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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2134

03/10/2025 Authored by Falconer, Mahamoud, Howard, Norris and Jones
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; modifying pesticide provisions to protect wild rice waters;
1.3 protecting wild rice by requiring a wild rice risk justification before issuing certain
1.4 permits; prohibiting operation of watercraft in a manner that threatens uncultivated
1.5 wild rice beds; requiring maintenance of wild rice waters maps; appropriating
1.6 money; amending Minnesota Statutes 2024, sections 1.148; 18B.01, by adding a
1.7 subdivision; 18B.03, by adding a subdivision; 18B.04; 18B.045; 18B.063; 18B.305;
1.8 86B.311, subdivision 4; proposing coding for new law in Minnesota Statutes,
1.9 chapter 84.

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

1.11 Section 1. Minnesota Statutes 2024, section 1.148, is amended to read:

1.12 1.148 STATE GRAIN.

1.13 Subdivision 1. Wild rice. Zizania aquatica, commonly known as wild rice, psin, or
1.14 manomin manoomin, is the official state grain of the state of Minnesota.

1.15 Subd. 2. Photograph. A photograph of zizania aquatica or zizania palustris, commonly
1.16 known as wild rice, psin, or manomin manoomin, may be displayed in the Office of the
1.17 Secretary of State.

1.18 Sec. 2. Minnesota Statutes 2024, section 18B.01, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 31b. Wild rice waters. "Wild rice waters" means waters identified as wild rice
1.21 waters on a map maintained by the commissioner of natural resources under section 84.1523.

2.1 Sec. 3. Minnesota Statutes 2024, section 18B.03, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 4a. **Wild rice waters enforcement.** The commissioner may take enforcement
2.4 action under chapter 18D for a violation of this chapter, or any rule adopted under this
2.5 chapter, that results in adverse effects to wild rice waters. The commissioner must deposit
2.6 any penalty collected under this subdivision in the pesticide regulatory account in section
2.7 18B.05.

2.8 Sec. 4. Minnesota Statutes 2024, section 18B.04, is amended to read:

2.9 **18B.04 PESTICIDE IMPACT ON ENVIRONMENT.**

2.10 (a) The commissioner shall:

2.11 (1) determine the impact of pesticides on the environment, including the impacts on
2.12 surface water and groundwater, including wild rice waters, in this state;

2.13 (2) develop best management practices involving pesticide distribution, storage, handling,
2.14 use, and disposal; and

2.15 (3) cooperate with and assist other state agencies, Minnesota Tribal governments, and
2.16 local governments to protect public health, wild rice waters, pollinators, and the environment
2.17 from harmful exposure to pesticides.

2.18 (b) The commissioner may assemble a group of experts under section 16C.10, subdivision
2.19 2, to consult in the investigation of pollinator deaths, pollution of wild rice waters, or
2.20 illnesses. The group of experts may include representatives from local, state, and federal
2.21 agencies; Minnesota Tribal governments; academia, including the University of Minnesota;
2.22 the state pollinator bank; or other professionals as deemed necessary by the commissioner.
2.23 The amount necessary for the purposes of this paragraph, not to exceed \$100,000 per fiscal
2.24 year, is appropriated from the pesticide regulatory account in section 18B.05.

2.25 Sec. 5. Minnesota Statutes 2024, section 18B.045, is amended to read:

2.26 **18B.045 PESTICIDE MANAGEMENT PLAN.**

2.27 Subdivision 1. **Development.** The commissioner shall develop a pesticide management
2.28 plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide
2.29 breakdown products in groundwaters and surface waters, including wild rice waters, of the
2.30 state. The pesticide management plan must include components promoting prevention,
2.31 developing appropriate responses to the detection of pesticides or pesticide breakdown
2.32 products in groundwater and surface waters, ~~and~~ including wild rice waters, and providing

3.1 responses to reduce or eliminate continued pesticide movement to groundwater and surface
 3.2 water, including wild rice waters. By September 1 of each even-numbered year, the
 3.3 commissioner must submit a status report on the plan to the Environmental Quality Board
 3.4 and the Minnesota Indian Affairs Council for review and then to the house of representatives
 3.5 and senate committees with jurisdiction over the environment, natural resources, and
 3.6 agriculture.

3.7 Subd. 2. **Coordination.** (a) The pesticide management plan ~~shall~~ must be coordinated
 3.8 and developed with:

3.9 (1) other state agency plans ~~and with~~;

3.10 (2) the Minnesota Indian Affairs Council;

3.11 (3) other state agencies through the Environmental Quality Board; and

3.12 (4) Minnesota Tribal governments.

3.13 (b) In addition, the University of Minnesota Extension Service, farm organizations,
 3.14 farmers, environmental organizations, ~~and industry shall~~, and Minnesota Tribal governments
 3.15 must be involved in the pesticide management plan development.

3.16 Sec. 6. Minnesota Statutes 2024, section 18B.063, is amended to read:

3.17 **18B.063 STATE USES OF PESTICIDES AND NUTRIENTS.**

3.18 (a) The state shall use integrated pest management techniques in its management of
 3.19 public lands, including roadside rights-of-way, parks, and forests; and shall use planting
 3.20 regimes that minimize the need for pesticides and added nutrients.

3.21 (b) The state must take particular care to ensure that pesticides do not flow into wild
 3.22 rice waters.

3.23 Sec. 7. Minnesota Statutes 2024, section 18B.305, is amended to read:

3.24 **18B.305 PESTICIDE EDUCATION AND TRAINING.**

3.25 Subdivision 1. **Education and training.** (a) The commissioner, as the lead agency, shall
 3.26 develop, implement or approve, and evaluate, in consultation with University of Minnesota
 3.27 Extension, the Minnesota State Colleges and Universities system, and other educational
 3.28 institutions, innovative educational and training programs addressing pesticide concerns
 3.29 including:

3.30 (1) water quality protection;

- 4.1 (2) endangered species protection;
- 4.2 (3) protection of wild rice waters;
- 4.3 ~~(3)~~ (4) minimizing pesticide residues in food and water;
- 4.4 ~~(4)~~ (5) worker protection and applicator safety;
- 4.5 ~~(5)~~ (6) chronic toxicity;
- 4.6 ~~(6)~~ (7) integrated pest management and pest resistance;
- 4.7 ~~(7)~~ (8) pesticide disposal;
- 4.8 ~~(8)~~ (9) pesticide drift;
- 4.9 ~~(9)~~ (10) relevant laws including pesticide labels and labeling and state and federal rules
- 4.10 and regulations;
- 4.11 ~~(10)~~ (11) current science and technology updates; and
- 4.12 ~~(11)~~ (12) thresholds and guidance to reduce the impacts of insecticide on pollinators.

4.13 (b) The commissioner shall appoint educational planning committees, which must include

4.14 representatives of industry ~~and~~, applicators, and Minnesota Tribal governments.

4.15 (c) Specific current regulatory concerns must be discussed and, if appropriate,

4.16 incorporated into each training session. Relevant changes to pesticide product labels or

4.17 labeling or state and federal rules and regulations may be included.

4.18 (d) The commissioner may approve programs from private industry, higher education

4.19 institutions, and nonprofit organizations that meet minimum requirements for education,

4.20 training, and certification.

4.21 Subd. 2. **Training manual and examination development.** The commissioner, in

4.22 consultation with University of Minnesota Extension, Tribal colleges, and other higher

4.23 education institutions, shall continually revise and update pesticide applicator training

4.24 manuals and examinations. The manuals and examinations must be written to meet or exceed

4.25 the minimum competency standards required by the United States Environmental Protection

4.26 Agency and pertinent state specific information. Pesticide applicator training manuals and

4.27 examinations must meet or exceed the competency standards in Code of Federal Regulations,

4.28 title 40, part 171. Competency standards for training manuals and examinations must be

4.29 published on the Department of Agriculture website. Questions in the examinations must

4.30 be determined by the commissioner in consultation with other responsible agencies. Manuals

4.31 and examinations must include pesticide management practices that discuss prevention of

5.1 pesticide occurrence in groundwater and surface water ~~of the state~~, including wild rice
5.2 waters, and economic thresholds and guidance for insecticide use.

5.3 Sec. 8. **[84.0912] PROTECTING WILD RICE.**

5.4 Subdivision 1. **Policy; findings.** It is the policy of the state to recognize the inherent
5.5 right of uncultivated wild rice to exist and thrive in Minnesota. The legislature finds that
5.6 wild rice:

5.7 (1) is a nutrient-rich, natural food source that has been sustainably harvested in this state
5.8 for centuries;

5.9 (2) is sacred to Indian Tribes and is a core component of their cultural identity;

5.10 (3) thrives in clean, shallow water, without requiring pesticides, fertilizers, or harmful
5.11 chemicals;

5.12 (4) supports rural economies by providing jobs, fostering local businesses, and supporting
5.13 ecotourism;

5.14 (5) plays a crucial role in preventing toxic algae blooms, absorbing carbon dioxide,
5.15 fostering vital habitat for fish, and stabilizing lake beds; and

5.16 (6) is essential for safeguarding Tribal food security and upholding Tribal treaty rights.

5.17 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
5.18 meanings given.

5.19 (b) "Agency" means a department, agency, board, commission, or other group in the
5.20 executive branch of state government; a statutory or home rule charter city, county, or town;
5.21 any metropolitan agency or regional entity; and any other political subdivision of the state.

5.22 (c) "Wild rice risk justification" means a document that quantifies and justifies the
5.23 potential risk of adverse effects to wild rice waters and that meets the requirements of
5.24 subdivision 4.

5.25 (d) "Wild rice waters" means waters identified as wild rice waters on a map maintained
5.26 by the commissioner of natural resources under section 84.1523.

5.27 Subd. 3. **Permits affecting wild rice.** Notwithstanding any other provision of law, an
5.28 agency may not issue a permit, license, or other approval for an activity or facility in wild
5.29 rice waters, or at a location likely to adversely affect wild rice waters, unless the agency
5.30 prepares a wild rice risk justification according to subdivision 4.

6.1 Subd. 4. **Wild rice risk justification requirements.** A wild rice risk justification must
 6.2 include at least the following:

6.3 (1) identification and a detailed description of all wild rice waters potentially threatened
 6.4 by the activity or facility proposed to be permitted, licensed, or approved;

6.5 (2) identification of all scenarios that might pose a risk to the wild rice waters identified
 6.6 under clause (1), the likelihood of each scenario occurring, and the scale of damage to wild
 6.7 rice waters that would likely result from each scenario; and

6.8 (3) an explanation of how the benefits of the proposed activity or facility justify the risk
 6.9 posed by the activity or facility to wild rice waters.

6.10 Subd. 5. **Public comment and review; posting.** (a) The agency must provide a draft
 6.11 wild rice risk justification for public comment if a public comment process is required as
 6.12 part of issuing the permit, license, or approval. When public comment is required, the agency
 6.13 must also provide a copy of the draft wild rice risk justification to affected Tribes.

6.14 (b) When a permit, license, or approval subject to this section is issued, the agency must
 6.15 post the corresponding wild rice risk justification on the agency's website.

6.16 Sec. 9. **[84.1523] WILD RICE WATERS MAPS.**

6.17 The commissioner of natural resources must maintain maps that show where wild rice
 6.18 waters are located in this state and must make the maps available to the public on the
 6.19 department's website.

6.20 Sec. 10. Minnesota Statutes 2024, section 86B.311, subdivision 4, is amended to read:

6.21 Subd. 4. ~~Swimming or bathing areas~~ Unauthorized operation. (a) A person may not
 6.22 operate a watercraft within a water area that has been marked off or set aside as a swimming
 6.23 or bathing area as prescribed by the commissioner's rules.

6.24 (b) A person may not operate a watercraft:

6.25 (1) in or through an uncultivated wild rice bed unless the watercraft is propelled by hand,
 6.26 such as a skiff or canoe; or

6.27 (2) at greater than slow-no-wake speed within 150 feet of an uncultivated wild rice bed.

7.1 Sec. 11. **APPROPRIATION; WILD RICE WATERS MAPS.**

7.2 \$..... in fiscal year 2026 is appropriated from the general fund to the commissioner of
7.3 natural resources to develop and maintain the wild rice waters maps required by Minnesota
7.4 Statutes, section 84.1523.