

97.2 (5) the Office of the Attorney General;

97.3 (6) the University of Minnesota; and

97.4 (7) federal agencies.

97.5 (b) A majority of the committee members must be from state agencies, and all members
97.6 must have expertise in at least one of the following areas: environmental review; air quality;
97.7 water quality; taxation; mine permitting; mineral, gas, or oil exploration and development;
97.8 well construction; law; or other areas related to gas or oil production.

97.9 (c) Members of the technical advisory committee may not be registered lobbyists.

97.10 (d) The technical advisory committee must make recommendations to the commissioner
97.11 relating to the production of gas and oil in the state to guide the creation of a temporary
97.12 regulatory framework that will govern permitting before the rules authorized in Minnesota
97.13 Statutes, section 93.514, are adopted. The temporary framework must include
97.14 recommendations on statutory and policy changes that govern permitting requirements and
97.15 processes, financial assurance, taxation, boring monitoring and inspection protocols,
97.16 environmental review, and other topics that provide for gas and oil production to be
97.17 conducted in a manner that will reduce environmental impacts to the extent practicable,
97.18 mitigate unavoidable impacts, and ensure that the production area is restored to a condition
97.19 that protects natural resources and minimizes harm and that any ongoing maintenance
97.20 required to protect natural resources is provided. The temporary framework must consider
97.21 public testimony from stakeholders and Tribes, and the committee must hold at least one
97.22 public meeting on this topic. Recommendations must include draft legislative language.

97.23 (e) By January 15, 2025, the commissioner must submit to the chairs and ranking minority
97.24 members of the legislative committees and divisions with jurisdiction over environment
97.25 recommendations for statutory and policy changes to facilitate gas and oil exploration and
97.26 production in this state and to support the issuance of temporary permits issued under the
97.27 temporary framework in a manner that benefits the people of Minnesota while adequately
97.28 protecting the state's natural resources.

97.29 (f) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon
97.30 gases. For purposes of this section, "production" includes extraction and beneficiation from
97.31 consolidated or unconsolidated formations in the state.

97.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

98.1 Sec. 56. **MANAGEMENT OF KITTSOON CENTRAL ELK HERD.**

98.2 (a) Notwithstanding Minnesota Statutes, section 97B.516, the Department of Natural
98.3 Resources may manage the Kittson Central elk herd population to allow for genetic
98.4 diversification and herd health. The herd may not be allowed to exceed 130 percent of the
98.5 estimated 2023 population under this section.

98.6 (b) The commissioner of natural resources must work with the Grygla and Kittson elk
98.7 working groups, private land owners, local units of government, and Minnesota Tribal
98.8 Nations to develop a plan to enhance the size and range of Minnesota's elk population and
98.9 provide increased recreational opportunities while maintaining a positive existence for the
98.10 long-term management of the population.

98.11 Sec. 57. **REPORT ON OUTDOOR OPPORTUNITIES FOR MINNESOTA YOUTH.**

98.12 (a) By March 1, 2025, the commissioner of natural resources must submit a report to
98.13 the chairs and ranking minority members of the legislative committees and divisions with
98.14 jurisdiction over environment policy and finance on state programs that facilitate
98.15 opportunities for Minnesota youth to experience the outdoors, including:

98.16 (1) the No Child Left Inside program operated under Minnesota Statutes, section 84.976;
98.17 and

98.18 (2) any other program operated by or funded through the Department of Natural Resources
98.19 to facilitate opportunities for Minnesota youth to experience the outdoors.

98.20 (b) The report required by this section must identify gaps in existing programs and must
98.21 include recommendations for program and policy changes to increase opportunities to serve
98.22 additional Minnesota youth through Outdoor Schools for All legislation or other proposals
98.23 designed to increase access to the outdoors for underserved youth.

98.24 Sec. 58. **REPEALER.**

98.25 Minnesota Statutes 2022, section 97B.802, is repealed.

98.26 **ARTICLE 4**

98.27 **BOARD OF WATER AND SOIL RESOURCES**

98.28 Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 12, is amended to read:

98.29 Subd. 12. **Authority to issue penalty orders.** ~~(a) Except as provided under subdivision~~
98.30 ~~12a,~~ The board may issue an order requiring violations to be corrected and administratively

99.1 assessing monetary penalties of up to \$10,000 per violation for violations of this chapter
99.2 and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters,
99.3 and any standards, limitations, or conditions established by the board.

99.4 (b) Administrative penalties issued by the board under paragraph (a) ~~or subdivision 12a,~~
99.5 may be appealed according to section 116.072, if the recipient of the penalty requests a
99.6 hearing by notifying the commissioner in writing within 30 days after receipt of the order.
99.7 For the purposes of this section, the terms "commissioner" and "agency" as used in section
99.8 116.072 mean the board. If a hearing is not requested within the 30-day period, the order
99.9 becomes a final order not subject to further review.

99.10 (c) Administrative penalty orders issued under paragraph (a) ~~or subdivision 12a,~~ may
99.11 be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within
99.12 30 days of issuance of the order.

99.13 (d) If the board determines that sufficient steps have been taken to fully resolve
99.14 noncompliance, all or part of a penalty issued under this subdivision may be forgiven.

99.15 Sec. 2. Minnesota Statutes 2022, section 103B.101, subdivision 12a, is amended to read:

99.16 Subd. 12a. **Authority to issue penalty orders; counties and watershed districts.** (a)
99.17 A county or watershed district with jurisdiction ~~or the Board of Water and Soil Resources~~
99.18 may issue an order requiring violations of the water resources riparian protection requirements
99.19 under sections 103F.415, 103F.421, and 103F.48 to be corrected and administratively
99.20 assessing monetary penalties up to ~~\$500~~ \$10,000 for noncompliance commencing on day
99.21 one of the 11th month after the noncompliance notice was issued. The proceeds collected
99.22 from an administrative penalty order issued under this section must be remitted to the county
99.23 or watershed district with jurisdiction over the noncompliant site, or otherwise remitted to
99.24 the Board of Water and Soil Resources.

99.25 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt
99.26 a plan containing procedures for the issuance of administrative penalty orders by local
99.27 governments and the board as authorized in this subdivision and subdivision 12. This plan,
99.28 and any subsequent amendments, ~~will become~~ is effective 30 days after being published in
99.29 the State Register. ~~The initial plan must be published in the State Register no later than July~~
99.30 ~~1, 2017.~~

99.31 (c) Administrative penalties may be reissued and appealed under paragraph (a) according
99.32 to section 103F.48, subdivision 9.

100.1 Sec. 3. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision
100.2 to read:

100.3 Subd. 19. **Pollinator account created.** An account is created in the special revenue fund
100.4 to support pollinators. Money may be deposited in the account only as required by law.
100.5 Money in the account is annually appropriated to the Board of Water and Soil Resources
100.6 for activities that support pollinator habitat.

100.7 Sec. 4. Minnesota Statutes 2023 Supplement, section 103B.104, is amended to read:

100.8 **103B.104 LAWNS TO LEGUMES PROGRAM.**

100.9 (a) The Board of Water and Soil Resources may provide financial and technical assistance
100.10 to plant residential landscapes and community spaces with native vegetation and
100.11 pollinator-friendly forbs and legumes to:

100.12 (1) protect a diversity of pollinators with declining populations; and

100.13 (2) provide additional benefits for water management, carbon sequestration, and landscape
100.14 and climate resiliency.

100.15 (b) The board must establish criteria for grants or payments awarded under this section.
100.16 Grants or payments awarded under this section may give priority consideration for proposals
100.17 in areas identified by the United States Fish and Wildlife Service as areas where there is a
100.18 high potential for rusty patched bumble bees and other priority species to be present.

100.19 (c) The board may collaborate with and enter into agreements with federal, state, and
100.20 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and
100.21 promote the program.

100.22 (d) Data on individuals who apply for or receive financial or technical assistance to plant
100.23 residential landscapes or community spaces under the program are classified as private data
100.24 on individuals, as defined by section 13.02, subdivision 12. Section 13.05, subdivision 11,
100.25 applies to an agreement between the board and a private person to implement the program.

100.26 Sec. 5. Minnesota Statutes 2022, section 103F.48, subdivision 7, is amended to read:

100.27 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
100.28 a landowner is not in compliance with this section, the district must notify the county or
100.29 watershed district with jurisdiction over the noncompliant site and the board. The county
100.30 or watershed district with jurisdiction or the board must provide the landowner with a list
100.31 of corrective actions needed to come into compliance and a practical timeline to meet the

101.1 requirements in this section. The county or watershed district with jurisdiction must provide
101.2 a copy of the corrective action notice to the board.

101.3 (b) A county or watershed district exercising jurisdiction under this subdivision and the
101.4 enforcement authority granted in section 103B.101, subdivision 12a, shall affirm their
101.5 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
101.6 compliance provisions of this section and section 103B.101, subdivision 12a, by notice to
101.7 the board prior to March 31, 2017. A county or watershed district must provide notice to
101.8 the board at least 60 days prior to the effective date of a subsequent decision on their
101.9 jurisdiction.

101.10 (c) If the landowner does not comply with the list of actions and timeline provided, the
101.11 county or watershed district may enforce this section under the authority granted in section
101.12 103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official
101.13 control of the county. Before exercising administrative penalty authority, a county or
101.14 watershed district must adopt a plan consistent with the plan adopted by the board containing
101.15 procedures for the issuance of administrative penalty orders and may issue orders beginning
101.16 November 1, 2017. If a county or watershed district with jurisdiction over the noncompliant
101.17 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
101.18 board must enforce this section under the authority granted in section 103B.101, subdivision
101.19 ~~12a~~ 12.

101.20 (d) If the county, watershed district, or board determines that sufficient steps have been
101.21 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

101.22 (e) An order issued under paragraph (c) may be appealed to the board as provided under
101.23 subdivision 9.

101.24 (f) A corrective action is not required for conditions resulting from a flood or other act
101.25 of nature.

101.26 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
101.27 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
101.28 has obtained a signed statement from the property owner stating that the permission for the
101.29 work has been granted by the unit of government authorized to approve the work in this
101.30 section or that a buffer or water quality practice is not required as validated by the soil and
101.31 water conservation district. Removal or willful degradation of a riparian buffer or water
101.32 quality practice, wholly or partially, by an agent or operator is a separate and independent
101.33 offense and may be subject to the corrective actions and penalties in this subdivision.

102.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 297A.94, is amended to read:

102.2 **297A.94 DEPOSIT OF REVENUES.**

102.3 (a) Except as provided in this section, the commissioner shall deposit the revenues,
102.4 including interest and penalties, derived from the taxes imposed by this chapter in the state
102.5 treasury and credit them to the general fund.

102.6 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
102.7 account in the special revenue fund if:

102.8 (1) the taxes are derived from sales and use of property and services purchased for the
102.9 construction and operation of an agricultural resource project; and

102.10 (2) the purchase was made on or after the date on which a conditional commitment was
102.11 made for a loan guaranty for the project under section 41A.04, subdivision 3.

102.12 The commissioner of management and budget shall certify to the commissioner the date on
102.13 which the project received the conditional commitment. The amount deposited in the loan
102.14 guaranty account must be reduced by any refunds and by the costs incurred by the Department
102.15 of Revenue to administer and enforce the assessment and collection of the taxes.

102.16 (c) The commissioner shall deposit the revenues, including interest and penalties, derived
102.17 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,
102.18 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

102.19 (1) first to the general obligation special tax bond debt service account in each fiscal
102.20 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

102.21 (2) after the requirements of clause (1) have been met, the balance to the general fund.

102.22 (d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit
102.23 in the state treasury the revenues collected under section 297A.64, subdivision 1, including
102.24 interest and penalties and minus refunds, and credit them to the highway user tax distribution
102.25 fund.

102.26 (e) The commissioner shall deposit the revenues, including interest and penalties,
102.27 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
102.28 general fund. By July 15 of each year the commissioner shall transfer to the highway user
102.29 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
102.30 subdivision 5, for the previous calendar year.

102.31 (f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit
102.32 of revenues under paragraph (d), the commissioner shall deposit into the state treasury and

103.1 credit to the highway user tax distribution fund an amount equal to the estimated revenues
103.2 derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or
103.3 rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The
103.4 commissioner shall estimate the amount of sales tax revenue deposited under this paragraph
103.5 based on the amount of revenue deposited under paragraph (d).

103.6 (g) The commissioner must deposit the revenues derived from the taxes imposed under
103.7 section 297A.62, subdivision 1, on the sale and purchase of motor vehicle repair and
103.8 replacement parts in the state treasury and credit:

103.9 (1) 43.5 percent in each fiscal year to the highway user tax distribution fund;

103.10 (2) a percentage to the transportation advancement account under section 174.49 as
103.11 follows:

103.12 (i) 3.5 percent in fiscal year 2024;

103.13 (ii) 4.5 percent in fiscal year 2025;

103.14 (iii) 5.5 percent in fiscal year 2026;

103.15 (iv) 7.5 percent in fiscal year 2027;

103.16 (v) 14.5 percent in fiscal year 2028;

103.17 (vi) 21.5 percent in fiscal year 2029;

103.18 (vii) 28.5 percent in fiscal year 2030;

103.19 (viii) 36.5 percent in fiscal year 2031;

103.20 (ix) 44.5 percent in fiscal year 2032; and

103.21 (x) 56.5 percent in fiscal year 2033 and thereafter; and

103.22 (3) the remainder in each fiscal year to the general fund.

103.23 For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01,
103.24 subdivision 11, and "motor vehicle repair and replacement parts" includes (i) all parts, tires,
103.25 accessories, and equipment incorporated into or affixed to the motor vehicle as part of the
103.26 motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or
103.27 in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this
103.28 paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially
103.29 made of rubber and if marked according to federal regulations for highway use.

104.1 (h) 81.56 percent of the revenues, including interest and penalties, transmitted to the
104.2 commissioner under section 297A.65, must be deposited by the commissioner in the state
104.3 treasury as follows:

104.4 (1) ~~50~~ 47.5 percent of the receipts must be deposited in the heritage enhancement account
104.5 in the game and fish fund, and may be spent only on activities that improve, enhance, or
104.6 protect fish and wildlife resources, including conservation, restoration, and enhancement
104.7 of land, water, and other natural resources of the state;

104.8 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
104.9 be spent only for state parks and trails;

104.10 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
104.11 be spent only on metropolitan park and trail grants;

104.12 (4) three percent of the receipts must be deposited in the natural resources fund, and
104.13 may be spent only on local trail grants; ~~and~~

104.14 (5) two percent of the receipts must be deposited in the natural resources fund, and may
104.15 be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory,
104.16 and the Duluth Zoo; and

104.17 (6) 2.5 percent of the receipts must be deposited in the pollinator account established in
104.18 section 103B.101, subdivision 19.

104.19 (i) 1.5 percent of the revenues, including interest and penalties, transmitted to the
104.20 commissioner under section 297A.65 must be deposited in a regional parks and trails account
104.21 in the natural resources fund and may only be spent for parks and trails of regional
104.22 significance outside of the seven-county metropolitan area under section 85.535, based on
104.23 recommendations from the Greater Minnesota Regional Parks and Trails Commission under
104.24 section 85.536.

104.25 (j) 1.5 percent of the revenues, including interest and penalties, transmitted to the
104.26 commissioner under section 297A.65 must be deposited in an outdoor recreational
104.27 opportunities for underserved communities account in the natural resources fund and may
104.28 only be spent on projects and activities that connect diverse and underserved Minnesotans
104.29 through expanding cultural environmental experiences, exploration of their environment,
104.30 and outdoor recreational activities.

104.31 (k) The revenue dedicated under paragraph (h) may not be used as a substitute for
104.32 traditional sources of funding for the purposes specified, but the dedicated revenue shall
104.33 supplement traditional sources of funding for those purposes. Land acquired with money

105.1 deposited in the game and fish fund under paragraph (h) must be open to public hunting
105.2 and fishing during the open season, except that in aquatic management areas or on lands
105.3 where angling easements have been acquired, fishing may be prohibited during certain times
105.4 of the year and hunting may be prohibited. At least 87 percent of the money deposited in
105.5 the game and fish fund for improvement, enhancement, or protection of fish and wildlife
105.6 resources under paragraph (h) must be allocated for field operations.

105.7 (l) The commissioner must deposit the revenues, including interest and penalties minus
105.8 any refunds, derived from the sale of items regulated under section 624.20, subdivision 1,
105.9 that may be sold to persons 18 years old or older and that are not prohibited from use by
105.10 the general public under section 624.21, in the state treasury and credit:

105.11 (1) 25 percent to the volunteer fire assistance grant account established under section
105.12 88.068;

105.13 (2) 25 percent to the fire safety account established under section 297I.06, subdivision
105.14 3; and

105.15 (3) the remainder to the general fund.

105.16 For purposes of this paragraph, the percentage of total sales and use tax revenue derived
105.17 from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be
105.18 sold to persons 18 years old or older and are not prohibited from use by the general public
105.19 under section 624.21, is a set percentage of the total sales and use tax revenues collected in
105.20 the state, with the percentage determined under Laws 2017, First Special Session chapter
105.21 1, article 3, section 39.

105.22 (m) The revenues deposited under paragraphs (a) to (l) do not include the revenues,
105.23 including interest and penalties, generated by the sales tax imposed under section 297A.62,
105.24 subdivision 1a, which must be deposited as provided under the Minnesota Constitution,
105.25 article XI, section 15.

105.26 Sec. 7. **SOIL HEALTH APPROPRIATIONS; REPORT.**

105.27 By January 15, 2026, the Board of Water and Soil Resources must submit a report to
105.28 the chairs and ranking minority members of the legislative committees and divisions with
105.29 jurisdiction over environment and natural resources on the expenditure of money appropriated
105.30 for soil health activities under Laws 2023, chapter 60, article 1, section 4, paragraph (k).

ARTICLE 5**PACKAGING WASTE AND COST REDUCTION ACT**Section 1. **[115A.144] SHORT TITLE.**

Sections 115A.144 to 115A.1463 may be cited as the "Packaging Waste and Cost Reduction Act."

Sec. 2. **[115A.1441] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 115A.144 to 115A.1463, the terms in this section have the meanings given.

Subd. 2. **Advisory board.** "Advisory board" or "board" means the Producer Responsibility Advisory Board established under section 115A.1444.

Subd. 3. **Brand.** "Brand" means a name, symbol, word, or mark that identifies a product and attributes the product and its components, including packaging, to the brand owner.

Subd. 4. **Brand owner.** "Brand owner" means a person that owns or licenses a brand or that otherwise has rights to market a product under the brand, whether or not the brand's trademark is registered.

Subd. 5. **Collection rate.** "Collection rate" means the amount of a covered material by covered materials type collected by service providers and transported for recycling or composting divided by the total amount of the type of a covered material by covered materials type sold or distributed into the state by the relevant unit of measurement established in section 115A.1451.

Subd. 6. **Compostable material.** "Compostable material" means a covered material that:

(1) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400) or its successor;

(2) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

(3) is comprised of only wood without any coatings or additives; or

(4) is comprised of only paper without any coatings or additives.

107.1 Subd. 7. **Composting.** "Composting" means the controlled microbial degradation of
107.2 source-separated compostable materials to yield a humus-like product.

107.3 Subd. 8. **Composting rate.** "Composting rate" means the amount of compostable covered
107.4 material that is managed through composting, divided by the total amount of compostable
107.5 covered material sold or distributed into the state by the relevant unit of measurement
107.6 established in section 115A.1451.

107.7 Subd. 9. **Covered entity.** "Covered entity" means a person or location that receives
107.8 covered services for covered materials in accordance with the requirements of this act,
107.9 including:

107.10 (1) a single-family residence;

107.11 (2) a multifamily residence;

107.12 (3) a school as defined in sections 120A.22, subdivision 4, and 136A.62, subdivision 3,
107.13 clauses (1) and (2); a nonpublic school as defined in section 123B.41, subdivision 9;
107.14 postsecondary educational systems as defined in section 119B.011, subdivision 18; a provider
107.15 as defined in section 119B.011, subdivision 19; and any other location where education or
107.16 child care is provided;

107.17 (4) a nonprofit corporation with annual revenue of less than \$35,000,000; and

107.18 (5) a state agency, political subdivision, public area, public entity as defined in section
107.19 115A.151, or other governmental unit.

107.20 Subd. 10. **Covered material.** "Covered material" means packaging and paper products
107.21 introduced. Covered material does not include exempt materials.

107.22 Subd. 11. **Covered materials type.** "Covered materials type" means a singular and
107.23 specific type of covered material, such as paper, plastic, metal, or glass, that:

107.24 (1) can be categorized based on distinguishing chemical or physical properties, including
107.25 properties that allow a covered materials type to be aggregated into a discrete commodity
107.26 category for purposes of reuse, recycling, or composting; and

107.27 (2) is based on similar uses in the form of a product or package.

107.28 Subd. 12. **Covered services.** "Covered services" means collecting, transferring,
107.29 transporting, sorting, processing, recovering, preparing, or otherwise managing for purposes
107.30 of waste reduction, reuse, recycling, or composting. Covered services does not mean any
107.31 management method according to section 115A.02, paragraph (b), clauses (4) to (6).

108.1 Subd. 13. **De minimis producer.** "De minimis producer" means a person that in their
108.2 most recent fiscal year:

108.3 (1) introduced less than one ton of covered material into this state; or

108.4 (2) earned global gross revenues of less than \$2,000,000.

108.5 Subd. 14. **Drop-off collection site.** "Drop-off collection site" means a physical location
108.6 where covered materials are accepted from the public and that is open a minimum of 12
108.7 hours weekly throughout the year.

108.8 Subd. 15. **Environmental impact.** "Environmental impact" means the impact of a
108.9 covered material on human health and the environment from extraction and processing of
108.10 the raw materials composing the material through manufacturing; distribution; use; recovery
108.11 for reuse, recycling, or composting; and final disposal.

108.12 Subd. 16. **Exempt materials.** "Exempt materials" means materials, or any portion of
108.13 materials, that:

108.14 (1) are packaging for infant formula, as defined in United States Code, title 21, section
108.15 321(z);

108.16 (2) are packaging for medical food, as defined in United States Code, title 21, section
108.17 360ee(b)(3);

108.18 (3) are packaging for a fortified oral nutritional supplement used by persons who require
108.19 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs
108.20 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,
108.21 as those terms are defined by the International Classification of Diseases, Tenth Revision;

108.22 (4) are packaging for a product regulated as a drug or medical device by the United
108.23 States Food and Drug Administration, including associated components and consumable
108.24 medical equipment;

108.25 (5) are packaging for a medical equipment or product used in medical settings that is
108.26 regulated by the United States Food and Drug Administration, including associated
108.27 components and consumable medical equipment;

108.28 (6) are drugs, biological products, parasitocides, medical devices, or in vitro diagnostics
108.29 that are used to treat, or that are administered to, animals and are regulated by the United
108.30 States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act,
108.31 United States Code, title 21, section 301 et seq., by the United States Department of

109.1 Agriculture under the federal Virus-Serum-Toxin Act, United States Code, title 21, section
109.2 151 et seq.;

109.3 (7) are packaging for products regulated by the United States Environmental Protection
109.4 Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, United States Code,
109.5 title 7, section 136 et seq.;

109.6 (8) are packaging used to contain liquefied petroleum gas and are designed to be refilled;

109.7 (9) are paper products used for a newspaper's print publications, including supplements
109.8 or enclosures, that include content derived from primary sources related to news and current
109.9 events;

109.10 (10) are paper products used for a magazine's print publication that has a circulation of
109.11 less than 95,000 and that primarily includes content derived from primary sources related
109.12 to news and current events;

109.13 (11) are packaging used to contain hazardous or flammable products regulated by the
109.14 2012 federal Occupational Safety and Health Administration Hazard Communication
109.15 Standard, Code of Federal Regulations, title 29, section 1910.1200, that prevent the packaging
109.16 from being waste reduced or made reusable, recyclable, or compostable, as determined by
109.17 the commissioner;

109.18 (12) are packaging that is being collected and properly managed through a paint
109.19 stewardship plan approved under section 115A.1415;

109.20 (13) are exempt materials, as determined by the commissioner under section 115A.1453,
109.21 subdivision 6; or

109.22 (14) are covered materials that:

109.23 (i) a producer distributes to another producer;

109.24 (ii) are subsequently used to contain a product, and the product is distributed to a
109.25 commercial or business entity for the production of another product; and

109.26 (iii) are not introduced to a person other than the commercial or business entity that first
109.27 received the product used for the production of another product.

109.28 Subd. 17. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

109.29 Subd. 18. **Independent auditor.** "Independent auditor" means an independent and
109.30 actively licensed certified public accountant that is:

109.31 (1) retained by a producer responsibility organization;

110.1 (2) not otherwise employed by or affiliated with a producer responsibility organization;
110.2 and

110.3 (3) qualified to conduct an audit under state law.

110.4 Subd. 19. **Infrastructure investment.** "Infrastructure investment" means an investment
110.5 by a producer responsibility organization that funds or reimburses a person for:

110.6 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,
110.7 or composting;

110.8 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of
110.9 covered materials; or

110.10 (3) the expansion or strengthening of demand for and use of covered materials by
110.11 responsible markets in the state or region.

110.12 Subd. 20. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship
110.13 a product within or into this state.

110.14 Subd. 21. **Living wage.** "Living wage" means the minimum hourly wage necessary to
110.15 allow a person working 40 hours per week to afford basic needs.

110.16 Subd. 22. **Needs assessment.** "Needs assessment" means an assessment conducted
110.17 according to section 115A.1450, subdivision 4. Except where the context requires otherwise,
110.18 needs assessment means the most recently completed needs assessment.

110.19 Subd. 23. **Packaging.** "Packaging" has the meaning given in section 115A.03 and
110.20 includes food packaging. Packaging does not include exempt materials.

110.21 Subd. 24. **Paper product.** "Paper product" means a product made primarily from wood
110.22 pulp or other cellulosic fibers but does not include bound books or products that recycling
110.23 or composting facilities will not accept because of the unsafe or unsanitary nature of the
110.24 paper product. Paper product does not include exempt materials.

110.25 Subd. 25. **Postconsumer recycled content.** "Postconsumer recycled content" means
110.26 the amount of postconsumer material used by a producer in the production of a covered
110.27 materials type, divided by the total amount of that covered materials type used for products
110.28 sold or distributed by the producer in that same calendar year.

110.29 Subd. 26. **Producer.** (a) "Producer" means the following person responsible for
110.30 compliance with requirements under this act for a covered material introduced:

110.31 (1) for items sold in or with packaging at a physical retail location in this state:

111.1 (i) if the item is sold in or with packaging under the brand of the item manufacturer or
111.2 is sold in packaging that lacks identification of a brand, the producer is the person that
111.3 manufactures the item;

111.4 (ii) if there is no person to which item (i) applies, the producer is the person that is
111.5 licensed to manufacture and sell or offer for sale to consumers in this state an item with
111.6 packaging under the brand or trademark of another manufacturer or person;

111.7 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
111.8 of the item;

111.9 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
111.10 producer is the person who is the importer of record for the item into the United States for
111.11 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;
111.12 or

111.13 (v) if there is no person described in items (i) to (iv), the producer is the person that first
111.14 distributes the item in or into this state;

111.15 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote
111.16 sale, or distribution:

111.17 (i) for packaging used to directly protect or contain the item, the producer of the packaging
111.18 is the same as the producer identified under clause (1); and

111.19 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is
111.20 the person that packages the item to be shipped to the consumer;

111.21 (3) for packaging that is a covered material and is not included in clauses (1) and (2),
111.22 the producer of the packaging is the person that first distributes the item in or into this state;

111.23 (4) for paper products that are magazines, catalogs, telephone directories, or similar
111.24 publications, the producer is the publisher;

111.25 (5) for paper products not described in clause (4):

111.26 (i) if the paper product is sold under the manufacturer's own brand, the producer is the
111.27 person that manufactures the paper product;

111.28 (ii) if there is no person to which item (i) applies, the producer is the person that is the
111.29 owner or licensee of a brand or trademark under which the paper product is used in a
111.30 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or
111.31 not the trademark is registered in this state;

112.1 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
112.2 of the paper product;

112.3 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
112.4 producer is the person that imports the paper product into the United States for use in a
112.5 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;
112.6 or

112.7 (v) if there is no person described in items (i) to (iv), the producer is the person that first
112.8 distributes the paper product in or into this state; and

112.9 (6) a person is the producer of a covered material sold, offered for sale, or distributed
112.10 in or into this state, as defined in clauses (1) to (5), except:

112.11 (i) where another person has mutually signed an agreement with a producer as defined
112.12 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
112.13 and the person has joined a registered producer responsibility organization as the responsible
112.14 producer for that covered material under this act. In the event that another person is assigned
112.15 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)
112.16 must provide written certification of that contractual agreement to the producer responsibility
112.17 organization; and

112.18 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part
112.19 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a
112.20 commercial presence within the state.

112.21 (b) "Producer" does not include:

112.22 (1) a state, a federal or state agency, a political subdivision, or other governmental unit;

112.23 (2) a registered 501(c)(3) charitable organization or 501(c)(4) social welfare organization;

112.24 (3) a de minimis producer;

112.25 (4) a mill that uses any virgin wood fiber in the products it produces; or

112.26 (5) a paper mill that produces container board derived from 100 percent postconsumer
112.27 recycled content and nonpostconsumer recycled content.

112.28 Subd. 27. **Producer responsibility organization.** "Producer responsibility organization"
112.29 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal
112.30 Internal Revenue Code and that is created by a group of producers to implement activities
112.31 under this act.

113.1 Subd. 28. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that
113.2 recycling does not include reuse or composting, as defined in this act.

113.3 Subd. 29. **Recycling rate.** "Recycling rate" means the amount of recyclable covered
113.4 material, in aggregate or by individual covered materials type, recycled in a calendar year
113.5 divided by the total amount of recyclable covered materials sold or distributed into the state
113.6 by the relevant unit of measurement established in section 115A.1451.

113.7 Subd. 30. **Refill.** "Refill" means the continued use of a covered material by a consumer
113.8 through a system that is:

113.9 (1) intentionally designed and marketed for repeated filling of a covered material to
113.10 reduce demand for new production of the covered material;

113.11 (2) supported by adequate logistics and infrastructure to provide convenient access for
113.12 consumers; and

113.13 (3) compliant with all applicable federal, state, and local statutes, rules, ordinances, and
113.14 other laws governing health and safety.

113.15 Subd. 31. **Responsible market.** "Responsible market" means a materials market that:

113.16 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of
113.17 contaminants in a manner that protects the environment and minimizes risks to public health
113.18 and worker health and safety;

113.19 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and
113.20 other laws governing environmental, health, safety, and financial responsibility;

113.21 (3) possesses all requisite licenses and permits required by a federal or state agency or
113.22 political subdivision;

113.23 (4) if the market operates in the state, manages waste according to the waste management
113.24 goal and priority order of waste management practices stated in section 115A.02; and

113.25 (5) minimizes adverse impacts to environmental justice areas, as defined in section
113.26 115A.03.

113.27 Subd. 32. **Return rate.** "Return rate" means the amount of reusable covered material in
113.28 aggregate or by individual covered materials type, collected for reuse by a producer or
113.29 service provider in a calendar year, divided by the total amount of reusable covered materials
113.30 sold or distributed into the state by the relevant unit of measurement established in section
113.31 115A.1451.

113.32 Subd. 33. **Reusable.** "Reusable" means capable of reuse.

114.1 Subd. 34. **Reuse.** "Reuse" means the return of a covered material to the marketplace and
114.2 the continued use of the covered material by a producer or service provider when the covered
114.3 material is:

114.4 (1) intentionally designed and marketed to be used multiple times for its original intended
114.5 purpose without a change in form;

114.6 (2) designed for durability and maintenance to extend its useful life and reduce demand
114.7 for new production of the covered material;

114.8 (3) supported by adequate logistics and infrastructure at a retail location, by a service
114.9 provider, or on behalf of or by a producer, that provides convenient access for consumers;
114.10 and

114.11 (4) compliant with all applicable federal, state, and local statutes, rules, ordinances, and
114.12 other laws governing health and safety.

114.13 Subd. 35. **Reuse rate.** "Reuse rate" means the share of units of a reusable covered
114.14 material sold or distributed into the state in a calendar year that are demonstrated and deemed
114.15 reusable in accordance with an approved stewardship plan under section 115A.1451.

114.16 Subd. 36. **Service provider.** "Service provider" means an entity that provides covered
114.17 services for covered materials. A political subdivision that provides or that contracts or
114.18 otherwise arranges with another party to provide covered services for covered materials
114.19 within its jurisdiction may be a service provider regardless of whether it provided, contracted
114.20 for, or otherwise arranged for similar services before the approval of the applicable
114.21 stewardship plan.

114.22 Subd. 37. **Third-party certification.** "Third-party certification" means certification by
114.23 an accredited independent organization that a standard or process required by this act, or
114.24 by a stewardship plan approved under this act, has been achieved.

114.25 Subd. 38. **This act.** "This act" means sections 115A.144 to 115A.1463.

114.26 Subd. 39. **Toxic substance.** "Toxic substance" means hazardous waste, a problem
114.27 material, a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,
114.28 or 325F.172 to 325F.179, or a chemical of high concern identified under section 116.9402.

114.29 Subd. 40. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"
114.30 has the meaning given in section 115A.03, except that waste reduction or source reduction
114.31 does not include reuse, but does include refill, as defined in this act.

115.1 Sec. 3. **[115A.1442] ESTABLISHMENT OF PROGRAM.**

115.2 Producers must implement and finance a statewide program for packaging and paper
115.3 products in accordance with this act that encourages redesign to reduce the environmental
115.4 impacts and human health impacts and that reduces generation of covered materials waste
115.5 through waste reduction, reuse, recycling, and composting and by providing for the collection,
115.6 transportation, and processing of used covered materials for reuse, recycling, and composting.

115.7 Sec. 4. **[115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY**
115.8 **ORGANIZATIONS AND SERVICE PROVIDERS.**

115.9 Subdivision 1. Annual registration. (a) By January 1, 2025, producers must appoint a
115.10 producer responsibility organization. The producer responsibility organization must register
115.11 with the commissioner by July 1, 2026, and each January 1 thereafter by submitting the
115.12 following:

115.13 (1) contact information for a person responsible for implementing an approved
115.14 stewardship plan;

115.15 (2) a list of all member producers that have entered into written agreements to operate
115.16 under an approved stewardship plan administered by the producer responsibility organization
115.17 and, for each producer, a list of all brands of the producer's covered materials introduced;

115.18 (3) copies of written agreements with each producer stating that the producer agrees to
115.19 operate under an approved stewardship plan administered by the producer responsibility
115.20 organization;

115.21 (4) a list of current board members and the executive director if different from the person
115.22 responsible for implementing an approved stewardship plan; and

115.23 (5) documentation demonstrating adequate financial responsibility and financial controls
115.24 to ensure proper management of funds and payment of the registration fee required under
115.25 subdivision 2.

115.26 (b) Following the approval of the initial producer responsibility organization and the
115.27 initial stewardship plan, if more than a single producer responsibility organization is
115.28 established, the producers and producer responsibility organizations must establish a
115.29 coordinating body and process to prevent redundancy. The coordinating body must integrate:

115.30 (1) stewardship plans of all producer responsibility organizations into a single stewardship
115.31 plan that implements all requirements of this act and encompasses all producers when
115.32 submitted to the commissioner for approval; and

116.1 (2) annual reports of all producer responsibility organizations into a single annual report
116.2 that covers all requirements of this act and encompasses all producers when submitted to
116.3 the commissioner.

116.4 Subd. 2. **Registration fee.** (a) Beginning January 1, 2029, as part of its annual registration
116.5 with the commissioner, a producer responsibility organization must submit to the
116.6 commissioner a registration fee, as determined by the commissioner. By October 1, 2028,
116.7 and annually thereafter, the commissioner must provide written notice to registered producer
116.8 responsibility organizations in writing of the amount of the registration fee. If there is more
116.9 than one registered producer responsibility organization, the coordinating body described
116.10 in subdivision 1, paragraph (b), must equitably apportion payment of the registration fee
116.11 between all registered producer responsibility organizations. The registration fee must be
116.12 set at an amount anticipated to in the aggregate meet but not exceed the commissioner's
116.13 estimate of the costs required to perform the commissioner's duties as described in section
116.14 115A.1445 and to otherwise administer, implement, and enforce this act.

116.15 (b) The commissioner must annually reconcile the fees paid by a producer responsibility
116.16 organization under this subdivision with the actual costs incurred by the agency by means
116.17 of credits or refunds to or additional payments required of a producer responsibility
116.18 organization, as applicable.

116.19 Subd. 3. **Initial producer responsibility organization registration; implementation**
116.20 **fee.** (a) By January 1, 2025, producers must appoint a producer responsibility organization.
116.21 The producer responsibility organization must register by January 1, 2025, with the
116.22 commissioner by submitting the following:

116.23 (1) contact information for a person responsible for implementing an approved
116.24 stewardship plan;

116.25 (2) a list of current member producers that have entered into written agreements to
116.26 operate under an approved stewardship plan administered by the producer responsibility
116.27 organization;

116.28 (3) a plan for recruiting additional member producers and executing written agreements
116.29 confirming producers will operate under an approved stewardship plan administered by the
116.30 producer responsibility organization;

116.31 (4) a list of current board members and the executive director if different than the person
116.32 responsible for implementing approved stewardship plans; and

117.1 (5) documentation demonstrating adequate financial responsibility and financial controls
117.2 to ensure proper management of funds and payment of the implementation fee required
117.3 under paragraph (c).

117.4 (b) Notwithstanding the other provisions of this section, the commissioner may not allow
117.5 registration of more than one producer responsibility organization under this section before
117.6 the first stewardship plan approved by the commissioner expires. If more than one producer
117.7 responsibility organization applies to register under this section before the first stewardship
117.8 plan is approved by the commissioner, the commissioner must select the producer
117.9 responsibility organization that will represent producers until the first stewardship plan
117.10 expires and, if applicable, must return the fee paid by applicants who are not selected. When
117.11 selecting a producer responsibility organization, the commissioner must consider whether
117.12 the producer responsibility organization:

117.13 (1) has a governing board consisting of producers that represent a diversity of covered
117.14 materials introduced; and

117.15 (2) demonstrates adequate financial responsibility and financial controls to ensure proper
117.16 management of funds.

117.17 (c) By February 15, 2025, and annually until February 15, 2028, the commissioner must
117.18 provide written notice to the producer responsibility organization of the commissioner's
117.19 estimates of the cost required to perform the commissioner's duties as described in section
117.20 115A.1445. The producer responsibility organization must remit payment in full for these
117.21 costs to the commissioner within 45 days of receipt of this notice. The producer responsibility
117.22 organization may charge each member producer a fee according to each producer's unit-,
117.23 weight-, volume-, or sales-based market share or by another method it determines to be an
117.24 equitable determination of each producer's payment obligation, so that the aggregate fees
117.25 charged to member producers is sufficient to pay the commissioner's estimated costs in full.

117.26 Subd. 4. **Requirement for additional producer responsibility organizations.** After
117.27 the first stewardship plan approved by the commissioner expires, the commissioner may
117.28 allow registration of more than one producer responsibility organization if:

117.29 (1) producers of a covered materials type or a specific covered material appoint a producer
117.30 responsibility organization; or

117.31 (2) producers organize under additional producer responsibility organizations.

117.32 Subd. 5. **Registration of service providers.** By January 1, 2025, and annually thereafter,
117.33 a service provider seeking reimbursement for services provided under an approved

118.1 stewardship plan according to section 115A.1451 must register with the commissioner by
118.2 submitting the following information:

118.3 (1) the contact information for a person representing the service provider;

118.4 (2) the address of the service provider; and

118.5 (3) if applicable to services provided, a report of the total amount billed for collection
118.6 for covered entities, processing services, and transfer station operations provided during
118.7 the preceding calendar year and, when possible, values must be separated for collection,
118.8 transfer, and processing.

118.9 Subd. 6. **Disposition of fees.** All fees received under this section must be deposited in
118.10 the state treasury and credited to the product stewardship account under section 115A.1463.

118.11 Sec. 5. **[115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY**
118.12 **ADVISORY BOARD.**

118.13 Subdivision 1. **Establishment.** The Producer Responsibility Advisory Board is established
118.14 to review all activities conducted by producer responsibility organizations under this act
118.15 and to advise the commissioner and producer responsibility organizations regarding the
118.16 implementation of this act.

118.17 Subd. 2. **Membership.** (a) By January 1, 2025, the commissioner must establish and
118.18 appoint the initial membership of the advisory board. The membership of the board must
118.19 consist of the following:

118.20 (1) two members representing manufacturers of covered materials or a statewide or
118.21 national trade association representing those manufacturers;

118.22 (2) two members representing recycling facilities that manage covered materials;

118.23 (3) one member representing a waste hauler or a statewide association representing waste
118.24 haulers;

118.25 (4) one member representing retailers of covered materials or a statewide trade association
118.26 representing those retailers;

118.27 (5) one member representing a statewide nonprofit environmental organization;

118.28 (6) one member representing a community-based nonprofit environmental justice
118.29 organization;

118.30 (7) one member representing a waste facility that receives and sorts covered materials
118.31 and transfers them to another facility for reuse, recycling, or composting;

119.1 (8) one member representing a waste facility that receives compostable materials for
119.2 composting or a statewide trade association that represents such facilities;

119.3 (9) two members representing an entity that develops or offers for sale covered materials
119.4 that are designed for reuse or refill and maintained through a reuse or refill system or
119.5 infrastructure or a statewide or national trade association that represents such entities;

119.6 (10) three members representing organizations of political subdivisions, with at least
119.7 one member representing a political subdivision outside the metropolitan area;

119.8 (11) two members representing other interested parties or additional members of interests
119.9 represented under clauses (1) to (10) as determined by the commissioner; and

119.10 (12) one member representing the commissioner.

119.11 (b) In making appointments under paragraph (a), the commissioner:

119.12 (1) may not appoint members who are state legislators or registered lobbyists;

119.13 (2) may not appoint members who are employees of a producer required to be members
119.14 of a producer responsibility organization in this state under this act; and

119.15 (3) must endeavor to appoint members from all regions of the state.

119.16 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision
119.17 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members
119.18 serve for a term of four years, except that the initial term for nine of the initial appointees
119.19 must be two years so that membership terms are staggered. Members may be reappointed
119.20 but may not serve more than eight consecutive years. The removal of members and filling
119.21 of vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,
119.22 chapter 15 does not apply to the board.

119.23 Subd. 4. **Compensation.** Members of the board must be compensated according to
119.24 section 15.059, subdivision 3.

119.25 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If
119.26 there is a vacancy in the membership of the board, a majority of the remaining voting
119.27 members of the board constitutes a quorum.

119.28 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those
119.29 present and voting. All members of the advisory board, except the member appointed under
119.30 subdivision 2, paragraph (a), clause (12), are voting members of the board.

120.1 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may
120.2 meet more frequently upon ten days' written notice at the request of the chair or a majority
120.3 of its members.

120.4 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

120.5 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board
120.6 must elect a chair and vice-chair from among its members.

120.7 Subd. 10. **Administrative and operating support.** The commissioner must provide
120.8 administrative and operating support to the advisory board, including compensation in
120.9 accordance with subdivision 4, and may contract with a third-party facilitator to assist in
120.10 administering the activities of the advisory board, including establishing a website or landing
120.11 page on the agency website.

120.12 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board
120.13 in developing policies and procedures governing the disclosure of actual or perceived
120.14 conflicts of interest that advisory board members may have as a result of their employment
120.15 or financial holdings with respect to themselves or family members. Each advisory board
120.16 member is responsible for reviewing the conflict of interest policies and procedures. An
120.17 advisory board member must disclose any instance of actual or perceived conflicts of interest
120.18 at each meeting of the advisory board at which recommendations regarding stewardship
120.19 plans, programs, operations, or activities are made by the advisory board.

120.20 Sec. 6. **[115A.1445] COMMISSIONER RESPONSIBILITIES.**

120.21 The commissioner must:

120.22 (1) appoint the initial membership of the advisory board by January 1, 2025, as required
120.23 under section 115A.1444;

120.24 (2) provide administrative and operating support to the advisory board, as required under
120.25 section 115A.1444, subdivision 10;

120.26 (3) complete a preliminary assessment by December 31, 2025, and complete an initial
120.27 needs assessment by December 31, 2026, and update the needs assessment every five years
120.28 thereafter, as required under section 115A.1450;

120.29 (4) approve stewardship plans and amendments to stewardship plans according to section
120.30 115A.1451;

120.31 (5) provide lists established according to the requirements of section 115A.1453 to all
120.32 producer responsibility organizations by July 1, 2028;

- 121.1 (6) establish statewide requirements as required under section 115A.1451, subdivision
121.2 7;
- 121.3 (7) post on the agency's website:
- 121.4 (i) the most recent registration materials submitted by producer responsibility
121.5 organizations, including all information submitted under section 115A.1443, subdivision
121.6 1, paragraph (a), clauses (1), (2), and (4);
- 121.7 (ii) a list of registered service providers;
- 121.8 (iii) the most recent needs assessments;
- 121.9 (iv) any stewardship plan or amendment submitted by a producer responsibility
121.10 organization under section 115A.1451 that is in draft form during the public comment
121.11 period;
- 121.12 (v) the most recent lists established as required under section 115A.1453;
- 121.13 (vi) the list of exempt materials and covered materials exempt from performance targets
121.14 and statewide requirements as approved in the stewardship plan;
- 121.15 (vii) links to producer responsibility organization websites;
- 121.16 (viii) comments of the public, advisory board, and producer responsibility organizations
121.17 on the documents listed in items (iii) to (vi), and, if any, the responses of the commissioner
121.18 to those comments; and
- 121.19 (ix) links to adopted rules implementing this act;
- 121.20 (8) provide producer responsibility organizations with information regarding Minnesota
121.21 and federal laws that prohibit toxic substances in covered materials, toxic substances'
121.22 potential environmental impacts and human health impacts, and best practices to reduce
121.23 intentionally added toxic substances as identified in the needs assessment;
- 121.24 (9) approve the selection of independent auditors to perform an annual financial audit
121.25 of each producer responsibility organization; and
- 121.26 (10) consider and respond in writing to all written comments received from the advisory
121.27 board.

121.28 **Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**
121.29 **RESPONSIBILITIES.**

121.30 The Producer Responsibility Advisory Board must:

- 122.1 (1) convene its initial meeting by March 1, 2025;
- 122.2 (2) consult with the commissioner regarding the scope of the needs assessments and
- 122.3 provide written comments on needs assessments, as required under section 115A.1450,
- 122.4 subdivision 2;
- 122.5 (3) advise on the development of stewardship plans and amendments to stewardship
- 122.6 plans under section 115A.1451;
- 122.7 (4) submit comments to producer responsibility organizations and to the commissioner
- 122.8 on any matter relevant to the administration of this act;
- 122.9 (5) provide written comments to the commissioner during any rulemaking process
- 122.10 undertaken by the commissioner under section 115A.1459; and
- 122.11 (6) comply with all other applicable requirements of this act.

122.12 **Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**

122.13 **RESPONSIBILITIES.**

122.14 A producer responsibility organization must:

- 122.15 (1) register with the commissioner, as required under section 115A.1443;
- 122.16 (2) submit a stewardship plan to the commissioner by October 1, 2028, and every five
- 122.17 years thereafter, as required under section 115A.1451;
- 122.18 (3) implement stewardship plans approved by the commissioner under section 115A.1451;
- 122.19 (4) forward upon receipt from the commissioner the lists established under section
- 122.20 115A.1453 to all service providers that participate in a stewardship plan administered by
- 122.21 the producer responsibility organization;
- 122.22 (5) collect producer fees as required under section 115A.1454;
- 122.23 (6) submit the reports required under section 115A.1456;
- 122.24 (7) ensure that producers operating under a stewardship plan administered by the producer
- 122.25 responsibility organization comply with the requirements of the stewardship plan and with
- 122.26 this act;
- 122.27 (8) expel a producer from the producer responsibility organization if efforts to return
- 122.28 the producer to compliance with the plan or with the requirements of this act are unsuccessful;
- 122.29 (9) notify the commissioner when a producer has been expelled;

123.1 (10) consider and respond in writing to comments received from the advisory board,
123.2 including justifications for not incorporating board recommendations;

123.3 (11) provide producers with information regarding state and federal laws that prohibit
123.4 substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172
123.5 to 325F.179, and all laws prohibiting toxic substances in covered materials;

123.6 (12) maintain a website under section 115A.1457;

123.7 (13) notify the commissioner within 30 days of a change made to the contact information
123.8 for a person responsible for implementing the stewardship plan, to board membership, or
123.9 to the executive director;

123.10 (14) assist service providers to identify and use responsible markets;

123.11 (15) reimburse service providers in a timely manner using applicable reimbursement
123.12 rates; and

123.13 (16) comply with all other applicable requirements of this act.

123.14 Sec. 9. **[115A.1448] PRODUCER RESPONSIBILITIES.**

123.15 Subdivision 1. **Registration required; prohibition of sale.** (a) After July 1, 2025, a
123.16 producer must be a member of a producer responsibility organization registered in this state.

123.17 (b) After January 1, 2029, no producer may introduce covered materials, either separately
123.18 or when used to package another product, unless the producer enters into a written agreement
123.19 with a producer responsibility organization to operate under an approved stewardship plan.

123.20 (c) After January 1, 2032, no producer may introduce covered materials unless covered
123.21 services are provided for the covered materials through a program in a stewardship plan
123.22 approved by the commissioner and the covered materials are:

123.23 (1) reusable and capable of being managed through a reuse system that meets the reuse
123.24 rate and return rate required under section 115A.1451, subdivision 7;

123.25 (2) capable of refill and supported by a refill system;

123.26 (3) included on the list established under section 115A.1453, subdivision 1; or

123.27 (4) included on the list established under section 115A.1453, subdivision 2.

123.28 (d) A producer responsibility organization may petition the commissioner for a two-year
123.29 extension to comply with the requirements of paragraph (c). The commissioner may approve
123.30 the extension if the petition demonstrates that market or technical issues prevent a specific
123.31 covered material from being considered reusable or included on the lists established under

124.1 section 115A.1453. The producer responsibility organization may petition the commissioner
124.2 for additional annual extensions until January 1, 2040, if the producer responsibility
124.3 organization demonstrates that market or technical issues preventing compliance persist.

124.4 Subd. 2. **Duties.** A producer must:

124.5 (1) implement the requirements of the stewardship plan under which the producer
124.6 operates;

124.7 (2) pay producer fees under section 115A.1454; and

124.8 (3) comply with all other applicable requirements of this act.

124.9 Sec. 10. **[115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

124.10 A service provider receiving reimbursement or funding under an approved stewardship
124.11 plan must:

124.12 (1) provide covered services for covered materials included on the lists established under
124.13 section 115A.1453, covered services for a refill system, or covered services for reusable
124.14 covered materials, as applicable to the services offered by and service area of the service
124.15 provider;

124.16 (2) register with the commissioner under section 115A.1443;

124.17 (3) submit invoices to the producer responsibility organization for reimbursement for
124.18 services rendered as provided in sections 115A.1451 and 115A.1455;

124.19 (4) meet performance standards established in an approved stewardship plan under
124.20 section 115A.1451;

124.21 (5) ensure that covered materials are sent to responsible markets;

124.22 (6) provide documentation to the producer responsibility organization on the amounts,
124.23 covered materials types, and volumes of covered materials by covered service method;

124.24 (7) display the service provider's price, minus the reimbursement from the producer
124.25 responsibility organization as determined in section 115A.1455, subdivision 4, when
124.26 invoicing customers. The balance is what the service provider may charge the customer;
124.27 and

124.28 (8) comply with all other applicable requirements of this act.

125.1 Sec. 11. **[115A.1450] NEEDS ASSESSMENTS.**

125.2 **Subdivision 1. Needs assessments required.** (a) By December 31, 2025, the
125.3 commissioner must complete a preliminary assessment according to this section.

125.4 (b) By December 31, 2026, and every five years thereafter, the commissioner must
125.5 complete a needs assessment according to this section. The commissioner may adjust the
125.6 required content in a specific needs assessment to inform the next stewardship plan.

125.7 **Subd. 2. Input from interested parties.** In conducting a needs assessment, the
125.8 commissioner must:

125.9 (1) initiate a consultation process to obtain recommendations from the advisory board,
125.10 political subdivisions, service providers, producer responsibility organizations, and other
125.11 interested parties regarding the type and scope of information that should be collected and
125.12 analyzed in the needs assessment required by this section;

125.13 (2) contract with a third party who is not a producer, a producer responsibility
125.14 organization, or a member of the advisory board to conduct the needs assessment; and

125.15 (3) prior to finalizing the needs assessment, make the draft needs assessment available
125.16 for comment by the advisory board, producer responsibility organizations, and the public.
125.17 The commissioner must respond in writing to the comments and recommendations of the
125.18 advisory board and producer responsibility organizations.

125.19 **Subd. 3. Content of preliminary assessment.** A preliminary assessment must be
125.20 completed for a preceding period of no less than 12 months and no more than 36 months,
125.21 that includes:

125.22 (1) identification of currently or recently introduced covered materials and covered
125.23 materials types;

125.24 (2) tons of collected covered materials;

125.25 (3) the characteristics of recycling and composting programs, including a description of
125.26 single-stream and dual-stream recycling systems offered in the state and prevalence of their
125.27 use, average frequency of collection of covered materials for recycling and composting,
125.28 types of collection containers used, commonly accepted materials for recycling and
125.29 composting, and total costs by type of covered entity;

125.30 (4) processing capacity at recycling facilities, including total tons processed and sold,
125.31 composition of tons processed and sold, current technologies utilized, and facility processing
125.32 fees charged to collectors delivering covered materials for recycling;

- 126.1 (5) capacity of, technology used by, and characteristics of compost facilities to process
126.2 and recover compostable covered materials;
- 126.3 (6) capacity and number of drop-off collection sites;
- 126.4 (7) capacity and number of transfer stations and transfer locations;
- 126.5 (8) average term length of residential recycling and composting collection contracts
126.6 issued by political subdivisions and an assessment of contract cost structures;
- 126.7 (9) an estimate of total annual collection and processing service costs based on registered
126.8 service provider costs;
- 126.9 (10) available markets in the state for covered materials and the capacity of those markets;
126.10 and
- 126.11 (11) covered materials sales by volume, weight, and covered materials types introduced
126.12 by producers.
- 126.13 **Subd. 4. Content of needs assessment.** A needs assessment must include at least the
126.14 following:
- 126.15 (1) an evaluation of:
- 126.16 (i) existing waste reduction, reuse, recycling, and composting, as applicable, for each
126.17 covered materials type, including collection rates, recycling rates, composting rates, reuse
126.18 rates, and return rates, as applicable, for each covered materials type;
- 126.19 (ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered
126.20 materials; and
- 126.21 (iii) the extent to which postconsumer recycled content, by the best estimate, is or could
126.22 be incorporated into each covered materials type, as applicable, including a review of market
126.23 and technical barriers to incorporating postconsumer materials into covered materials;
- 126.24 (2) an evaluation of covered materials in the disposal, recycling, and composting streams
126.25 to determine the covered materials types and amounts within each stream, using new studies
126.26 conducted by the commissioner or publicly available and applicable studies;
- 126.27 (3) proposals for a range of outcomes for each covered materials type to be accomplished
126.28 within a five-year time frame in multiple units of measurement, including but not limited
126.29 to unit-based, weight-based, and volume-based, for each of the following:
- 126.30 (i) waste reduction;
- 126.31 (ii) reuse rate and return rates;

- 127.1 (iii) recycling rates;
- 127.2 (iv) composting rates; and
- 127.3 (v) postconsumer recycled content, if applicable;
- 127.4 (4) proposals for a range of outcomes for the categories established in section 115A.1451,
127.5 subdivision 7, that consider:
- 127.6 (i) information contained in or used to prepare a needs assessment according to this
127.7 subdivision;
- 127.8 (ii) goals and requirements of the Waste Management Act;
- 127.9 (iii) statewide goals for greenhouse gas emission reductions under section 216H.02;
- 127.10 (iv) the need for continuous progress toward overall reduction in the generation of
127.11 covered materials waste and the complete reuse, recycling, or composting of covered
127.12 materials to reduce environmental impacts and human health impacts;
- 127.13 (v) a preference for statewide requirements that accomplish and further the goals and
127.14 requirements in items (ii) to (iv) as soon as practicable and to the maximum extent achievable;
127.15 and
- 127.16 (vi) information from packaging and paper product producer responsibility programs
127.17 operating in other jurisdictions;
- 127.18 (5) an evaluation of the factors for each covered material collected for recycling or
127.19 composting as established in section 115A.1453, subdivision 4;
- 127.20 (6) recommended collection methods by covered materials type to maximize collection
127.21 efficiency, maximize feedstock quality, and optimize service and convenience for collection
127.22 of covered materials to be considered or that are included on lists established in section
127.23 115A.1453;
- 127.24 (7) proposed plans and metrics for how to measure progress in achieving performance
127.25 targets and statewide requirements;
- 127.26 (8) an evaluation of options for third-party certification of activities to meet obligations
127.27 of this act;
- 127.28 (9) an inventory of the current system, including:
- 127.29 (i) infrastructure, capacity, performance, funding level, and method and sources of
127.30 financing for the existing covered services for covered materials operating in the state;

128.1 (ii) an estimate of total annual costs of covered services based on registered service
128.2 provider costs; and

128.3 (iii) availability and cost of covered services for covered materials to covered entities
128.4 and any other location where covered materials are introduced, including identification of
128.5 disparities in the availability of these services in environmental justice areas compared with
128.6 other areas and proposals for reducing or eliminating those disparities;

128.7 (10) an evaluation of investments needed to increase waste reduction, reuse, recycling,
128.8 and composting rates of covered materials according to the range of proposed performance
128.9 targets and statewide requirements, including investments in existing and new infrastructure
128.10 that would also:

128.11 (i) maintain or improve operations of existing infrastructure and accounts for waste
128.12 reduction, reuse, recycling, and composting of covered materials statewide;

128.13 (ii) expand the availability and accessibility of recycling collection services for recyclable
128.14 covered materials to all covered entities to optimize service and convenience; and

128.15 (iii) establish and expand the availability and accessibility of reuse services for reusable
128.16 covered materials;

128.17 (11) a recommended methodology for applying criteria and formulas to establish
128.18 reimbursement rates as described in section 115A.1455;

128.19 (12) an assessment of the viability and robustness of markets for recyclable covered
128.20 materials and the degree to which these markets can be considered responsible markets;

128.21 (13) an assessment of the level and causes of contamination of source-separated recyclable
128.22 materials, source-separated compostable materials and collected reusables, and the impacts
128.23 of contamination on service providers, including the cost to manage this contamination;

128.24 (14) an assessment of toxic substances intentionally added to covered materials, whether
128.25 this limits one or more covered materials types from being used as a marketable feedstock,
128.26 and best practices producers can implement to reduce intentionally added toxic substances
128.27 in covered materials that could be verified through suppliers certificates of compliance,
128.28 testing, or other analytical and scientifically demonstrated methodology;

128.29 (15) an assessment of current best practices to increase public awareness, educate, and
128.30 complete outreach activities accounting for culturally responsive materials and methods
128.31 and an evaluation of the efficacy of these efforts, including assessments and evaluations of
128.32 current best practices and efforts on:

129.1 (i) using product or packaging labels as a means of informing consumers about
129.2 environmentally sound use and management of covered materials;

129.3 (ii) increasing public awareness of how to use and manage covered materials in an
129.4 environmentally sound manner and how to access waste reduction, reuse, recycling, and
129.5 composting services; and

129.6 (iii) encouraging behavior change to increase participation in waste reduction, reuse,
129.7 recycling, and composting programs;

129.8 (16) identification of the covered materials with the most significant environmental
129.9 impact, including assessing each covered material's generation of hazardous waste, generation
129.10 of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

129.11 (17) recommendations for meeting the criteria for an alternative collection program as
129.12 established in section 115A.1451, subdivision 8; and

129.13 (18) other items identified by the commissioner that would aid the creation of the
129.14 stewardship plan, its administration, and the enforcement of this act.

129.15 Subd. 5. **Needs assessment as baseline.** When determining the extent to which any
129.16 statewide requirement or performance target under this act has been achieved, information
129.17 contained in a needs assessment must serve as the baseline for that determination, when
129.18 applicable.

129.19 Subd. 6. **Participation required; not public data.** (a) A service provider or other person
129.20 with data or information necessary to complete a needs assessment must provide the data
129.21 or information to the commissioner upon request.

129.22 (b) A service provider or other person providing the data or information may submit a
129.23 written request to the commissioner that the data or information be classified as not public
129.24 data. The request must set forth the statutory grounds and the reasons that justify the
129.25 classification of the data or information as not public data. The commissioner must approve
129.26 the request if the commissioner determines:

129.27 (1) the data or information constitutes trade secret information as defined in section
129.28 13.37, subdivision 1, paragraph (b), or sales information;

129.29 (2) disclosure of the data or information would tend to adversely affect the competitive
129.30 position of the service provider or other person, including but not limited to data related to
129.31 profits, service rates, fees, or business expenses; or

130.1 (3) the data or information is otherwise nonpublic data with regard to data not on
130.2 individuals, pursuant to section 13.02, subdivision 9, or private data on individuals, pursuant
130.3 to section 13.02, subdivision 12.

130.4 (c) The contractor conducting the needs assessment must aggregate and anonymize the
130.5 not public data or information, excluding location data necessary to assess needs, received
130.6 from all parties under this subdivision and must then include the aggregated anonymized
130.7 data in the needs assessment.

130.8 (d) The commissioner, any employee of the agency, or any agent thereof, when authorized
130.9 by the commissioner, may enter upon any property, public or private, for the purpose of
130.10 obtaining information necessary for completing the evaluation in subdivision 4, clause (2),
130.11 provided that the entrance and activity is undertaken after reasonable notice and during
130.12 normal business hours and provided that compensation is made for any damage to the
130.13 property caused by the entrance and activity.

130.14 Sec. 12. **[115A.1451] STEWARDSHIP PLAN.**

130.15 Subdivision 1. **Stewardship plan required.** By October 1, 2028, and every five years
130.16 thereafter, a producer responsibility organization must submit a stewardship plan to the
130.17 commissioner that describes the proposed operation by the organization of programs to
130.18 fulfill the requirements of this act and that incorporates the findings and results of needs
130.19 assessments. Once approved, a stewardship plan remains in effect for five years, as amended,
130.20 or until a subsequent stewardship plan is approved.

130.21 Subd. 2. **Advisory board review of draft plan and amendments.** A producer
130.22 responsibility organization must submit a draft stewardship plan or draft amendment to the
130.23 advisory board at least 60 days prior to submitting the draft plan or draft amendment to the
130.24 commissioner to allow the advisory board to submit comments and must address advisory
130.25 board comments and recommendations prior to submission of the draft plan or draft
130.26 amendment to the commissioner.

130.27 Subd. 3. **Content of stewardship plans.** A draft stewardship plan must include at a
130.28 minimum:

130.29 (1) performance targets established under subdivision 5 as applicable to each covered
130.30 materials type to be accomplished within a five-year period;

130.31 (2) a description of the methods of collection, how collection service convenience metrics
130.32 will be met, and processing infrastructure and covered services to be used for each covered

131.1 materials type at covered entities, at a minimum, and how these will meet the statewide
131.2 requirements established in subdivision 7 for covered materials:

131.3 (i) included on the list established in section 115A.1453, subdivision 1;

131.4 (ii) included on the list established in section 115A.1453, subdivision 2;

131.5 (iii) that are reusable covered materials managed through a reuse system; and

131.6 (iv) that are capable of refill and managed through a refill system;

131.7 (3) proposals for exemptions from performance targets and statewide requirements for
131.8 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable
131.9 due to federal or state health and safety requirements, identifying the specific federal or
131.10 state requirements and their impact on the covered materials;

131.11 (4) a description of how, for each covered materials type, the producer responsibility
131.12 organization will measure recycling, waste reduction, reuse, composting, and the inclusion
131.13 of postconsumer recycled content, in accordance with subdivision 6;

131.14 (5) third-party certifications as required by the commissioner or voluntarily undertaken;

131.15 (6) a budget identifying funding needs for each of the plan's five calendar years, producer
131.16 fees, a description of the process used to calculate the fees, and an explanation of how the
131.17 fees meet the requirements of section 115A.1454;

131.18 (7) a description of infrastructure investments, including goals and outcomes and a
131.19 description of how the process to offer and select opportunities will be conducted in an
131.20 open, competitive, and fair manner; how it will address gaps in the system not met by service
131.21 providers; and potential financial and legal instruments to be used;

131.22 (8) an explanation of how the program will be paid for by the producer responsibility
131.23 organization through fees from producers, without any new or additional consumer-facing
131.24 fee to members of the public, businesses, service providers, the state or any political
131.25 subdivisions, or any other person who is not a producer, unless the fee is:

131.26 (i) a deposit made in connection with a product's refill, reuse, or recycling that can be
131.27 redeemed by a consumer; or

131.28 (ii) a charge for service by a service provider, regardless of whether registered;

131.29 (9) a description of activities to be undertaken by the producer responsibility organization
131.30 during each year to:

- 132.1 (i) minimize the environmental impacts and human health impacts of covered materials,
132.2 including assessing each covered material's generation of hazardous waste, generation of
132.3 greenhouse gases, environmental justice impacts, public health impacts, and other impacts;
- 132.4 (ii) foster the improved design of covered materials, as under section 115A.1454,
132.5 subdivision 1, clause (3);
- 132.6 (iii) provide funding to expand and increase the convenience of waste reduction, reuse,
132.7 collection, recycling, and composting services to covered entities, at a minimum according
132.8 to the order of the waste management hierarchy under section 115A.02;
- 132.9 (iv) provide for reimbursement rates under section 115A.1455 to service providers for
132.10 statewide coverage of covered services at an optimal level of convenience and service for
132.11 covered materials on the list established in section 115A.1453, subdivision 1, to covered
132.12 entities, at a minimum; and
- 132.13 (v) monitor to ensure that postconsumer materials are delivered to responsible markets;
- 132.14 (10) a description of how the producer responsibility organization will promote the
132.15 opportunity for all service providers to register with the commissioner and to submit invoices
132.16 for reimbursement with the producer responsibility organization;
- 132.17 (11) a description of how the program will reimburse service providers under an approved
132.18 stewardship plan, including but not limited to a description of how the program will establish:
- 132.19 (i) a methodology to calculate differentiated reimbursement rates as provided in section
132.20 115A.1455, subdivision 4;
- 132.21 (ii) a process for service providers to submit invoices and be reimbursed for covered
132.22 services provided to covered entities;
- 132.23 (iii) clear and reasonable timelines for reimbursement, at intervals no longer than monthly
132.24 unless agreed to by a service provider and a producer responsibility organization; and
- 132.25 (iv) a process that utilizes a third-party mediator to resolve disputes that arise between
132.26 the producer responsibility organization and a service provider regarding the determination
132.27 of reimbursement rates and payment of reimbursements;
- 132.28 (12) performance standards for service providers as applicable to the service provided,
132.29 including but not limited to:
- 132.30 (i) requirements that service providers must accept all covered materials on the list
132.31 established by the commissioner under section 115A.1453, subdivision 1; and

133.1 (ii) labor standards and safety practices, including but not limited to safety programs,
133.2 health benefits, and living wages;

133.3 (13) a description of how the producer responsibility organization will treat and protect
133.4 nonpublic data submitted by service providers;

133.5 (14) a description of how the producer responsibility organization will provide technical
133.6 assistance to:

133.7 (i) service providers in order to assist them in delivering covered materials to responsible
133.8 markets;

133.9 (ii) producers regarding toxic substances in covered materials; best practices identified
133.10 in the needs assessment that producers can take to reduce intentionally added toxic substances
133.11 in covered materials; and best practices for verifying reduction through suppliers certificates
133.12 of compliance, testing, or other analytical and scientifically demonstrated methodology;
133.13 and

133.14 (iii) producers to make changes in product design that reduce the environmental impact
133.15 of covered materials or that increase the recoverability or marketability of covered materials
133.16 for reuse, recycling, or composting;

133.17 (15) a description of how the producer responsibility organization will increase public
133.18 awareness, educate, and complete outreach activities that include culturally responsive
133.19 materials and methods and evaluate the efficacy of these efforts, including how the producer
133.20 responsibility organization will:

133.21 (i) assist producers in improving product labels as a means of informing consumers
133.22 about refilling, reusing, recycling, composting, and other environmentally sound methods
133.23 of managing covered materials;

133.24 (ii) increase public awareness of how to use and manage covered materials in an
133.25 environmentally sound manner and how to access waste reduction, reuse, recycling, and
133.26 composting services; and

133.27 (iii) encourage behavior change to increase participation in waste reduction, reuse,
133.28 recycling, and composting programs;

133.29 (16) proposed alternative collection programs as required under subdivision 8;

133.30 (17) a description of how producers can purchase postconsumer materials from service
133.31 providers at market prices if the producer is interested in obtaining recycled feedstock to

134.1 achieve minimum postconsumer recycled content performance targets and statewide
134.2 requirements;

134.3 (18) a summary of consultations held with the advisory board and other interested parties
134.4 to provide input to the stewardship plan, a list of recommendations that were incorporated
134.5 into the stewardship plan as a result, and a list of rejected recommendations and the reasons
134.6 for rejection; and

134.7 (19) strategies to incorporate findings from any relevant studies required by the
134.8 legislature.

134.9 Subd. 4. **Plan and amendment review and approval procedure.** (a) The commissioner
134.10 must review and approve, deny, or request additional information for a draft stewardship
134.11 plan or a draft plan amendment no later than 120 days after the date the commissioner
134.12 receives it from a producer responsibility organization. The commissioner must post the
134.13 draft plan or draft amendment on the agency's website and allow public comment for no
134.14 less than 45 days before approving, denying, or requesting additional information on the
134.15 draft plan or draft amendment.

134.16 (b) If the commissioner denies or requests additional information for a draft plan or draft
134.17 amendment, the commissioner must provide the producer responsibility organization with
134.18 the reasons, in writing, that the plan or plan amendment does not meet the plan requirements
134.19 of subdivision 3. The producer responsibility organization has 60 days from the date that
134.20 the rejection or request for additional information is received to submit to the commissioner
134.21 any additional information necessary for the approval of the draft plan or draft amendment.
134.22 The commissioner must review and approve or disapprove the revised draft plan or draft
134.23 amendment no later than 60 days after the date the commissioner receives it.

134.24 (c) A producer responsibility organization may resubmit a draft plan or draft amendment
134.25 to the commissioner on not more than two occasions. If after the second resubmission, the
134.26 commissioner determines that the draft plan or draft amendment does not meet the plan
134.27 requirements of this act, the commissioner must modify the draft plan or draft amendment
134.28 as necessary for it to meet the requirements of this act and approve it.

134.29 (d) Upon recommendation by the advisory board, or upon the commissioner's own
134.30 initiative, the commissioner may require an amendment to a stewardship plan if the
134.31 commissioner determines that an amendment is necessary to ensure that the producer
134.32 responsibility organization maintains compliance with the requirements of this act.

134.33 Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose
134.34 performance targets based on the needs assessment that meet the statewide requirements in

135.1 subdivision 7 that must be included in a stewardship plan approved under this section.

135.2 Performance targets must include reuse rates, return rates, recycling rates, and composting
135.3 rates and targets for waste reduction and postconsumer recycled content by covered materials
135.4 type, as applicable, that are to be achieved by the end of the stewardship plan's term. The
135.5 producer responsibility organization must select the unit that is most appropriate to measure
135.6 each performance target as informed by the needs assessment.

135.7 (b) The commissioner, in consultation with the advisory board, may require that a
135.8 producer responsibility organization obtain third-party certification of any activity or
135.9 achievement of any standard required by this act if a third-party certification is readily
135.10 available, deemed applicable, and of reasonable cost. The commissioner must provide a
135.11 producer responsibility organization with notice of at least one year prior to requiring use
135.12 of third-party certification under this paragraph.

135.13 (c) Proposed performance targets must demonstrate continuous improvement in reducing
135.14 environmental impacts and human health impacts of covered materials over time.

135.15 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of
135.16 determining whether recycling performance targets are being met, except as modified by
135.17 the commissioner, a stewardship plan must provide a methodology for measuring the amount
135.18 of recycled material at the point at which material leaves a recycling facility and must
135.19 account for:

135.20 (1) levels of estimated contamination documented by the facility;

135.21 (2) any exclusions for fuel or energy capture; and

135.22 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179,
135.23 and all other laws pertaining to toxic substances in covered materials.

135.24 (b) For purposes of determining whether waste reduction performance targets are being
135.25 met, a stewardship plan must provide a methodology for measuring the amount of waste
135.26 reduction of covered materials in a manner that can be used to determine the extent to which
135.27 the amount of material used for a covered material can be reduced to what is necessary to
135.28 efficiently deliver a product without damage or spoilage, or other means of covered material
135.29 redesign to reduce overall use and environmental impacts and maintain recyclability,
135.30 compostability, or reusability.

135.31 (c) For purposes of determining whether reuse performance targets are being met, a
135.32 stewardship plan must provide a methodology for measuring the amount of reusable covered

136.1 materials at the point at which reusable covered materials meet the following criteria as
136.2 demonstrated by the producer and approved by the commissioner:

136.3 (1) whether the average minimum number of cycles of reuses within a recognized reuse
136.4 system has been met based on the number of times an item must be reused for it to have
136.5 lower environmental impacts than the single-use versions of those items; and

136.6 (2) whether the demonstrated or research-based anticipated return rate of the covered
136.7 material to the reuse system has been met.

136.8 (d) For purposes of determining whether postconsumer recycled content performance
136.9 targets are being met, a stewardship plan must provide a methodology for measuring
136.10 postconsumer recycled content across all producers for a covered materials type where
136.11 producers may determine their postconsumer recycled content based on their United States
136.12 market territory if state-specific postconsumer recycled content is impractical to determine.
136.13 Producers must demonstrate that the postconsumer recycled content reported to meet the
136.14 performance targets is additional to amounts utilized to meet mandates in other states.

136.15 (e) For other performance targets, the producer responsibility organization must propose
136.16 methodologies for review and approval as part of the stewardship plan based on findings
136.17 from the needs assessment.

136.18 Subd. 7. **Statewide requirements.** (a) The commissioner must establish statewide
136.19 requirements and the date by which they must be met for the following categories:

136.20 (1) recycling rate;

136.21 (2) composting rate;

136.22 (3) reuse rate;

136.23 (4) return rate;

136.24 (5) the percentage of covered materials introduced that must be waste reduced; and

136.25 (6) the percentage of postconsumer recycled content that covered materials must contain,
136.26 including an overall percentage for all covered materials, as applicable, excluding
136.27 compostable materials that cannot include postconsumer recycled content due to unique
136.28 chemical or physical properties or health and safety requirements that prohibit introduction
136.29 of postconsumer recycled content.

136.30 (b) The commissioner may use the following information and criteria when establishing
136.31 statewide requirements under paragraph (a):

136.32 (1) needs assessments under section 115A.1450;

- 137.1 (2) goals and requirements of the Waste Management Act;
- 137.2 (3) statewide goals for greenhouse gas emission reductions under section 216H.02;
- 137.3 (4) the need for continuous progress toward overall reduction in the generation of covered
- 137.4 materials waste and the complete reuse, recycling, or composting of covered materials to
- 137.5 reduce environmental impacts and human health impacts;
- 137.6 (5) a preference for statewide requirements that accomplish and further the goals and
- 137.7 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
- 137.8 achievable; and
- 137.9 (6) information from packaging and paper product producer responsibility programs
- 137.10 operating in other jurisdictions.
- 137.11 (c) The commissioner must consult with the producer responsibility organization on
- 137.12 establishing statewide requirements, submit proposed statewide requirements for review
- 137.13 by the board, and consider the board's recommendations before finalizing the statewide
- 137.14 requirements.
- 137.15 (d) Every five years, the commissioner must review the statewide requirements established
- 137.16 under paragraph (a). If the commissioner decides an update is not warranted at that time,
- 137.17 the commissioner must submit the reasoning to the advisory board and consider the board's
- 137.18 recommendations before making a final decision. If the commissioner decides an update is
- 137.19 warranted, the process in paragraphs (b) and (c) must be utilized.
- 137.20 (e) The producer responsibility organization must ensure the statewide requirements are
- 137.21 met.
- 137.22 **Subd. 8. Alternative collection programs.** (a) A producer responsibility organization
- 137.23 must implement an alternative collection program for covered materials included on an
- 137.24 alternative collection list established under section 115A.1453, subdivision 2, that:
- 137.25 (1) provides year-round, convenient, statewide collection opportunities, including at
- 137.26 least one drop-off collection site located in each county;
- 137.27 (2) provides tiers of service for collection, convenience, number of drop-off collection
- 137.28 sites, and additional collection systems based on:
- 137.29 (i) county population size;
- 137.30 (ii) county population density; and
- 137.31 (iii) each class of city according to section 410.01;

- 138.1 (3) ensures materials are sent to responsible markets;
- 138.2 (4) uses education and outreach strategies that can be expected to significantly increase
- 138.3 consumer awareness of the program throughout the state; and
- 138.4 (5) accurately measures the amount of each covered material collected and the applicable
- 138.5 performance target and statewide requirement.
- 138.6 (b) A proposal for an alternative collection program must include:
- 138.7 (1) the type, number, and location of each collection opportunity;
- 138.8 (2) a description of how each of the program requirements established in paragraph (a)
- 138.9 will be met; and
- 138.10 (3) performance targets for each covered material, as applicable, to be managed through
- 138.11 an alternative collection program.
- 138.12 (c) Every subsequent needs assessment after the initial needs assessment must include
- 138.13 a review of existing alternative collection programs for each covered material listed under
- 138.14 section 115A.1453, subdivision 2, to determine if the program is meeting the criteria
- 138.15 established in paragraph (a).

138.16 Sec. 13. **[115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**

138.17 **MATERIALS LISTS; EXEMPT MATERIALS LIST.**

138.18 Subdivision 1. **List required.** By July 1, 2028, the commissioner must develop a list of

138.19 covered materials determined to be recyclable or compostable statewide through systems

138.20 where covered materials are commingled into a recyclables stream and a separate

138.21 compostables stream. These covered materials must be collected at an optimal level of

138.22 service and convenience for covered entities, at a minimum, wherever collection services

138.23 for mixed municipal solid waste are available.

138.24 Subd. 2. **Alternative collection list required.** By July 1, 2028, the commissioner must

138.25 complete a list of covered materials determined to be recyclable or compostable and collected

138.26 statewide through systems other than the system required for covered materials on the list

138.27 established in subdivision 1.

138.28 Subd. 3. **Input from interested parties.** The commissioner must consult with the

138.29 advisory board, producer responsibility organizations, service providers, political

138.30 subdivisions, and other interested parties to develop or amend the recyclable or compostable

138.31 covered materials lists and must review any requests by interested parties for addition or

138.32 removal of covered materials from the lists created under this section.

139.1 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner
139.2 may consider the following criteria:

139.3 (1) current availability of recycling and composting collection services;

139.4 (2) recycling and composting processing infrastructure;

139.5 (3) capacity and technology for sorting covered materials;

139.6 (4) whether a covered material is of a type and form that is regularly sorted and aggregated
139.7 into defined streams for recycling processes or is included in a relevant Institute of Scrap
139.8 Recycling Industries specification or its successors;

139.9 (5) availability of responsible markets;

139.10 (6) presence and amount of processing residuals, contamination, and toxic substances;

139.11 (7) quantity of covered material estimated to be available and recoverable;

139.12 (8) projected future conditions for the criteria in clauses (1) to (7); and

139.13 (9) other criteria or factors, as determined by the commissioner.

139.14 Subd. 5. **Amendment.** The commissioner may amend a list completed under this section
139.15 at any time and must provide amended lists to producer responsibility organizations within
139.16 a reasonable amount of time after adopting an amendment. Producer responsibility
139.17 organizations must provide amended lists to service providers as soon as possible after
139.18 receiving the amendment and work to incorporate changes in relevant service provider
139.19 reimbursement rates within a year.

139.20 Subd. 6. **Exempt materials list.** (a) A producer may request the commissioner, on a
139.21 form prescribed by the commissioner, to classify as an exempt material one or more types
139.22 of packaging. The commissioner must submit the request to the advisory board for review
139.23 and comment before approving or denying the request.

139.24 (b) The commissioner may approve the request only if the commissioner determines
139.25 that a specific federal or state health and safety requirement prevents the packaging from
139.26 being waste reduced or made reusable, recyclable, or compostable.

139.27 (c) The commissioner must review and approve, deny, or request additional information
139.28 for a request to classify packaging as an exempt material no later than 120 days after the
139.29 date the commissioner receives the request.

139.30 (d) The commissioner must post on the agency website a list of materials exempted
139.31 under this subdivision.

140.1 (e) An exemption granted under this subdivision expires two years after the date a request
140.2 was approved by the commissioner. A material classified as exempt under this subdivision
140.3 becomes a covered material immediately upon expiration of the exemption. A producer
140.4 may reapply according to this subdivision.

140.5 Sec. 14. **[115A.1454] PRODUCER FEES.**

140.6 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect
140.7 a fee from each member producer that must:

140.8 (1) vary based on the total amount of covered materials each producer introduces in the
140.9 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of
140.10 measurement;

140.11 (2) reflect the program costs for each covered materials type, net of commodity value
140.12 for that covered materials type, as well as allocated fixed costs that do not vary based on
140.13 covered materials type;

140.14 (3) incentivize using materials and design attributes that reduce the environmental impacts
140.15 and human health impacts of covered materials by:

140.16 (i) eliminating intentionally added toxic substances in covered materials;

140.17 (ii) reducing the amount of:

140.18 (A) packaging per individual covered material that is necessary to efficiently deliver a
140.19 product without damage or spoilage and without reducing its ability to be recycled; and

140.20 (B) paper used to manufacture individual paper products;

140.21 (iii) increasing the amount of covered materials managed in a reuse system;

140.22 (iv) increasing the proportion of postconsumer material in covered materials;

140.23 (v) enhancing the recyclability or compostability of a covered material; and

140.24 (vi) increasing the amount of inputs derived from renewable and sustainable sources;

140.25 (4) discourage using materials and design attributes in covered materials whose
140.26 environmental impacts and human health impacts can be reduced by the methods listed
140.27 under clause (3);

140.28 (5) prioritize reuse by charging covered materials that are managed through a reuse
140.29 system only once, upon initial entry into the marketplace; and

140.30 (6) generate revenue sufficient to pay in full:

- 141.1 (i) the fee required under section 115A.1443;
- 141.2 (ii) financial obligations to complete activities described in an approved stewardship
- 141.3 plan and to reimburse service providers under section 115A.1455;
- 141.4 (iii) the operating costs of the producer responsibility organization; and
- 141.5 (iv) for establishment and maintenance of a financial reserve that is sufficient to operate
- 141.6 the program in a fiscally prudent and responsible manner.

141.7 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount

141.8 needed to pay the costs described in subdivision 1, clause (6), must be used to improve or

141.9 enhance program outcomes or to reduce producer fees according to provisions of an approved

141.10 stewardship plan.

141.11 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for

141.12 lobbying, as defined in section 3.084, subdivision 1.

141.13 Sec. 15. **[115A.1455] SERVICE PROVIDER; REIMBURSEMENT.**

141.14 Subdivision 1. **Service provider reimbursement required.** The reimbursements

141.15 provided for covered services to covered entities, at a minimum, under an approved

141.16 stewardship plan must only be provided to service providers that meet the performance

141.17 standards established under an approved stewardship plan.

141.18 Subd. 2. **Collection of recyclables.** If a covered entity does not have access to collection

141.19 services for covered materials on the list established under section 115A.1453, subdivision

141.20 1, where collection services for mixed municipal solid waste are being provided, the producer

141.21 responsibility organization must ensure that collection services are available to the covered

141.22 entity through a service provider at an optimal level of service and convenience.

141.23 Subd. 3. **Bidding processes.** (a) For infrastructure investments included in an approved

141.24 stewardship plan, a producer responsibility organization must use the competitive bidding

141.25 processes established in section 16C.28, subdivision 1, and publicly post bid opportunities,

141.26 except that preference must be given to existing facilities, providers of services, and holders

141.27 of service accounts in the state for waste reduction, reuse, collection, recycling, and

141.28 composting of covered materials.

141.29 (b) No producer or producer responsibility organization may own or partially own

141.30 infrastructure that is used to fulfill obligations under this act, except in the following

141.31 circumstances:

142.1 (1) a producer may hold an ownership stake in infrastructure used to fulfill obligations
142.2 under this act so long as the stake was held before enactment of this act and the ownership
142.3 stake is fully disclosed by the producer to the producer responsibility organization; or

142.4 (2) after a bidding process described in paragraph (a) under which no service provider
142.5 bids on the contract, the producer responsibility organization may make infrastructure
142.6 investments identified under an approved stewardship plan to implement the requirements
142.7 in this act.

142.8 Subd. 4. **Reimbursement rates.** (a) An approved stewardship plan must provide a
142.9 methodology for reimbursement rates for covered services for covered materials, exclusive
142.10 of exempt materials. The methodology for reimbursement rates must consider estimated
142.11 revenue received by service providers from the sale of covered materials based upon relevant
142.12 material indices and incorporate relevant cost information identified by the needs assessment.
142.13 Reimbursement rates must be annually updated and reflect the net costs for covered services
142.14 for covered materials from covered entities, at a minimum. Reimbursement rates must be
142.15 established equivalent to net costs as established by a methodology in an approved plan as
142.16 follows:

142.17 (1) no less than 50 percent of the net cost by February 1, 2029;

142.18 (2) no less than 75 percent of the net cost by February 1, 2030; and

142.19 (3) no less than 90 percent of the net cost by February 1, 2031, and each year thereafter.

142.20 (b) Reimbursement rates must be based on the following, as applicable by the service
142.21 provided:

142.22 (1) the cost to collect covered material for recycling, a proportional share of composting,
142.23 or reuse adjusted to reflect conditions that affect those costs, varied by region or jurisdiction
142.24 in which the covered services are provided, including but not limited to:

142.25 (i) the number and type of covered entities;

142.26 (ii) population density;

142.27 (iii) collections methods employed;

142.28 (iv) distance traveled by collection vehicles to consolidation or transfer facilities; to
142.29 reuse, recycling, or composting facilities; and to responsible markets;

142.30 (v) other factors that may contribute to regional or jurisdictional cost differences;

142.31 (vi) the proportion of covered compostable materials within all source-separated
142.32 compostable materials collected or managed through composting; and

- 143.1 (vii) the general quality of covered materials collected by service providers;
- 143.2 (2) the cost to transfer collected covered materials from consolidation or transfer facilities
143.3 to reuse, processing, recycling, or composting facilities or to responsible markets;
- 143.4 (3) the cost to:
- 143.5 (i) sort and process covered materials for sale or use and remove contamination from
143.6 covered materials by a recycling or composting facility, less the average fair market value
143.7 for that covered material based on market indices for the region; and
- 143.8 (ii) manage contamination removed from collected covered material;
- 143.9 (4) administrative costs of service providers, including education, public awareness
143.10 campaigns, and outreach program costs as applicable; and
- 143.11 (5) the costs of covered services for a refill system or covered services provided for
143.12 reusable covered materials and management of contamination.
- 143.13 (c) A service provider retains all revenue from the sale of covered materials. Nothing
143.14 in this act may restrict a service provider from charging a fee for covered services of covered
143.15 materials to the extent that reimbursement from a producer responsibility organization does
143.16 not cover all costs of services, including continued investment and innovation in operations,
143.17 operating profits, and returns on investments required by a service provider to provide
143.18 sustainability of the services.
- 143.19 (d) Reimbursement rates may be calculated per ton, by household, or by another unit of
143.20 measurement under an approved stewardship plan.
- 143.21 **Subd. 5. Local government authority.** (a) Nothing in this section shall be construed to
143.22 require a political subdivision to agree to operate under a stewardship plan, nor does it
143.23 restrict the authority of a political subdivision to provide waste management services to
143.24 residents or to contract with any entity to provide waste management services. Any political
143.25 subdivision that is also a service provider is eligible to be registered with the commissioner
143.26 and reimbursed per the rates and schedule established in accordance with subdivision 4.
- 143.27 (b) Nothing in this act restricts the authority of a political subdivision to provide waste
143.28 management services to residents, to contract with any entity to provide waste management
143.29 services, or to exercise its authority granted under section 115A.94. A producer responsibility
143.30 organization may not restrict or otherwise interfere with a political subdivision exercising
143.31 its authority under section 115A.94 to organize collection of solid waste, including materials
143.32 collected for recycling or composting, or to extend, renew, or otherwise manage any contracts

144.1 entered into as a result of exercising such authority or otherwise resulting from a competitive
144.2 procurement process.

144.3 Subd. 6. **Dispute resolution.** A producer responsibility organization must establish a
144.4 dispute resolution process utilizing third-party mediators for disputes related to
144.5 reimbursements.

144.6 Sec. 16. **[115A.1456] REPORTING.**

144.7 Subdivision 1. **Producer responsibility organization annual report.** (a) By April 1,
144.8 2029, and annually thereafter, a producer responsibility organization must submit a written
144.9 report to the commissioner that contains, at a minimum, the following information for the
144.10 previous calendar year:

144.11 (1) the amount of covered materials introduced, by each covered materials type, reported
144.12 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

144.13 (2) progress made toward the performance targets reported in the same units used to
144.14 establish producer fees under section 115A.1454, subdivision 1, clause (1), and reported
144.15 statewide and for each county, including:

144.16 (i) the amount of covered materials successfully waste reduced, reused, recycled, and
144.17 composted by covered materials type and the strategies or collection method used; and

144.18 (ii) information about third-party certifications obtained;

144.19 (3) the total cost to implement the program and a detailed description of program
144.20 expenditures by category, including:

144.21 (i) the total amount of producer fees collected;

144.22 (ii) a description of infrastructure investments made; and

144.23 (iii) a breakdown of reimbursements by covered services, covered entities, and regions
144.24 of the state;

144.25 (4) a copy of a financial audit of program operations conducted by an independent auditor
144.26 approved by the commissioner that meets the requirements of the Financial Accounting
144.27 Standards Board's Accounting Standards Update 2016-14, Not-for-Profit Entities (Topic
144.28 958), as amended;

144.29 (5) a description of program performance problems that emerged in specific locations
144.30 and efforts taken or proposed by the producer responsibility organization to address them;

145.1 (6) a discussion of technical assistance provided to producers regarding toxic substances
145.2 in covered materials and actions taken by producers to reduce intentionally added toxic
145.3 substances in covered materials beyond compliance with prohibitions already established
145.4 in law;

145.5 (7) a description of public awareness, education, and outreach activities undertaken,
145.6 including any evaluations conducted of their efficacy, plans for next calendar year's activities,
145.7 and an evaluation of the process established by the producer responsibility organization to
145.8 answer questions from consumers regarding collection, recycling, composting, waste
145.9 reduction, and reuse activities;

145.10 (8) a summary of consultations held with the advisory board and how any feedback was
145.11 incorporated into the report as a result, together with a list of rejected recommendations and
145.12 the reasons for rejection;

145.13 (9) a list of producers found to be out of compliance with this act and actions taken by
145.14 the producer responsibility organization to return producers to compliance, and notification
145.15 of any producers that are no longer participating in the producer responsibility organization
145.16 or have been expelled due to their lack of compliance;

145.17 (10) proposed amendments to the stewardship plan to improve program performance or
145.18 reduce costs, including changes to producer fees, infrastructure investments, or
145.19 reimbursement rates;

145.20 (11) recommendations for additions or removal of covered materials to or from the
145.21 recyclable or compostable covered materials lists developed under section 115A.1453; and

145.22 (12) information requested by the commissioner to evaluate the effectiveness of the
145.23 program as it is described in the stewardship plan and to assist with determining compliance
145.24 with this act.

145.25 (b) Every fourth year after a stewardship plan is approved by the commissioner, a
145.26 performance audit of the program must be completed by the producer responsibility
145.27 organization. The performance audit must conform to audit standards established by the
145.28 United States Government Accountability Office; the National Association of State Auditors,
145.29 Comptrollers, and Treasurers; or another nationally recognized organization approved by
145.30 the commissioner.

145.31 Subd. 2. **Report following unmet target.** A producer responsibility organization that
145.32 fails to meet a performance target approved in a stewardship plan must, within 90 days of
145.33 filing an annual report under this section, file with the commissioner an explanation of the

146.1 factors contributing to the failure and propose an amendment to the stewardship plan
146.2 specifying changes in operations that the producer responsibility organization will make
146.3 that are designed to achieve the performance targets. If a performance target is unmet due
146.4 to lack of political subdivision participation in the program, the commissioner may revise
146.5 the statewide requirements developed under section 115A.1451, subdivision 7. If a revision
146.6 to the statewide requirements is completed by the commissioner, the producer responsibility
146.7 organization may revise the performance targets at the same time. An amendment filed
146.8 under this subdivision must be reviewed by the advisory board and reviewed and approved
146.9 by the commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

146.10 Subd. 3. **Commissioner's report.** By October 15, 2031, and every two years thereafter,
146.11 the commissioner must submit a report to the governor and to the chairs and ranking minority
146.12 members of the legislative committees with jurisdiction over solid waste. The report must
146.13 contain:

- 146.14 (1) a summary of the operations of this act during the previous years;
- 146.15 (2) a summary of the needs assessment;
- 146.16 (3) a link to reports filed under subdivisions 1 and 2;
- 146.17 (4) recommendations for policy, statutory, or regulatory changes to the program;
- 146.18 (5) an analysis of the impacts of exempting certain materials from the definition of
146.19 covered materials and of exempting certain persons from the definition of producer;
- 146.20 (6) a list of efforts undertaken by the commissioner to enforce and secure compliance
146.21 with this act; and
- 146.22 (7) any other information the commissioner deems to be relevant.

146.23 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility
146.24 organizations with data necessary to complete the reports required by this section upon
146.25 request.

146.26 Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**
146.27 **WEBSITES.**

146.28 A producer responsibility organization must maintain a website that uses best practices
146.29 for accessibility and contains, at a minimum:

- 146.30 (1) information regarding a process that members of the public can use to contact the
146.31 producer responsibility organization with questions;

- 147.1 (2) a directory of all service providers operating under the stewardship plan administered
147.2 by the producer responsibility organization, grouped by location or political subdivision,
147.3 and information about how to request service;
- 147.4 (3) registration materials submitted to the commissioner under section 115A.1443;
- 147.5 (4) the draft and approved stewardship plan and any draft and approved amendments;
- 147.6 (5) information on how to manage materials included in lists established under section
147.7 115A.1453;
- 147.8 (6) the list of exempt materials as defined in this act and covered materials exempt from
147.9 performance targets and statewide requirements as approved in the stewardship plan;
- 147.10 (7) current and all past needs assessments;
- 147.11 (8) annual reports submitted to the commissioner by the producer responsibility
147.12 organization;
- 147.13 (9) a link to administrative rules implementing this act;
- 147.14 (10) comments of the advisory board on the documents listed in clauses (4) and (7) and
147.15 the responses of the producer responsibility organization to those comments;
- 147.16 (11) the names of producers and brands that are not in compliance with section
147.17 115A.1448;
- 147.18 (12) a list, updated at least monthly, of all member producers that will operate under the
147.19 stewardship plan administered by the producer responsibility organization and, for each
147.20 producer, a list of all brands of the producer's covered materials; and
- 147.21 (13) education materials on waste reduction, reuse, recycling, and composting for
147.22 producers and the general public.

147.23 Sec. 18. **[115A.1458] ANTICOMPETITIVE CONDUCT.**

147.24 A producer responsibility organization that arranges collection, recycling, composting,
147.25 waste reduction, or reuse services under this act may engage in anticompetitive conduct to
147.26 the extent necessary to plan and implement collection, recycling, composting, waste
147.27 reduction, or reuse systems to meet the obligations under this act, and is immune from
147.28 liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

148.1 Sec. 19. **[115A.1459] RULEMAKING.**

148.2 The commissioner may adopt rules to implement this act. The 18-month time limit under
148.3 section 14.125 does not apply to the commissioner's rulemaking authority under this section.

148.4 Sec. 20. **[115A.1460] PROVIDING INFORMATION.**

148.5 Upon request of the commissioner for purposes of determining compliance with this
148.6 act, or for purposes of implementing this act, a person must furnish to the commissioner
148.7 any information that the person has or may reasonably obtain.

148.8 Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

148.9 (a) It is the intent of the legislature that if a bottle deposit return system is enacted in the
148.10 future, it will be harmonized with this act in a manner that ensures that:

148.11 (1) materials covered in that system are exempt from this act or related financial
148.12 obligations are reduced;

148.13 (2) colocation of drop-off collection sites is maximized;

148.14 (3) education and outreach is integrated between the two programs; and

148.15 (4) waste reduction and reuse strategies are prioritized between the two programs.

148.16 (b) Any implementation of a deposit return system must include a two-year transition
148.17 period before the expiration of the currently approved stewardship plan and be conducted
148.18 in a manner that does not create sudden and significant operational or financial disruption
148.19 to the implementation of a stewardship plan under section 115A.1451, including provisions
148.20 of recycling or reuse services contained in the plan.

148.21 Sec. 22. **[115A.1462] ENFORCEMENT.**

148.22 (a) The commissioner must enforce this act as provided under this section and sections
148.23 115.071 and 116.072. The commissioner may revoke a registration of a producer
148.24 responsibility organization or service provider found to have violated this act.

148.25 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and
148.26 except as otherwise provided in paragraph (c), a person that violates or fails to perform a
148.27 duty imposed by this act or any rule adopted thereunder is liable for a civil penalty not to
148.28 exceed \$25,000 per day of violation.

148.29 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a
148.30 producer responsibility organization or producer that violates a provision of or fails to

perform a duty imposed by this act, a rule adopted thereunder, or requirements of a
stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed
\$25,000 per day of violation. For a second violation occurring within five years after the
approval of a stewardship plan, a producer responsibility organization or producer is liable
for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent
violation occurring within five years after the approval of a stewardship plan, a producer
responsibility organization or producer is liable for a civil penalty not to exceed \$100,000
per day of violation.

Sec. 23. **[115A.1463] PACKAGING PRODUCT STEWARDSHIP ACCOUNT.**

(a) The packaging product stewardship account is established as a separate account in
the special revenue fund in the state treasury. Appropriations and transfers to the account
and fees collected under section 115A.1443 must be credited to the account. Earnings, such
as interest, dividends, and any other earnings arising from assets of the account, must be
credited to the account. Money remaining in the account at the end of a fiscal year does not
cancel to the general fund but remains in the account until expended.

(b) Money from the account is appropriated to the commissioner to pay the reasonable
costs of the agency to administer sections 115A.144 to 115A.1462.

Sec. 24. **WORKPLACE CONDITIONS AND EQUITY STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract
with a third party that is not a producer or a producer responsibility organization to conduct
a study of the recycling, composting, and reuse facilities operating in the state. The study
must analyze, at a minimum, information about:

(1) working conditions, wage and benefit levels, and employment levels of minorities
and women at those facilities;

(2) barriers to ownership of recycling, composting, and reuse operations faced by women
and minorities;

(3) the degree to which residents of multifamily buildings have less convenient access
to recycling, composting, and reuse opportunities than those living in single-family homes;

(4) the degree to which individuals living in environmental justice areas have access to
fewer recycling, composting, and reuse opportunities compared to other parts of the state;

(5) the degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(6) strategies to increase participation in reuse, recycling, and composting; and

(7) the degree to which residents and workers in environmental justice areas are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and recommendations to mitigate those impacts.

(b) The producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1463, must cover the cost of conducting the study through a fee according to Minnesota Statutes, section 115A.1443, and recommended actions identified in the study must be considered for inclusion as part of future stewardship plans as required under Minnesota Statutes, section 115A.1451, including adjustments to service provider reimbursements as established under Minnesota Statutes, section 115A.1455.

Sec. 25. **COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health and natural resources, must contract with a third party that is not a producer or a producer responsibility organization to conduct a study to identify the contribution of covered products to litter and water pollution in Minnesota. The report must at a minimum:

(1) analyze historical and current environmental impacts and human health impacts of littered covered materials and their associated toxic substances in the environment;

(2) estimate the cost of cleanup and prevention; and

(3) provide recommendations for how to reduce and mitigate the impacts of litter in the state.

(b) The contracted third party must consult with local governmental units, the commissioners of health and natural resources, and environmental justice organizations.

(c) The producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1463, must cover the cost of conducting the study through a fee according to Minnesota Statutes, section 115A.1443, and recommended actions identified in the study must be considered for inclusion as part of future stewardship plans, as required under Minnesota Statutes, section 115A.1451.

ARTICLE 6

FERAL SWINE AND FUR FARMS

Section 1. Minnesota Statutes 2023 Supplement, section 17.457, as amended by Laws 2024, chapter 85, section 8, is amended to read:

17.457 RESTRICTED SPECIES.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of agriculture or the commissioner's designee.

(c) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

~~(e)~~ (d) "Restricted species" means ~~Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids)~~ pigs, boars, peccaries, and all other members of the Suidae family and the Tayassuidae family, excluding domestic hogs (~~*S. scrofa domesticus*~~).

~~(d)~~ (e) "Release" means an intentional introduction or persistent accidental escape of a restricted species or domestic hog from the control of the owner or responsible party. Release does not mean an accidental escape of restricted species or domestic hogs due to a transportation accident or an act of God.

Subd. 2. ~~Importation; possession; release of~~ **Restricted species permit required.** It is unlawful for a person to import, possess, propagate, or transport, ~~or release~~ a restricted species, unless the person has a permit as described in subdivision 3.

Subd. 2a. **Release of restricted species or domestic hogs prohibited.** (a) It is unlawful for a person to release restricted species or domestic hogs.

(b) In addition to the penalties in subdivision 6, a person who violates paragraph (a) must do the following at the person's expense and by the date and time specified by the commissioner:

(1) register their premises with the Board of Animal Health;

(2) implement the confinement standards and record-keeping requirements developed by the Board of Animal Health; and

(3) reimburse the commissioner for costs incurred to annually inspect the registered premises and verify compliance with clause (2).

Subd. 3. **Permits.** The commissioner may issue permits for the transportation, possession, purchase, or importation of restricted species only for scientific, research, or educational;

152.1 ~~or commercial~~ purposes. A permit issued under this subdivision may be revoked by the
152.2 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
152.3 act or omission, including accidental escapes.

152.4 Subd. 4. **Notice of release of restricted species or domestic hogs.** In the event of a
152.5 release of a restricted species or domestic hog, the owner must notify within 24 hours a
152.6 conservation officer and the Board of Animal Health and is responsible for the recovery of
152.7 the species. ~~The commissioner may capture or destroy the released animal at the owner's~~
152.8 ~~expense.~~ If the owner does not provide notification or fails to recover the animal within 72
152.9 hours of providing notification, the released animal is considered feral swine under section
152.10 97A.56, is no longer the personal property of the owner, and may be captured or destroyed
152.11 at the former owner's expense by a peace officer or by the commissioner of natural resources
152.12 under section 97A.045, subdivision 1, paragraph (b), or other authority.

152.13 Subd. 5. **Enforcement.** (a) This section may be enforced by a peace officer, an
152.14 enforcement officer under sections 97A.205 and 97A.211, and, except as provided in
152.15 paragraph (b), by the commissioner under sections 17.982 to 17.983.

152.16 (b) For the first violation of this section, the commissioner may impose an administrative
152.17 penalty of no more than \$1,000. For a second violation, the commissioner may impose an
152.18 administrative penalty of no more than \$1,500. For a third or succeeding violation, the
152.19 commissioner may impose an administrative penalty of no more than \$3,000 for each
152.20 violation.

152.21 Subd. 6. **~~Penalty~~ Penalties.** (a) A person who violates subdivision 2, 2a, 4, or 7 is guilty
152.22 of a misdemeanor.

152.23 (b) A person who violates subdivision 2a, paragraph (a), is liable to the state for costs
152.24 associated with a release. The attorney general may enforce this paragraph on behalf of any
152.25 state agency affected.

152.26 Subd. 7. **Identification requirements.** A restricted species in the possession of a person
152.27 must be marked in a permanent fashion to identify ownership. The restricted species must
152.28 be marked as soon as practicable after birth or purchase.

152.29 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
152.30 natural resources, shall develop criteria for approved containment measures for restricted
152.31 species.

152.32 Subd. 9. **Bond; security.** A person who possesses restricted species must provide proof
152.33 of insurance or file a security bond with the commissioner in an amount determined by the

153.1 commissioner to pay for the potential costs and damages that would be caused by the release
153.2 of a restricted species.

153.3 Subd. 10. **Fee.** The commissioner may impose a fee for permits in an amount sufficient
153.4 to cover the costs of issuing the permits and for facility inspections. The fee may not exceed
153.5 \$50. Fee receipts must be deposited in the general fund.

153.6 Sec. 2. Minnesota Statutes 2022, section 97A.105, is amended to read:

153.7 **97A.105 GAME ~~AND FUR~~ FARMS.**

153.8 Subdivision 1. **License requirements.** (a) A person may breed and propagate ~~fur-bearing~~
153.9 ~~animals~~, game birds, bear, or mute swans only on privately owned or leased land and after
153.10 obtaining a license. Any of the permitted animals on a game farm may be sold to other
153.11 licensed game farms. "Privately owned or leased land" includes waters that are shallow or
153.12 marshy, are not actually navigable, and are not of substantial beneficial public use. Before
153.13 an application for a license is considered, the applicant must enclose the area to sufficiently
153.14 confine the animals to be raised in a manner approved by the commissioner. A license may
153.15 be granted only if the commissioner finds the application is made in good faith with intention
153.16 to actually carry on the business described in the application and the commissioner determines
153.17 that the facilities are adequate for the business.

153.18 (b) A person may purchase live game birds or their eggs without a license if the birds
153.19 or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed
153.20 for consumption within one year after they were purchased or hatched. This paragraph does
153.21 not apply to the purchase of migratory waterfowl or their eggs.

153.22 (c) A person may not introduce mute swans into the wild without a permit issued by the
153.23 commissioner.

153.24 Subd. 2. **Transfer of license.** (a) A game ~~or fur~~ farm license is transferable with the
153.25 transfer of all or a portion of the title or leasehold of the land if:

153.26 (1) the land transferred complies with the license requirements;

153.27 (2) the land is used for the purposes of the license; and

153.28 (3) a verified written report of the existing and intended land use is made to the
153.29 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
153.30 transferring the corresponding title or leasehold in the enclosed land.

154.1 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
154.2 partner or associate in the ownership or operation of a game ~~or fur~~ farm must obtain a
154.3 separate license.

154.4 Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species
154.5 identified in the license, that are within the enclosure are the property of the game ~~and fur~~
154.6 farm licensee.

154.7 Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed ~~fur or~~ game
154.8 farm is not valid unless the animals are delivered to the purchaser or they are identified and
154.9 kept separately.

154.10 (b) Live animals sold through auction or through a broker are considered to be sold by
154.11 the game farm licensee.

154.12 (c) The sale agreement or contract must be in writing. The licensee must notify a
154.13 purchaser of the death of an animal within 30 days and of the number of increase before
154.14 July 20 of each year.

154.15 Subd. 5. **Sale of ~~pelts~~ products.** The commissioner shall prescribe:

154.16 (1) the manner that ~~pelts and~~ products of wild animals raised on ~~fur or~~ game farms may
154.17 be sold or transported; and

154.18 (2) the tags or seals to be affixed to the ~~pelts and~~ products.

154.19 ~~Subd. 6. **Fox and mink.** Fox and mink may not be bought or sold for breeding or~~
154.20 ~~propagating unless they have been pen-bred for at least two generations.~~

154.21 ~~Subd. 7. **Transporting live beaver.** Live beaver may not be transported without a permit~~
154.22 ~~from the commissioner.~~

154.23 Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects
154.24 all wild animals on the game ~~or fur~~ farm to confiscation.

154.25 Subd. 9. **Rules.** The commissioner may adopt rules for:

154.26 (1) ~~the issuance of~~ issuing game farm licenses;

154.27 (2) ~~the inspection of~~ inspecting game farm facilities;

154.28 (3) ~~the acquisition and disposal~~ acquiring and disposing of game farm animals; and

154.29 (4) record keeping and reporting by game farm licensees, including transactions handled
154.30 by auction or broker.

Sec. 3. **[97A.106] FUR FARMS.**

Subdivision 1. License requirements. A person may breed and propagate fur-bearing animals only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a fur farm may be sold to other licensed fur farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

Subd. 2. Transfer of license. (a) A fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

(1) the land transferred complies with the license requirements;

(2) the land is used for the purposes of the license; and

(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a fur farm must obtain a separate license.

Subd. 3. License fee. For each fur farm, the owner must, on or before January 1, pay to the commissioner an annual fee of \$250.

Subd. 4. Fur farm account. The fur farm account is established in the game and fish fund. Fees collected under this section and interest attributable to money in the account must be deposited in the account. Money in the account, including interest earned, is appropriated to the commissioner for administration and enforcement of this section.

Subd. 5. Ownership of wild animals. All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the fur farm licensee.

Subd. 6. Containment and disease control. The commissioner, in consultation with the Board of Animal Health and the commissioners of agriculture and health, must develop:

(1) containment and disposal requirements for farmed fur-bearers; and

156.1 (2) farmed fur-bearer disease testing and reporting requirements.

156.2 Subd. 7. **Sale of live animals.** (a) A sale of live animals from a licensed fur farm is not
156.3 valid unless the animals are delivered to the purchaser or they are identified and kept
156.4 separately.

156.5 (b) Live animals sold through auction or through a broker are considered to be sold by
156.6 the fur farm licensee.

156.7 (c) The sale agreement or contract must be in writing. The licensee must notify a
156.8 purchaser of the death of an animal within 30 days and of the number of increase before
156.9 July 20 of each year.

156.10 Subd. 8. **Sale of pelts and products.** The commissioner must prescribe:

156.11 (1) the manner that pelts and products of wild animals raised on fur farms may be sold
156.12 or transported; and

156.13 (2) the tags or seals to be affixed to the pelts and products.

156.14 Subd. 9. **Fox and mink.** Fox and mink may not be bought or sold for breeding or
156.15 propagating unless they have been pen-bred for at least two generations.

156.16 Subd. 10. **Transporting live beaver.** Live beaver may not be transported without a
156.17 permit from the commissioner.

156.18 Subd. 11. **Penalty.** A licensee that does not comply with a provision of this section
156.19 subjects all wild animals on the fur farm to confiscation.

156.20 Subd. 12. **Rules.** The commissioner may adopt rules for:

156.21 (1) issuing fur farm licenses;

156.22 (2) inspecting fur farm facilities;

156.23 (3) acquiring fur farm animals; and

156.24 (4) record keeping and reporting by fur farm licensees, including transactions handled
156.25 by auction or broker.

156.26 Sec. 4. Minnesota Statutes 2022, section 97A.56, subdivision 2, is amended to read:

156.27 Subd. 2. **Prohibited actions; penalty.** (a) Unless authorized by permit under section
156.28 17.457, subdivision 3, a person may not possess or release feral swine ~~or swine that were~~
156.29 ~~feral during any part of the swine's lifetime~~ or otherwise allow feral swine to run at large.

157.1 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner
157.2 for feral swine control or eradication. It is not a violation of this section if a person shoots
157.3 a feral swine and reports the taking to the commissioner within 24 hours. All feral swine
157.4 taken in this manner must be surrendered to the commissioner.

157.5 (c) A person who violates this subdivision is guilty of a misdemeanor.

157.6 (d) A person who violates this subdivision is liable for the actual costs incurred by the
157.7 state for the possession or release of the feral swine.

157.8 (e) A person who violates this subdivision is liable for the damages caused by the
157.9 possession or release of the feral swine.

157.10 Sec. 5. Minnesota Statutes 2022, section 97A.56, is amended by adding a subdivision to
157.11 read:

157.12 Subd. 4. **Domestic hogs and feral swine response protocols.** The commissioner, in
157.13 cooperation with the commissioner of agriculture and the Board of Animal Health, must
157.14 develop protocols for responding to the release of domestic hogs and feral swine, including
157.15 reporting requirements, interagency communications, and other actions necessary to resolve
157.16 the release.

157.17 Sec. 6. **OUTREACH REQUIRED.**

157.18 The commissioners of agriculture and natural resources and the Board of Animal Health
157.19 must jointly develop, and jointly or separately promote and provide to the public, current
157.20 and consistent outreach materials concerning:

157.21 (1) swine containment methods;

157.22 (2) sources of technical and financial assistance for small or hobby farms;

157.23 (3) the importance of preventing the establishment of feral hog populations;

157.24 (4) penalties for the accidental or intentional release of swine;

157.25 (5) effective and lawful methods of feral hog control; and

157.26 (6) other topics as identified by the commissioners and the board.

157.27 Sec. 7. **REPEALER.**

157.28 Minnesota Statutes 2022, section 17.353, is repealed.

ARTICLE 7

ENVIRONMENTAL REVIEW AND PERMITTING

Section 1. **[84.0265] ENVIRONMENTAL REVIEW AND PERMITTING;
COORDINATED PROJECT PLANS.**

Subdivision 1. **Definitions.** In this section, the following terms have the meanings given:

(1) "commissioner" means the commissioner of natural resources;

(2) "coordinated project plan" or "plan" means a plan to ensure that any required environmental review and associated required state agency actions are completed efficiently by coordinating and establishing deadlines for all necessary state agency actions;

(3) "eligible project" means a project that requires the commissioner to prepare an environmental assessment worksheet or an environmental impact statement under chapter 116D and associated permits, unless the project is sponsored by the Department of Natural Resources; and

(4) "state agency" means the department or any other office, board, commission, authority, department, or other agency of the executive branch of state government.

Subd. 2. **State policy.** It is the goal of the state to maximize the coordination, effectiveness, transparency, and accountability of environmental review, associated environmental permitting, and other regulatory actions for facilities in Minnesota.

Subd. 3. **Early communication; identifying issues.** To the extent practicable, the commissioner must establish and provide an expeditious process for a person that requests to confer with the department and other state agencies about an eligible project. The department must provide information about any identified challenging issues regarding the potential environmental impacts related to an eligible project, including any issues that could substantially delay a state agency from completing agency decisions; and issues that must be addressed before an environmental assessment worksheet, environmental impact statement, final scoping decision, permit action, or other required action by a state agency can be started.

Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an application for an eligible project to the commissioner may request that the commissioner prepare a coordinated project plan to complete any required environmental review and associated agency actions for the eligible project.

(b) Within 60 days of receiving a request under paragraph (a), the commissioner must prepare a coordinated project plan in consultation with the requestor and other state agencies

159.1 identified under paragraph (c). If an eligible project requires or otherwise includes the
159.2 preparation of an environmental impact statement, the commissioner is required to prepare
159.3 a coordinated project plan that first covers the period through a final scoping decision.
159.4 Within 60 days of completion of the final scoping decision, the commissioner must update
159.5 the coordinated project plan to include the remainder of the environmental review process
159.6 as well as applicable state permits and other state regulatory decisions. The coordinated
159.7 project plan is subject to modification in accordance with subdivision 7.

159.8 (c) Any state agency that must make permitting or other regulatory decisions over the
159.9 eligible project must participate in developing a coordinated project plan.

159.10 (d) If an eligible project requires environmental review and the Department of Natural
159.11 Resources is the responsible governmental unit, then the Department of Natural Resources
159.12 is the lead agency responsible for preparation of a coordinated project plan under this section.
159.13 If an eligible project requires environmental review and the Pollution Control Agency is
159.14 the responsible governmental unit, then the Pollution Control Agency is the lead agency
159.15 responsible for preparation of a coordinated project under section 116.035.

159.16 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must
159.17 include:

159.18 (1) a list of all state agencies known to have environmental review, permitting, or other
159.19 regulatory authority over the eligible project and an explanation of each agency's specific
159.20 role and responsibilities for actions under the coordinated project plan;

159.21 (2) a schedule for any formal public meetings; and

159.22 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,
159.23 and other state agency actions must be completed. The deadlines established under this
159.24 clause must include intermediate and final completion deadlines for actions by each state
159.25 agency and must be consistent with subdivision 6, subject to modification in accordance
159.26 with subdivision 7.

159.27 (b) The commissioner must update a coordinated project plan quarterly.

159.28 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan
159.29 must comply with this subdivision, unless an alternative time period is agreed upon by the
159.30 commissioner and proposer.

159.31 (b) When an environmental assessment worksheet is prepared for an eligible project for
159.32 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
159.33 4410, the decision on the need for an environmental impact statement must be made as

160.1 expeditiously as possible but no later than 18 months after the environmental assessment
160.2 worksheet is deemed complete by the commissioner.

160.3 (c) When an environmental impact statement is prepared for an eligible project, the
160.4 decision on the adequacy of the final environmental impact statement must be made as
160.5 expeditiously as possible but no later than four years after the data submitted for the
160.6 environmental assessment worksheet is deemed complete.

160.7 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
160.8 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the
160.9 chairs and ranking minority members of the legislative committees and divisions with
160.10 jurisdiction over natural resources policy to explain how deadlines were established and
160.11 why the deadlines under paragraphs (b) and (c) are not attainable.

160.12 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the
160.13 commissioner's development coordinated project plan must comply with deadlines established
160.14 in the plan. If a participating state agency fails to meet a deadline established in the
160.15 coordinated project plan or anticipates failing to meet a deadline, the state agency must
160.16 immediately notify the commissioner to explain the reason for the failure or anticipated
160.17 failure and to propose a date for a modified deadline.

160.18 (b) The commissioner may modify a deadline established in the coordinated project plan
160.19 if the project proposer fails to meet a deadline established in the coordinated project plan
160.20 or provides inadequate information to meet that deadline, or if:

160.21 (1) the commissioner provides the person that requested the plan with a written
160.22 justification for the modification; and

160.23 (2) the commissioner and the state agency, after consultation with the person that
160.24 requested the plan, mutually agree on a different deadline.

160.25 (c) If the combined modifications to one or more deadlines established in a coordinated
160.26 project plan extend the initially anticipated final decision date for an eligible project
160.27 application by more than 20 percent, the commissioner must report to the chairs and ranking
160.28 minority members of the legislative committees and divisions with jurisdiction over natural
160.29 resources policy within 30 days to explain the reason the modifications are necessary. The
160.30 commissioner must also notify the chairs and ranking minority members within 30 days of
160.31 any subsequent extensions to the final decision date. The notification must include the reason
160.32 for the extension and the history of any prior extensions. For purposes of calculating the
160.33 percentage of time that modifications have extended the anticipated final decision date,

161.1 modifications made necessary by reasons wholly outside the control of state agencies must
161.2 not be considered.

161.3 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required
161.4 under section 84.027, the commissioner must report on progress toward required actions
161.5 described in this section.

161.6 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an
161.7 act that conflicts with applicable state or federal law. Nothing in this section affects the
161.8 specific statutory obligations of a state agency to comply with criteria or standards of
161.9 environmental quality, water resource management, pollutant management, environmental
161.10 justice, and public health.

161.11 Sec. 2. **[116.035] ENVIRONMENTAL REVIEW AND PERMITTING;**
161.12 **COORDINATED PROJECT PLANS.**

161.13 Subdivision 1. **Definitions.** In this section, the following terms have the meanings given:

161.14 (1) "commissioner" means the commissioner of the Pollution Control Agency;

161.15 (2) "coordinated project plan" or "plan" means a plan to ensure that any required
161.16 environmental review and associated required state agency actions are completed efficiently
161.17 by coordinating and establishing deadlines for all necessary state agency actions;

161.18 (3) "eligible project" means a project that requires the commissioner to prepare an
161.19 environmental assessment worksheet or an environmental impact statement under chapter
161.20 116D and associated permits; and

161.21 (4) "state agency" means the agency or any other office, board, commission, authority,
161.22 department, or other agency of the executive branch of state government.

161.23 Subd. 2. **State policy.** It is the goal of the state to maximize the coordination,
161.24 effectiveness, transparency, and accountability of environmental review, associated
161.25 environmental permitting, and other regulatory actions for facilities in Minnesota.

161.26 Subd. 3. **Early communication; identifying issues.** To the extent practicable, the
161.27 commissioner must establish and provide an expeditious process for a person that requests
161.28 to confer with the agency and other state agencies about an eligible project. The agency
161.29 must provide information about any identified challenging issues regarding the potential
161.30 environmental impacts related to an eligible project, including any issues that could
161.31 substantially delay a state agency from completing agency decisions and issues that must
161.32 be addressed before an environmental assessment worksheet, environmental impact statement,

162.1 final scoping decision, permit action, or other required action by a state agency can be
162.2 started.

162.3 Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an
162.4 application for an eligible project to the commissioner may request that the commissioner
162.5 prepare a coordinated project plan to complete any required environmental review and
162.6 associated agency actions for the eligible project.

162.7 (b) Within 60 days of receiving a request under paragraph (a), the commissioner must
162.8 prepare a coordinated project plan in consultation with the requestor and other state agencies
162.9 identified under paragraph (c). If an eligible project requires or otherwise includes the
162.10 preparation of an environmental impact statement, the commissioner is required to prepare
162.11 a coordinated project plan that first covers the period through a final scoping decision.
162.12 Within 60 days of completion of the final scoping decision, the commissioner must update
162.13 the coordinated project plan to include the remainder of the environmental review process
162.14 as well as applicable state permits and other state regulatory decisions. The coordinated
162.15 project plan is subject to modification in accordance with subdivision 7.

162.16 (c) Any state agency that must make permitting or other regulatory decisions over the
162.17 eligible project must participate in developing a coordinated project plan.

162.18 (d) If an eligible project requires environmental review and the Department of Natural
162.19 Resources is the responsible governmental unit, then the Department of Natural Resources
162.20 is the lead agency responsible for preparation of a coordinated project plan under section
162.21 84.0265. If an eligible project requires environmental review and the Pollution Control
162.22 Agency is the responsible governmental unit, then the Pollution Control Agency is the lead
162.23 agency responsible for preparation of a coordinated project under this section.

162.24 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must
162.25 include:

162.26 (1) a list of all state agencies known to have environmental review, permitting, or other
162.27 regulatory authority over the eligible project and an explanation of each agency's specific
162.28 role and responsibilities for actions under the coordinated project plan;

162.29 (2) a schedule for any formal public meetings; and

162.30 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,
162.31 and other state agency actions must be completed. The deadlines established under this
162.32 clause must include intermediate and final completion deadlines for actions by each state

163.1 agency and must be consistent with subdivision 6, subject to modification in accordance
163.2 with subdivision 7.

163.3 (b) The commissioner must update a coordinated project plan quarterly.

163.4 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan
163.5 must comply with this subdivision unless an alternative time period is agreed upon by the
163.6 commissioner and proposer.

163.7 (b) When an environmental assessment worksheet is prepared for an eligible project for
163.8 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
163.9 4410, the decision on the need for an environmental impact statement must be made as
163.10 expeditiously as possible but no later than 18 months after the environmental assessment
163.11 worksheet is deemed complete by the commissioner.

163.12 (c) When an environmental impact statement is prepared for an eligible project, the
163.13 decision on the adequacy of the final environmental impact statement must be made as
163.14 expeditiously as possible but no later than four years after the submitted data for the
163.15 environmental assessment worksheet is deemed complete.

163.16 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
163.17 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the
163.18 chairs and ranking minority members of the legislative committees and divisions with
163.19 jurisdiction over natural resources policy to explain how deadlines were established and
163.20 why the deadlines under paragraphs (b) and (c) are not attainable.

163.21 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the
163.22 commissioner's development coordinated project plan must comply with deadlines established
163.23 in the plan. If a participating state agency fails to meet a deadline established in the
163.24 coordinated project plan or anticipates failing to meet a deadline, the state agency must
163.25 immediately notify the commissioner to explain the reason for the failure or anticipated
163.26 failure and to propose a date for a modified deadline.

163.27 (b) The commissioner may modify a deadline established in the coordinated project plan
163.28 if the project proposer fails to meet a deadline established in the coordinated project plan
163.29 or provides inadequate information to meet that deadline, or if:

163.30 (1) the commissioner provides the person that requested the plan with a written
163.31 justification for the modification; and

163.32 (2) the commissioner and the state agency, after consultation with the person that
163.33 requested the plan, mutually agree on a different deadline.

(c) If the combined modifications to one or more deadlines established in a coordinated project plan extend the initially anticipated final decision date for an eligible project application by more than 20 percent, the commissioner must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over natural resources policy within 30 days to explain the reason the modifications are necessary. The commissioner must also notify the chairs and ranking minority members within 30 days of any subsequent extensions to the final decision date. The notification must include the reason for the extension and the history of any prior extensions. For purposes of calculating the percentage of time that modifications have extended the anticipated final decision date, modifications made necessary by reasons wholly outside the control of state agencies must not be considered.

Subd. 8. **Annual report.** As part of the annual permitting efficiency report required under section 116.03, the commissioner must report on progress toward required actions described in this section.

Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an act that conflicts with applicable state or federal law. Nothing in this section affects the specific statutory obligations of a state agency to comply with criteria or standards of environmental quality, water resource management, pollutant management, environmental justice, and public health.

ARTICLE 8 STATE LANDS

Section 1. Minnesota Statutes 2022, section 85.015, subdivision 1b, is amended to read:

Subd. 1b. Easements for ingress and egress. (a) Notwithstanding section 16A.695, except as provided in paragraph (b), when a trail is established under this section, a private property owner who has a preexisting right of ingress and egress over the trail right-of-way is granted, without charge, a permanent easement for ingress and egress purposes only. The easement is limited to the preexisting crossing and reverts to the state upon abandonment. Nothing in this subdivision is intended to diminish or alter any written or recorded easement that existed before the state acquired the land for the trail.

(b) The commissioner of natural resources shall assess the applicant an application fee of \$2,000 for reviewing the application and preparing the easement. The applicant shall pay the application fee to the commissioner of natural resources. The commissioner shall not

165.1 issue the easement until the applicant has paid the application fee in full. The commissioner
165.2 shall not return the application fee, even if the application is withdrawn or denied.

165.3 (c) Money received under paragraph (b) must be credited to the land management account
165.4 in the natural resources fund and is appropriated to the commissioner of natural resources
165.5 to cover the reasonable costs incurred under this section.

165.6 (d) Notwithstanding paragraphs (a) to (c), the commissioner of natural resources may
165.7 elect to assume the application fee under paragraph (b) if the commissioner determines that
165.8 issuing the easement will benefit the state's land management interests.

165.9 Sec. 2. Minnesota Statutes 2022, section 94.343, subdivision 8a, is amended to read:

165.10 Subd. 8a. **Fees.** (a) When a private landowner or governmental unit, except the state,
165.11 presents to the commissioner an offer to exchange privately or publicly held land for class
165.12 A land, the private landowner or governmental unit shall pay to the commissioner a
165.13 ~~determination of value fee and survey fee of not less than one-half of the cost of the~~
165.14 ~~determination of value and survey fees as determined by the commissioner.~~ fees of not less
165.15 than one-half of the costs incurred by the commissioner for valuation expenses; survey
165.16 expenses; legal and professional fees; costs of title work, advertising, and public hearings;
165.17 transactional staff costs; and closing costs.

165.18 (b) Except as provided in paragraph (c), any payment made under paragraph (a) shall
165.19 be credited to the account from which the expenses are paid and is appropriated for
165.20 expenditure in the same manner as other money in the account.

165.21 (c) The fees shall be refunded if the land exchange offer is withdrawn by a private
165.22 landowner or governmental unit before the money is obligated to be spent.

165.23 Sec. 3. Minnesota Statutes 2022, section 94.3495, is amended by adding a subdivision to
165.24 read:

165.25 Subd. 9. **Fees.** (a) When a governmental unit presents to the commissioner an offer to
165.26 exchange publicly held land under this section, the governmental unit must pay to the
165.27 commissioner fees of not less than one-half of the costs incurred by the commissioner for
165.28 valuation expenses; survey expenses; legal and professional fees; costs of title work,
165.29 advertising, and public hearings; transactional staff costs; and closing costs.

165.30 (b) Except as provided in paragraph (c), any payment made under paragraph (a) must
165.31 be credited to the account from which the expenses are paid and is appropriated to the
165.32 commissioner for expenditure in the same manner as other money in the account.

166.1 (c) The fees must be refunded if the land exchange offer is withdrawn by the
166.2 governmental unit before the money is obligated to be spent.

166.3 Sec. 4. **[282.0197] SALE OF LAND LOCATED WITHIN BOUNDARY OF INDIAN**
166.4 **RESERVATIONS.**

166.5 Except as provided in section 282.012, if a parcel of land subject to sale under sections
166.6 282.01 to 282.13 consists exclusively of land within the boundary of an Indian reservation,
166.7 the county auditor must first offer the land to the affected band of Indians for sale at the
166.8 appraised value. The cost of any survey or appraisal must be added to and made a part of
166.9 the appraised value. To determine whether the band wants to buy the land, the county auditor
166.10 must give written notice to the band. If the band wants to buy the land, the band must submit
166.11 a written offer to the county auditor within two weeks after receiving the notice. If the offer
166.12 is for at least the appraised value, the county auditor must accept the offer.

166.13 **EFFECTIVE DATE.** This section is effective July 1, 2025, and applies to lands forfeited
166.14 on or after that date.

166.15 Sec. 5. **ADDITIONS TO STATE PARKS.**

166.16 Subdivision 1. [85.012] [Subd. 2.] Banning State Park, Pine County. The following
166.17 area is added to Banning State Park: the Northwest Quarter of the Northwest Quarter of
166.18 Section 22, Township 42 North, Range 20 West, Pine County, Minnesota.

166.19 Subd. 2. [85.012] [Subd. 15.] Father Hennepin State Park, Mille Lacs County. The
166.20 following areas are added to Father Hennepin State Park, all in Mille Lacs County,
166.21 Minnesota:

166.22 (1) the Southwest Quarter of the Southwest Quarter of Section 3, Township 42, Range
166.23 25;

166.24 (2) the Southwest Quarter of the Southeast Quarter of Section 4, Township 42, Range
166.25 25; and

166.26 (3) the Southeast Quarter of the Southeast Quarter of Section 4, Township 42, Range
166.27 25.

166.28 Subd. 3. [85.012] [Subd. 36.] Lake Louise State Park, Mower County. Those parts
166.29 of Section 20, Township 101 North, Range 14 West, Mower County, Minnesota, described
166.30 as follows are added to Lake Louise State Park:

166.31 (1) the West Half of the South Half of the Southwest Quarter of the Northeast Quarter;

167.1 (2) the West 3/4ths of the North Half of the Southwest Quarter of the Northeast Quarter
167.2 EXCEPT that portion that lies north and east of the county road; and

167.3 (3) the Northwest Quarter of the Northwest Quarter of the Southeast Quarter EXCEPT
167.4 the south 334.98 feet of the west 411.24 feet thereof.

167.5 Sec. 6. **STATE PARK ABOLISHMENT.**

167.6 Subdivision 1. [85.012] [Subd. 27b.] Hill-Annex Mine State Park, Itasca
167.7 County. Hill-Annex Mine State Park is abolished as a state park. The Hill-Annex site must
167.8 be closed to public use while mining and mineral extraction leases are in place. When mining
167.9 activity is complete and leases are not in place, the commissioner of natural resources must
167.10 develop an advisory task force that includes representatives of the Western Mesabi Mine
167.11 Planning Board, the Iron Range Resources and Rehabilitation Board, and the Office of
167.12 School Trust Lands to develop options for the future of the Hill-Annex property for
167.13 submission to the commissioner. This group must explore the types of use, management,
167.14 and development that will be suitable for the site's conditions after mining and that would
167.15 provide a benefit to the local and regional community.

167.16 Subd. 2. [85.012] [Subd. 58.] Upper Sioux Agency State Park, Yellow Medicine
167.17 County. Upper Sioux Agency State Park is abolished and its lands transferred according
167.18 to Laws 2023, chapter 60, article 4, section 97.

167.19 Sec. 7. **PRIVATE SALE OF TAX-FORFEITED LAND; AITKIN COUNTY.**

167.20 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or
167.21 other law to the contrary, Aitkin County may sell by private sale the tax-forfeited lands
167.22 described in paragraph (c).

167.23 (b) The conveyances must be in a form approved by the attorney general. The attorney
167.24 general may make changes to the land descriptions to correct errors and ensure accuracy.

167.25 (c) The lands to be sold are located in Aitkin County and are described as:

167.26 (1) Quadna Mountain Vacation Club First Addition, Outlot A, Section 26, Township 52
167.27 North, Range 26 West, Aitkin County, Minnesota (parcel identification number
167.28 57-1-088400);

167.29 (2) Quadna Mountain Vacation Club First Addition, Outlot B, Section 26, Township 52
167.30 North, Range 26 West, Aitkin County, Minnesota (parcel identification number
167.31 57-1-088500); and

(3) Lot 3 of "Knox's Irregular Lots in the Village of Aitkin," except the portion thereof described as follows: all that part of Lot 3 which lies East of a line beginning at a point on the north line of said Lot 3 a distance of 79 feet East of the northwest corner of said lot and running southeasterly to a point on the south line of said Lot 3 a distance of 56 feet East of the southwest corner of said lot; and except the portion thereof described as follows: beginning at a point on the north line of Lot 4 of said plat a distance easterly 60.75 feet from the northwest corner of said Lot 4; thence running southeasterly to a point on the south line of said Lot 4 which is 56 feet easterly of the southwest corner of said Lot 4; thence continuing easterly along said south line a distance of 56 feet to the southeast corner of said Lot 4; thence northwesterly to a point on the north line of said Lot 3 which is 16 feet easterly of the northwest corner of said Lot 3; thence westerly along the north line of said Lots 3 and 4 to place of beginning. Section 25, Township 47 North, Range 27 West, Aitkin County, Minnesota (0.28 acres)(parcel number 56-1-118100).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 8. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; AITKIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Aitkin County may sell by private sale the tax-forfeited land bordering public waters described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Aitkin County and is described as: that part of Government Lot 1, Section 19, Township 46, Range 25, Aitkin County, Minnesota, described as follows: commencing at the southwest corner of said Government Lot 1; thence North 85 degrees 14 minutes 46 seconds East, assumed bearing, 1,000.00 feet along the south line of said Government Lot 1 to the point of beginning of the tract to be described; thence continuing North 85 degrees 14 minutes 46 seconds East 50.79 feet to an iron monument; thence North 19 degrees 46 minutes 21 seconds West 459.76 feet, more or less, to the shore of Rabbit Lake; thence southwesterly along said shore to its intersection with a line bearing North 20 degrees 00 minutes 16 seconds West from the point of beginning; thence South 20 degrees 00 minutes 16 seconds East 433 feet, more or less, to the point of beginning. Together with and subject to the 33.00-foot-wide easement described in the deed to Kendle

169.1 recorded as Document Number 193583 on file in the office of the county recorder in and
169.2 for said county. Also subject to any other easements, reservations, or restrictions of record
169.3 (0.52 acres)(parcel number 09-0-031708).

169.4 (d) The county has determined that the county's land management interests would best
169.5 be served if the land was returned to private ownership.

169.6 **Sec. 9. PUBLIC SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
169.7 **CHISAGO COUNTY.**

169.8 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
169.9 resources may sell by public sale the surplus land bordering public water that is described
169.10 in paragraph (c).

169.11 (b) The commissioner may make necessary changes to the legal description to correct
169.12 errors and ensure accuracy.

169.13 (c) The land that may be sold is located in Chisago County and is described as:

169.14 All that part of Government Lot 1, Section 23, and all that part of Government Lot 1,
169.15 Section 24, Township 33 North, Range 21 West of the 4th Principal Meridian bounded by
169.16 the following described lines: commencing at the northeast corner of said Section 23; thence
169.17 South 00 degrees 00 minutes West, 1,831.3 feet on and along the east line of said Section
169.18 23 to the point of beginning; thence South 38 degrees 27 minutes East, 70.0 feet; thence
169.19 South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59 minutes West,
169.20 286.9 feet; thence South 45 degrees 33 minutes West, 167.4 feet; thence North 73 degrees
169.21 20 minutes West, 231.8 feet; thence North 59 degrees 33 minutes West, 420.7 feet; thence
169.22 North 30 degrees 17 minutes East, 327.6 feet; thence North 64 degrees 19 minutes East,
169.23 360.4 feet; thence South 87 degrees 03 minutes East, 197.8 feet; thence South 65 degrees
169.24 09 minutes East, 354.3 feet and to the point of beginning. Including all riparian rights to
169.25 the contained 11.5 acres, more or less, and subject to all existing road easements. Together
169.26 with that particular channel easement as described in Document #119723, on file and of
169.27 record in the Office of the Recorder, Chisago County, Minnesota, with said easement being
169.28 stated in said document as a perpetual easement to construct and maintain a channel over
169.29 and across the area described in Document #119723 as a strip of land 75 feet wide in
169.30 Government Lot 1 of Section 24, Township 33 North, Range 21 West of the 4th Principal
169.31 Meridian, bounded by the water's edge of Green Lake and the following described lines:
169.32 commencing at the northwest corner of said Section 24; thence South 00 degrees 00 minutes
169.33 West, 1,831.3 feet on and along the west line of said section; thence South 38 degrees 27
169.34 minutes East, 70.0 feet; thence South 11 degrees 58 minutes West, 58.9 feet to a point on

170.1 the centerline of said strip of land and the point of beginning; thence South 11 degrees 58
170.2 minutes West, 40.4 feet; thence North 80 degrees 00 minutes East, 290 feet, more or less,
170.3 to the water's edge of said Green Lake and there terminating. And also from the point of
170.4 beginning; thence North 11 degrees 58 minutes East, 40.4 feet; thence North 80 degrees 00
170.5 minutes East, 220 feet, more or less, to the water's edge of said Green Lake and there
170.6 terminating.

170.7 ALSO

170.8 Together with that particular access easement as described in Document #119723, on
170.9 file and of record in the Office of the Recorder, Chisago County, Minnesota, with said
170.10 easement being stated in said document as a perpetual road easement to construct and
170.11 maintain a 33-foot-wide road for ingress and egress over and across the following described
170.12 lands: that part of Government Lot 1 of Section 23, Township 33 North, Range 21 West of
170.13 the 4th Principal Meridian, bounded by the following described lines: commencing at the
170.14 northeast corner of said Section 23; thence South 00 degrees 00 minutes West, 1,831.3 feet
170.15 on and along the east line of said section; thence South 38 degrees 27 minutes East, 70.0
170.16 feet; thence South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59
170.17 minutes West, 223.6 feet to a point on the southerly boundary of the above described lands
170.18 being conveyed in fee and the point of beginning; thence South 76 degrees 59 minutes West,
170.19 63.3 feet on and along said southerly boundary; thence South 45 degrees 33 minutes West,
170.20 167.4 feet on and along said southerly boundary; thence North 72 degrees 57 minutes West,
170.21 666.8 feet to a point on the southeasterly right-of-way line of U.S. Highway No. 8; thence
170.22 South 38 degrees 09 minutes West, 35.4 feet on and along said right-of-way line; thence
170.23 South 72 degrees 57 minutes East, 679.7 feet; thence South 73 degrees 20 minutes East,
170.24 251.3 feet; thence North 45 degrees 33 minutes West, 240.9 feet to the point of beginning.

170.25 (d) The land borders Green Lake and is not contiguous to other state lands. The
170.26 Department of Natural Resources has determined that the land is not needed for natural
170.27 resource purposes and that the state's land management interests would best be served if
170.28 the land was returned to private ownership.

170.29 Sec. 10. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC**
170.30 **WATER; CROW WING COUNTY.**

170.31 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and
170.32 the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell
170.33 by private sale the tax-forfeited land bordering public water that is described in paragraph
170.34 (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Crow Wing County and is described as: the South 150.00 feet of the East 770.00 feet EXCEPT that part of the public waters of Gilbert Lake in the Southeast Quarter of the Southeast Quarter of Section 28, Township 134 North, Range 28 West, Crow Wing County, Minnesota (part of parcel identification number 99280619).

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership.

Sec. 11. CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC WATER; HUBBARD COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may convey the surplus land bordering public water that is described in paragraph (c) to a local unit of government for no consideration, subject to the state's reservation of a trail easement.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Hubbard County and is described as:

A strip of land 150 feet in width extending over and across the Southwest Quarter of the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth Principal Meridian, Hubbard County, Minnesota, said strip of land lying being 75 feet in width on each side of the centerline of the main track (now removed) of the former St. Paul, Minneapolis and Manitoba Railway Company (now BNI), as originally located and established over and across said Southwest Quarter of the Southwest Quarter of Section 24 and lying between the north line of the Fish Hook River and the north line of said Southwest Quarter of the Southwest Quarter of Section 24, LESS and EXCEPT the following described tract: that part of the South Half of the Southwest Quarter, Section 24, Township 140 North, Range 35 West, Hubbard County, Minnesota, described as follows: commencing at a found iron monument which designates the northwesterly corner of Lot 1, Block 4, AUDITOR'S PLAT No. 2, plat of which is on file and of record in the Office of the County Recorder, Hubbard County; thence on a bearing based on the Hubbard County Coordinate System (NAD83, 1996 Adjustment) of South 32 degrees 45 minutes 05 seconds East, along the southwesterly line of said Lot 1, a distance of 177.13 feet to the southwesterly corner of said Lot 1; thence South 48 degrees 30 minutes 52 seconds West, a distance of 71.23 feet

172.1 to an iron monument on the southwesterly line of Mill Road; thence North 32 degrees 32
172.2 minutes 42 seconds West, along the southwesterly line of Mill Road, a distance of 85.20
172.3 feet to an iron monument; thence North 22 degrees 10 minutes 58 seconds West along said
172.4 southwesterly line of Mill Road, a distance of 85.84 feet to an iron monument; thence North
172.5 81 degrees 01 minutes 23 seconds West, a distance of 127.05 feet to the intersection with
172.6 the easterly right-of-way line of the Heartland State Trail (former Burlington Northern
172.7 Railroad) and an iron monument and the point of beginning of the land to be herein described;
172.8 thence continue North 81 degrees 01 minutes 23 seconds West, a distance 37.00 feet; thence
172.9 South 09 degrees 06 minutes 28 seconds West, a distance of 44.69 feet; thence South 13
172.10 degrees 37 minutes 49 seconds East, a distance of 95.72 feet to an iron monument and the
172.11 intersection with said easterly right-of-way line; thence North 09 degrees 06 minutes 28
172.12 seconds East, along said easterly right-of-way line, a distance of 133.06 feet, more or less,
172.13 to the point of beginning. Said strip of land containing 2.52 acres, more or less.

172.14 (d) The land borders the Fish Hook River. The Department of Natural Resources has
172.15 determined that the land is not needed for natural resource purposes and that the state's land
172.16 management interests would best be served if the land was conveyed to a local unit of
172.17 government.

172.18 **Sec. 12. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
172.19 **HUBBARD COUNTY.**

172.20 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
172.21 commissioner of natural resources may sell by private sale the surplus land bordering public
172.22 water that is described in paragraph (c).

172.23 (b) The commissioner may make necessary changes to the legal description to correct
172.24 errors and ensure accuracy.

172.25 (c) The land that may be sold is located in Hubbard County and is described as:

172.26 (1) a strip of land 50 feet in width extending over and across the Southwest Quarter of
172.27 the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth
172.28 Principal Meridian, Hubbard County, Minnesota, said strip of land lying South of the south
172.29 line of the Fish Hook River, on the westerly side of the centerline of the main track (now
172.30 removed) of the former Wadena and Park Rapids Railway Company (now BNI), as originally
172.31 located and established over and across said Southwest Quarter of the Southwest Quarter
172.32 of Section 24; said strip of land containing 0.14 acres, more or less; and

(2) a strip of land 50 feet in width extending over and across the Southwest Quarter of the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth Principal Meridian, Hubbard County, Minnesota, said strip of land lying South of the south line of the Fish Hook River, on the easterly side of the centerline of the main track (now removed) of the former Wadena and Park Rapids Railway Company (now BNI), as originally located and established over and across said Southwest Quarter of the Southwest Quarter of Section 24, said strip of land containing 0.16 acres, more or less.

(d) The land borders the Fish Hook River. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 13. CONDEMNATION OF CERTAIN LAND IN MILLE LACS COUNTY.

(a) Funds appropriated in this act to the commissioner of natural resources to condemn land in Mille Lacs County must be used to initiate condemnation proceedings of the lands described in paragraph (d). The commissioner may use this appropriation for project costs, including but not limited to valuation expenses, legal fees, closing costs, transactional staff costs, and the condemnation award. This is a onetime appropriation and is available until spent.

(b) Notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, or any other provision of law to the contrary, once the lands are condemned under paragraph (a), the commissioner of natural resources may convey the surplus land bordering public waters that is described in paragraph (d) to a federally recognized Indian Tribe for no consideration.

(c) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(d) The land that may be conveyed is located in Mille Lacs County and is described as: Government Lot 2, Section 16, Township 42 North, Range 26 West, including all riparian rights.

(e) The land borders Mille Lacs Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to Tribal ownership.

Sec. 14. **CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC WATER;
REDWOOD COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may convey the surplus land bordering public water that is described in paragraph (c) to a federally recognized Indian Tribe for no consideration.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Redwood County and is described as:

(1) Government Lot 2 of Section 4, Township 112 North, Range 34 West; and

(2) Government Lot 6 of Section 9, Township 112 North, Range 34 West, excepting therefrom: commencing at the southwest corner of United States Government Lot 6 in said Section 9, running thence North on a division line, between Lots 6 and 7, 1,482.5 feet; thence East and parallel with the south line of said Lot 6 about 872 feet to the Minnesota River; thence down the Minnesota River to a point due North of the southeast corner of said Lot 6; thence South 500 feet to the southeast corner of said Lot 6; thence West along the south line of said Lot 6 to the place of beginning, said exception containing 40 acres, more or less, and being a part of said Lot 6.

(d) The land borders the Minnesota River and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to Tribal ownership.

Sec. 15. **CONVEYANCE OF SURPLUS STATE LAND; REDWOOD COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.298, or any other law to the contrary, upon approval by the Minnesota Historical Society's Executive Council, the director of the Minnesota Historical Society may convey to the Lower Sioux Indian Community in the state of Minnesota, for no consideration, the surplus land and real property that is described in paragraph (c).

(b) The Minnesota Historical Society may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Redwood County and is described as:

(1) that part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 112, Range 34, Redwood County, Minnesota, lying North of the following described line:

175.1 Commencing at the northwest corner of said Section 8; thence on an assumed bearing of
175.2 South 00 degrees 00 minutes 00 seconds East along the west line of said Section 8, a distance
175.3 of 696.45 feet to the centerline of C.S.A.H. No. 2 as shown on REDWOOD COUNTY
175.4 RIGHT OF WAY PLAT NO. 3 C.S.A.H. NUMBER 2 as of public record, Redwood County,
175.5 Minnesota, said point being the point of beginning of the following described line; thence
175.6 on a bearing of South 62 degrees 28 minutes 55 seconds East along last said centerline,
175.7 25.95 feet; thence southeasterly 571.04 feet along last said centerline, along a tangent curve
175.8 concave to the northeast, having a radius of 1,432.4 feet and a central angle of 22 degrees
175.9 50 minutes 30 seconds; thence on a bearing of South 00 degrees 0 minutes 00 seconds East,
175.10 not tangent to last said curve, 123.98 feet; thence on a bearing of North 89 degrees 54
175.11 minutes 50 seconds East, 729.36 feet to the east line of said Northwest Quarter of the
175.12 Northwest Quarter and said line there terminating. Subject to easements of record. Subject
175.13 to the rights of the public in C.S.A.H. No. 2;

175.14 (2) that part of the Northeast Quarter of the Northwest Quarter of Section 8, Township
175.15 112, Range 34, Redwood County, Minnesota, described as follows: Commencing at the
175.16 northeast corner of said Northeast Quarter of the Northwest Quarter; thence on an assumed
175.17 bearing of South 00 degrees 20 minutes 07 seconds East along the east line of said Northeast
175.18 Quarter of the Northwest Quarter, a distance of 569.40 feet; thence on a bearing of South
175.19 79 degrees 56 minutes 34 seconds West, 170.15 feet; thence on a bearing of South 26 degrees
175.20 08 minutes 59 seconds West, 640.67 feet to the centerline of C.S.A.H. No. 2 as shown on
175.21 Redwood County Right of Way Plat No. 3 C.S.A.H Number 2 as of public record, Redwood
175.22 County, Minnesota, said point being the point of beginning of the tract herein described;
175.23 thence on a bearing of North 13 degrees 35 minutes 11 seconds West, 618.69 feet; thence
175.24 on a bearing of South 89 degrees 40 minutes 12 seconds West, 28.75 feet; thence on a
175.25 bearing of South 00 degrees 19 minutes 48 seconds East, 28.75 feet; thence on a bearing of
175.26 South 63 degrees 45 minutes 49 seconds West, 776.48 feet to a point on the centerline of
175.27 said C.S.A.H. No. 2; thence southeasterly 901.55 feet along last said centerline, along a
175.28 nontangent curve concave to the southwest, having a radius of 4,540.70 feet, a central angle
175.29 of 11 degrees 22 minutes 34 seconds and a chord bearing and distance of South 75 degrees
175.30 14 minutes 49 seconds East, 900.07 feet to the point of beginning. Subject to easements of
175.31 record. Subject to the rights of the public in C.S.A.H No. 2; and

175.32 (3) Government Lots 2 and 3 and the North eight acres of the Southeast Quarter of the
175.33 Northeast Quarter of Section 8 and the North 6.76 acres of Government Lot 7 in Section 9,
175.34 all being in Township 112 North, Range 34 West, Redwood County, Minnesota. Subject
175.35 to easements of record.

(d) The Minnesota Historical Society has determined that the state's land management interests and interpretive program interests would best be served if portions of the Lower Sioux Agency Historic Site were conveyed to the Lower Sioux Indian Community in the state of Minnesota.

Sec. 16. **PRIVATE SALE OF SURPLUS LAND; ROSEAU COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c) to a watershed district.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Roseau County and is described as: All that part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 163 North, Range 41 West of the Fifth Principal Meridian, Roseau County, Minnesota, described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 23; thence on a bearing based on the Roseau County Coordinate System (NAD83, 1996 Adjustment) of South 89 degrees 49 minutes 33 seconds East, along the north line of said Northeast Quarter of the Southeast Quarter, a distance of 1,319.93 feet to the northeast corner of said Northeast Quarter of the Southeast Quarter, said northeast corner also being a point on the northwesterly right-of-way line of the exterior ditch of the northwest embankment of the Roseau Lake rehabilitation project; thence South 52 degrees 53 minutes 46 seconds West, along said northwesterly right-of-way line, a distance of 1,651.76 feet, more or less, to the west line of said Northeast Quarter of the Southeast Quarter; thence North 00 degrees 08 minutes 50 seconds West, along said west line, a distance of 1,000.46 feet to the point of beginning. Said parcel contains 15.1 acres, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to a watershed district.

Sec. 17. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

177.1 (b) The conveyances must be in a form approved by the attorney general. The attorney
177.2 general may make changes to the land descriptions to correct errors and ensure accuracy.

177.3 (c) The lands to be sold are located in St. Louis County and are described as:

177.4 (1) the East 4.97 feet of Lot 1, Block 19, Gilbert, Township 58, Range 17, Section 23
177.5 (parcel number 060-0010-04190);

177.6 (2) beginning at a point 170 feet West of the northeast corner of said forty; thence West
177.7 a distance of 170 feet to a point; thence South a distance of 256.5 feet to a point; thence
177.8 continuing a parallel line East a distance of 170 feet to a point; thence continuing a parallel
177.9 line North a distance of 256.5 feet to the point of beginning and being in the Northwest
177.10 Quarter of the Northeast Quarter, containing approximately 1 acre of land, Township 57,
177.11 Range 21, Section 21 (part of parcel number 141-0050-03594);

177.12 (3) the North Half and the Northwest Quarter of the Southwest Quarter and the West
177.13 Half of the Southeast Quarter, Township 52, Range 13, Section 23 (part of parcel number
177.14 485-0010-03610);

177.15 (4) all of Section 5, except the South Half of the Northeast Quarter and except the
177.16 Northeast Quarter of the Southwest Quarter and except the railway right-of-way, .94 acres,
177.17 Township 53, Range 15, Section 5 (part of parcel number 660-0010-00660); and

177.18 (5) that part lying within the East Half of Lot 1 lying South of St. Louis County Road
177.19 23 described as follows: commencing at the northwest corner of Section 19, Township 65,
177.20 Range 21; thence East along the section line 661.2 feet; thence at right angles South 285
177.21 feet to the point of beginning; thence South 315 feet; thence at right angle East 250 feet;
177.22 thence at right angle North 315 feet; thence West to the point of beginning, except that part
177.23 of the Northwest Quarter of the Northwest Quarter described as follows: commencing at
177.24 the northwest corner; thence North 89 degrees 38 minutes 14 seconds East along the north
177.25 line 661.2 feet; thence South 0 degrees 21 minutes 46 seconds East 456.90 feet; thence
177.26 North 89 degrees 38 minutes 14 seconds East 19.82 feet to the easterly right-of-way of
177.27 Westley Drive and the point of beginning; thence South 3 degrees 59 minutes 44 seconds
177.28 West along said easterly right-of-way 76.03 feet; thence North 89 degrees 38 minutes 14
177.29 seconds East 207.13 feet; thence North 0 degrees 21 minutes 46 seconds West 162.42 feet;
177.30 thence North 57 degrees 40 minutes 44 seconds West 210.75 feet to the intersection of said
177.31 easterly right-of-way; thence South 19 degrees 7 minutes 59 seconds West along said easterly
177.32 right-of-way 33.23 feet; thence South 3 degrees 59 minutes 44 seconds West along said
177.33 easterly right-of-way 30.28 feet; thence North 89 degrees 38 minutes 14 seconds East 33.58
177.34 feet; thence South 31 degrees 11 minutes 36 seconds East 112.47 feet; thence South 67

178.1 degrees 3 minutes 53 seconds West 110.25 feet to said easterly right-of-way and the point
178.2 of beginning, Township 65, Range 21, Section 19 (parcel number 760-0040-00533).

178.3 (d) The county has determined that the county's land management interests would best
178.4 be served if the land was returned to private ownership.

178.5 Sec. 18. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC**
178.6 **WATERS; ST. LOUIS COUNTY.**

178.7 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and
178.8 the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may sell by
178.9 private sale the tax-forfeited lands bordering public waters that are described in paragraph
178.10 (c).

178.11 (b) The conveyances must be in a form approved by the attorney general. The attorney
178.12 general may make changes to the land descriptions to correct errors and ensure accuracy.

178.13 (c) The lands to be sold are located in St. Louis County and are described as:

178.14 (1) Lot 101, Echo Point, Town of Breitung, Township 62, Range 15, Section 19 (parcel
178.15 number 270-0070-01010);

178.16 (2) the Northeast Quarter, except the Southwest Quarter, and the Southeast Quarter,
178.17 except the Northwest Quarter, Township 54, Range 16, Section 22 (part of parcel number
178.18 305-0010-03530); and

178.19 (3) Government Lots 6 and 7, except that part of Government Lot 6 lying North of the
178.20 quarter line of Section 32, Township 69, Range 19 (part of parcel number 732-0010-04150).

178.21 (d) The county has determined that the county's land management interests would best
178.22 be served if the land was returned to private ownership.

178.23 Sec. 19. **REPEALER.**

178.24 Minnesota Statutes 2022, sections 85.012, subdivisions 27b and 58; and 138.662,
178.25 subdivision 33, are repealed.

178.26 Sec. 20. **EFFECTIVE DATE.**

178.27 Unless otherwise provided, this article is effective the day following final enactment.

ARTICLE 9**MISCELLANEOUS**

Section 1. Minnesota Statutes 2023 Supplement, section 116P.09, subdivision 6, is amended to read:

Subd. 6. **Conflict of interest.** (a) A commission member, a technical advisory committee member, a peer reviewer, or an employee of the commission may not participate in or vote on a decision of the commission, advisory committee, or peer review relating to an organization in which the member, peer reviewer, or employee has either a direct or indirect personal financial interest. While serving on the commission or technical advisory committee or as a peer reviewer or while an employee of the commission, a person must avoid any potential conflict of interest.

(b) A commission member may not vote on a motion regarding the purchase of land under section 116P.18 or the final recommendations of the commission required under section 116P.05, subdivision 2, paragraph (a), if the motion relates to an organization in which the member has a direct personal financial interest. If a commission member is prohibited from voting under this paragraph, the number of affirmative votes required under section 116P.05, subdivision 2, paragraph (a), or section 116P.18 is reduced by the number of members ineligible to vote under this paragraph.

Sec. 2. Minnesota Statutes 2023 Supplement, section 116P.18, is amended to read:

116P.18 LANDS IN PUBLIC DOMAIN.

Money appropriated from the trust fund must not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state or a political subdivision of the state or was acquired fully or partially with state money, unless:

(1) the purchase creates additional direct benefit to the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources; and

(2) the purchase is approved, prior to the acquisition, by an affirmative vote of at least 11 members of the commission, except as provided under section 116P.09, subdivision 6, paragraph (b).

Sec. 3. [473.355] COMMUNITY TREE-PLANTING GRANTS.

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

(b) "Shade tree" means a woody perennial grown primarily for aesthetic or environmental purposes with minimal to residual timber value.

(c) "Supplemental demographic index" means an index in the Environmental Justice Screening and Mapping Tool developed by the United States Environmental Protection Agency that is based on socioeconomic indicators, including low income, unemployment, less than high school education, limited English speaking, and low life expectancy.

Subd. 2. Grants. (a) The Metropolitan Council must establish a grant program to provide grants to cities, counties, townships, and implementing agencies for the following purposes:

(1) removing and planting shade trees on public land to provide environmental benefits;

(2) replacing trees lost to forest pests, disease, or storms; and

(3) establishing a more diverse community forest better able to withstand disease and forest pests.

(b) Any tree planted with money granted under this section must be a climate-adapted species to Minnesota.

Subd. 3. Priority. Priority for grants awarded under this section must be given to:

(1) projects removing and replacing ash trees that pose significant public safety concerns; and

(2) projects located in a census block group with a supplemental demographic index score in the 70th percentile or higher within the state of Minnesota.

17.353 FUR FARMER REGISTRATION.

Subdivision 1. **Registration system.** The commissioner shall establish a registration system for fur farmers. The registration system shall be designed to maintain information required by the commissioner, United States Department of Agriculture, and other agencies.

Subd. 2. **Registration.** A fur farmer may register with the commissioner by submitting a completed registration form and a fee of \$10 to the commissioner by December 31. The registration is valid for a calendar year. The registration form must state the name of the applicant, the location of the fur farming activity, the species of fur-bearing animals on the fur farm, and other information required by the commissioner.

Subd. 3. **Tags for transportation and sale.** The commissioner shall, if requested, furnish registered fur farmers tags, without a fee, for the transport and sale of fur-bearing animals and their products. A fur farmer transporting or selling pelts of fur-bearing animals may attach the tag to a package containing pelts.

Subd. 4. **Annual reports of pelts sold.** A registered fur farmer must file a verified report of the number of pelts of each species of fur-bearing animal sold during the preceding calendar year. The report must be filed with the commissioner by December 31.

85.012 STATE PARKS.

Subd. 27b. Hill-Annex Mine State Park, Itasca County.

Subd. 58. Upper Sioux Agency State Park, Yellow Medicine County.

97B.802 SPECIAL CANADA-GOOSE SEASON; LICENSE REQUIRED.

Except as provided in this section, a person required to possess a small-game license may not take Canada geese during a special season without a valid special-season Canada-goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the license.

115A.5501 REDUCING PACKAGING IN WASTE.

Subdivision 1. **Statewide reduction goal.** It is the goal of the state that there be a minimum 25 percent statewide per capita reduction in the amount of discarded packaging delivered to facilities by December 31, 1995, based on a reasonable estimate of the amount of packaging that was delivered to facilities in calendar year 1992.

Subd. 2. **Measurement; procedures.** (a) To measure the overall percentage of packaging in the statewide solid waste stream, the commissioner shall conduct annual solid waste composition studies in the nonmetropolitan and metropolitan areas or shall develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

(b) The commissioner shall average the nonmetropolitan and metropolitan results and submit the statewide percentage, along with a statistically reliable margin of error, to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance by July 1 of each year. The 1994 report must include a discussion of the reliability of data gathered under this subdivision and the methodology used to determine a statistically reliable margin of error.

Subd. 3. **Access; waste composition studies.** The owner or operator of a facility shall allow access upon reasonable notice to authorized agency staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Subd. 4. **Report.** The commissioner shall apply the statewide percentage determined under subdivision 2 to the aggregate amount of solid waste determined under subdivision 3 to determine the amount of packaging in the waste stream. By July 1, 1996, the commissioner shall submit to the Legislative Commission on Waste Management an analysis of the extent to which the waste packaging reduction goal in subdivision 1 has been met. In determining whether the goal has been met, the margin of error must be applied in favor of meeting the goal. The commissioner shall use the statistical mean for the data collected in determining whether the goal has been met and shall include in the analysis a discussion of the margin of error and statistical reliability for the data collected.

APPENDIX
Repealed Minnesota Statutes: H3911-4

Subd. 5. **Recommendations for further reduction goals.** If the goal in subdivision 1 is met, the commissioner shall include in the report required in subdivision 4 recommendations for appropriate goals for further reducing the amount of discarded packaging delivered to facilities. The report must include an analysis of the costs of further reductions.

Subd. 6. **Definition.** For the purposes of this section, "facility" means a composting, incineration, refuse-derived fuel, or disposal facility that accepts mixed municipal solid waste or construction waste.

138.662 HISTORIC SITES.

Subd. 33. **Upper Sioux Agency.** Upper Sioux Agency; Yellow Medicine County.