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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 and Lee, F., 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

A bill for an act

1.1
1.2 relating to state government; modifying disposition of certain state property;
1.3 modifying remedies, penalties, and enforcement; providing for boat wrap product
1.4 stewardship; providing for compliance protocols for certain air pollution facilities;
1.5 providing for recovery of certain state costs; establishing certain priorities in
1.6 environmental regulation; prohibiting certain mercury-containing lighting;
1.7 establishing and modifying grant and rebate programs; modifying recreational
1.8 vehicle regulation; modifying use of state lands; providing for tree planting;
1.9 extending Mineral Coordinating Committee; providing for gas and oil exploration
1.10 and production leases and permits on state-owned land; modifying game and fish
1.11 laws; modifying Water Law; establishing Packaging Waste and Cost Reduction
1.12 Act; providing for domestic hog control; modifying fur farm provisions; modifying
1.13 pesticide and fertilizer regulation; modifying agricultural development provisions;
1.14 creating task force; classifying data; providing criminal penalties; requiring studies
1.15 and reports; requiring rulemaking; appropriating money; amending Minnesota
1.16 Statutes 2022, sections 13.7931, by adding a subdivision; 16A.125, subdivision
1.17 5; 18B.01, by adding a subdivision; 18C.005, by adding a subdivision; 21.81, by
1.18 adding a subdivision; 84.027, subdivision 12; 84.0895, subdivision 1; 84.777,
1.19 subdivisions 1, 3, by adding a subdivision; 84.871; 84.943, subdivision 5, by adding
1.20 a subdivision; 88.82; 89.36, subdivision 1; 89.37, subdivision 3; 93.0015,
1.21 subdivision 3; 93.25, subdivisions 1, 2; 97A.015, by adding a subdivision; 97A.105;
1.22 97A.341, subdivisions 1, 2, 3; 97A.345; 97A.425, subdivision 4, by adding a
1.23 subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97A.512; 97A.56,
1.24 subdivisions 1, 2, by adding a subdivision; 97B.001, by adding a subdivision;
1.25 97B.022, subdivisions 2, 3; 97B.516; 97C.001, subdivision 2; 97C.005, subdivision
1.26 2; 97C.395, as amended; 97C.411; 103B.101, subdivisions 12, 12a; 103F.211,
1.27 subdivision 1; 103F.48, subdivision 7; 103G.005, subdivision 15; 103G.315,
1.28 subdivision 15; 115.071, subdivisions 1, 3, 4, by adding subdivisions; 115A.02;
1.29 115A.03, by adding a subdivision; 115A.5502; 115B.421; 116.07, subdivision 9,
1.30 by adding subdivisions; 116.072, subdivisions 2, 5; 116.11; 116.92, by adding a
1.31 subdivision; 116D.02, subdivision 2; 473.845, by adding a subdivision; Minnesota
1.32 Statutes 2023 Supplement, sections 17.457, as amended; 21.86, subdivision 2;
1.33 41A.30, subdivision 1; 97B.071; 103B.104; 103F.06, by adding a subdivision;
1.34 103G.301, subdivision 2; 115.03, subdivision 1; 116P.09, subdivision 6; 116P.18;
1.35 Laws 2023, chapter 60, article 1, section 3, subdivision 10; proposing coding for
1.36 new law in Minnesota Statutes, chapters 84; 93; 97A; 97C; 103F; 115A; 116; 473;
1.37 repealing Minnesota Statutes 2022, sections 17.353; 84.033, subdivision 3; 84.926,

2.1 subdivision 1; 97B.802; 115A.5501; Laws 2003, chapter 128, article 1, section
2.2 167, subdivision 1, as amended; Minnesota Rules, part 6100.0500, subpart 8d.

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

2.4 ARTICLE 1

2.5 ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

2.6 Section 1. POLLUTION CONTROL AGENCY; APPROPRIATIONS.

2.7 (a) \$5,500,000 in fiscal year 2025 is appropriated from the general fund to the
2.8 commissioner of the Pollution Control Agency for legal costs. This is a onetime appropriation
2.9 and is available until June 30, 2027.

2.10 (b) \$525,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.11 commissioner of the Pollution Control Agency for the Operations Division legal services
2.12 that support industrial compliance programs.

2.13 (c) \$2,975,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.14 commissioner of the Pollution Control Agency for prioritizing air regulatory program work
2.15 in environmental justice areas. This appropriation is available until June 30, 2027. The base
2.16 in fiscal year 2026 and thereafter is \$2,625,000.

2.17 (d) \$1,025,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.18 commissioner of the Pollution Control Agency to construct and operate a mobile emissions
2.19 regulatory monitoring trailer. This appropriation is available until June 30, 2027. The base
2.20 in fiscal year 2026 and thereafter is \$535,000.

2.21 (e) \$88,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.22 commissioner of the Pollution Control Agency to prepare a report on state agency salt
2.23 purchases as required under Minnesota Statutes, section 116.2021.

2.24 (f) \$88,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.25 commissioner of the Pollution Control Agency to prepare a report on state agency nitrogen
2.26 fertilizer purchases as required under Minnesota Statutes, section 116.2022.

2.27 (g) \$350,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.28 commissioner of the Pollution Control Agency to prepare and implement a strategy to
2.29 analyze PFAS in sewage sludge prepared for land application as required in this act. This
2.30 is a onetime appropriation.

2.31 (h) \$319,000 in fiscal year 2025 is appropriated from the environmental fund to the
2.32 commissioner of the Pollution Control Agency for the Critical Materials Recovery Advisory

3.1 Task Force required under this act. This is a onetime appropriation and is available until
3.2 June 30, 2026.

3.3 (i) \$2,000,000 in fiscal year 2025 is appropriated from the environmental fund to the
3.4 commissioner of the Pollution Control Agency to develop and establish a list of facilities
3.5 under Minnesota Statutes, section 116.0718. This is a onetime appropriation and is available
3.6 until June 30, 2026.

3.7 (j) \$1,000,000 in fiscal year 2025 is appropriated from the environmental fund to the
3.8 commissioner of the Pollution Control Agency for the lawn and snow removal equipment
3.9 electrification rebate program under Minnesota Statutes, section 116.996. This is a onetime
3.10 appropriation and is available until June 30, 2027.

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

3.16 (l) The amount remaining from the appropriation under Laws 2023, chapter 60, article
3.17 1, section 2, subdivision 7, paragraph (u), for rulemaking to provide safe disposal of waste
3.18 treated seeds may be transferred to the commissioner of agriculture for purposes of
3.19 implementing Minnesota Statutes, section 21.86, subdivision 2, and is available until June
3.20 30, 2026.

3.21 (m) Any unspent portion of the appropriation under Laws 2023, chapter 60, article 1,
3.22 section 2, subdivision 2, paragraph (t), remaining after the PFAS manufacturers fee work
3.23 group report has been submitted to the legislature must be used for the PFAS removal report
3.24 required under this act and is available until June 30, 2025.

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

3.26 **Sec. 2. DEPARTMENT OF NATURAL RESOURCES; APPROPRIATIONS AND**
3.27 **TRANSFERS.**

3.28 (a) \$1,300,000 in fiscal year 2024 is appropriated from the general fund to the
3.29 commissioner of natural resources for legal costs. This is a onetime appropriation and is
3.30 available until June 30, 2025.

3.31 (b) \$200,000 in fiscal year 2024 is appropriated from the general fund to the commissioner
3.32 of natural resources for public safety response costs.

4.1 (c) \$7,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
4.2 of natural resources for a report on the expenditure of money during fiscal years 2024 and
4.3 2025 authorized under Minnesota Statutes, section 84.943. The commissioner must submit
4.4 the report to the chairs and ranking minority members of the legislative committees and
4.5 divisions with jurisdiction over environment and natural resources by January 15, 2026.
4.6 This is a onetime appropriation and is available until June 30, 2026.

4.7 (d) \$200,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
4.8 of natural resources to prepare and submit a report on reopening General C.C. Andrews
4.9 State Nursery to provide conservation-grade container seedlings to meet the state's
4.10 reforestation needs. The report must be submitted to the chairs and ranking minority members
4.11 of the legislative committees and divisions with jurisdiction over environment and natural
4.12 resources by January 15, 2025, and include funding recommendations and any statutory
4.13 changes necessary to reopen the nursery and produce the seedlings. This is a onetime
4.14 appropriation.

4.15 (e) \$2,600,000 in fiscal year 2024 is appropriated to the commissioner of natural resources
4.16 to support development and implementation of a modern licensing system. Of this amount,
4.17 \$330,000 is from the water recreation account; \$80,000 is from the snowmobile account;
4.18 \$204,000 is from the all-terrain vehicle account; \$7,000 is from the off-highway motorcycle
4.19 account; \$4,000 is from the off-road vehicle account; and \$1,975,000 is from the game and
4.20 fish fund. This appropriation is available until June 30, 2026.

4.21 (f) \$300,000 in fiscal year 2025 is appropriated to the commissioner of natural resources
4.22 to maintain current law enforcement service levels. Of this amount, \$30,000 is from the
4.23 water recreation account; \$15,000 is from the all-terrain vehicle account; and \$255,000 is
4.24 from the game and fish fund. The base for fiscal year 2026 and thereafter is \$1,080,000,
4.25 and of this amount, \$108,000 is from the water recreation account; \$54,000 is from the
4.26 all-terrain vehicle account; and \$918,000 is from the game and fish fund.

4.27 (g) \$30,000 in fiscal year 2025 is appropriated from the game and fish fund to the
4.28 commissioner of natural resources to test source water at state fish hatcheries and for
4.29 reporting required under Minnesota Statutes, section 97C.202.

4.30 (h) \$4,000,000 in fiscal year 2025 is appropriated from the natural resources fund to the
4.31 commissioner of natural resources to plant trees in state parks and state recreation areas.
4.32 This appropriation is from revenue deposited in the natural resources fund under Minnesota
4.33 Statutes, section 297A.94, paragraph (h), clause (2). This is a onetime appropriation and is
4.34 available until June 30, 2026.

5.1 (i) Notwithstanding Minnesota Statutes, section 297A.94, \$3,400,000 in fiscal year 2025
5.2 is appropriated from the heritage enhancement account in the game and fish fund to the
5.3 commissioner of natural resources for community tree-planting grants under Minnesota
5.4 Statutes, section 84.705. Of this amount, \$300,000 is for a grant to the city of Northfield
5.5 and \$300,000 is for a grant to the city of St. Peter. This is a onetime appropriation and is
5.6 available until June 30, 2026.

5.7 (j) \$700,000 in fiscal year 2025 is appropriated from the heritage enhancement account
5.8 in the game and fish fund to the commissioner of natural resources for implementation of
5.9 feral swine and fur farm requirements under this act. The base for this appropriation in fiscal
5.10 year 2026 and thereafter is \$550,000.

5.11 (k) \$1,500,000 in fiscal year 2025 is appropriated from the all-terrain vehicle account
5.12 in the natural resources fund to the commissioner of natural resources for the grant-in-aid
5.13 program under Minnesota Statutes, section 84.927, subdivision 2, paragraph (a), clause (4).
5.14 This amount is a onetime addition to the base for fiscal year 2025. For fiscal year 2026 and
5.15 thereafter, \$200,000 is added to the base.

5.16 (l) \$1,200,000 in fiscal year 2025 is appropriated from the all-terrain vehicle account in
5.17 the natural resources fund to the commissioner of natural resources for a grant to St. Louis
5.18 County to construct and maintain the Prospector Loop all-terrain vehicle trail system. This
5.19 is a onetime appropriation and is available until June 30, 2028.

5.20 (m) \$100,000 in fiscal year 2025 is appropriated from the off-road vehicle account in
5.21 the natural resources fund to the commissioner of natural resources to amend rules, place
5.22 signs, and implement the changes to off-highway vehicle operations on state lands required
5.23 in this act. This is a onetime appropriation and is available until June 30, 2026.

5.24 (n) Notwithstanding Minnesota Statutes, section 297A.94, paragraph (j), \$400,000 in
5.25 fiscal year 2025 is appropriated from the natural resources fund to the commissioner of
5.26 natural resources for a grant to the city of South St. Paul to predesign and design a new
5.27 swimming pool and aquatics center. This appropriation is from revenue deposited in the
5.28 natural resources fund under Minnesota Statutes, section 297A.94, paragraph (j). This is a
5.29 onetime appropriation and is available until June 30, 2028.

5.30 (o) \$300,000 in fiscal year 2025 is appropriated from the natural resources fund to the
5.31 commissioner of natural resources for grants to be divided equally between the city of St.
5.32 Paul for the Como Park Zoo and Conservatory and the city of Duluth for the Lake Superior
5.33 Zoo for purposes of planting trees within the zoos. This appropriation is from revenue

6.1 deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph
6.2 (h), clause (5). This is a onetime appropriation and is available until June 30, 2026.

6.3 (p) \$417,000 in fiscal year 2025 is transferred from the forest suspense account to the
6.4 permanent school fund and appropriated from the permanent school fund to the commissioner
6.5 of natural resources for the school trust lands director to conduct the study of the recreational
6.6 use of school trust lands required under this act. This is a onetime appropriation and is
6.7 available until June 30, 2026.

6.8 (q) Up to \$3,148,000 in fiscal year 2025 is available for transfer from the critical habitat
6.9 private sector matching account to the reinvest in Minnesota fund for the commissioner of
6.10 natural resources to convert corn plots to native vegetation, including but not limited to
6.11 trees. The commissioner may quantify carbon sequestration achieved under Minnesota
6.12 Statutes, section 84.9736, and this transfer. The base for this transfer is \$0 in fiscal year
6.13 2028 and beyond.

6.14 (r) \$768,000 in fiscal year 2024 is appropriated from the minerals management account
6.15 in the natural resources fund to the commissioner of natural resources for the Minnesota
6.16 Gas and Oil Resources Technical Advisory Committee required in this act. This is a onetime
6.17 appropriation and is available until June 30, 2027.

6.18 (s) \$2,406,000 in fiscal year 2024 is appropriated from the minerals management account
6.19 in the natural resources fund to the commissioner of natural resources to adopt a regulatory
6.20 framework for gas and oil production in Minnesota and for rulemaking and is available until
6.21 June 30, 2027.

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

6.23 **Sec. 3. BOARD OF WATER AND SOIL RESOURCES; APPROPRIATIONS.**

6.24 (a) \$1,337,000 in fiscal year 2025 is appropriated from the general fund to the Board of
6.25 Water and Soil Resources for the lawns to legumes program under Minnesota Statutes,
6.26 section 103B.104. The board may enter into agreements with local governments, Metro
6.27 Blooms, and other organizations to support this effort. This is a onetime appropriation and
6.28 is available until June 30, 2027.

6.29 (b) The base from the general fund to the Board of Water and Soil Resources for
6.30 implementation of the drain tile seller's disclosure requirements under Minnesota Statutes,
6.31 section 103F.49, and for educational efforts and demonstration projects consistent with the
6.32 duties to manage the public drainage manual and work group under Minnesota Statutes,

7.1 section 103B.101, subdivision 13, is \$230,000 in fiscal year 2026 and \$325,000 in fiscal
7.2 year 2027 and beyond.

7.3 **Sec. 4. METROPOLITAN COUNCIL; APPROPRIATIONS.**

7.4 (a) \$8,000,000 in fiscal year 2025 is appropriated from the general fund to the
7.5 Metropolitan Council for community tree-planting grants under Minnesota Statutes, section
7.6 473.355. Of this amount, \$600,000 is for a grant to the city of South St. Paul. This is a
7.7 onetime appropriation and is available until June 30, 2026.

7.8 (b) \$400,000 in fiscal year 2025 is appropriated from the general fund to the Metropolitan
7.9 Council for a grant to the city of St. Paul Park to replace a pedestrian bridge in Lions Levee
7.10 Park. This is a onetime appropriation and is available until June 30, 2027.

7.11 (c) \$3,400,000 in fiscal year 2025 is appropriated from the natural resources fund to the
7.12 Metropolitan Council for grants to implementing agencies to plant trees within the
7.13 metropolitan-area regional parks and trails system. This appropriation is from revenue
7.14 deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph
7.15 (h), clause (3). This is a onetime appropriation and is available until June 30, 2026.

7.16 **Sec. 5. ZOOLOGICAL BOARD; APPROPRIATION.**

7.17 \$150,000 in fiscal year 2025 is appropriated from the natural resources fund to the
7.18 Minnesota Zoological Board to plant trees at the Minnesota Zoological Garden. This
7.19 appropriation is from revenue deposited under Minnesota Statutes, section 297A.94,
7.20 paragraph (h), clause (5). This is a onetime appropriation and is available until June 30,
7.21 2026.

7.22 **Sec. 6. APPROPRIATION EXTENSIONS.**

7.23 (a) The appropriation in Laws 2023, chapter 60, article 1, section 2, subdivision 2,
7.24 paragraph (m), for a grant to Rice County to address water-quality concerns at French Lake
7.25 is available until June 30, 2025.

7.26 (b) The appropriations in Laws 2023, chapter 60, article 1, section 3, subdivision 3,
7.27 paragraph (j), for grants to the Minnesota Aquatic Invasive Species Research Center at the
7.28 University of Minnesota for research-based solutions to reduce the effect of aquatic invasive
7.29 species are available as follows: the general fund appropriations are available until June 30,
7.30 2025, and the heritage enhancement account appropriations are available until June 30,
7.31 2026.

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

8.4 (d) The appropriation in Laws 2023, chapter 60, article 1, section 3, subdivision 5,
 8.5 paragraph (p), for a grant to Dakota County for adding a public boat launch along the
 8.6 Mississippi River is available until June 30, 2025.

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

8.8 Sec. 7. Laws 2023, chapter 60, article 1, section 3, subdivision 10, is amended to read:

8.9	Subd. 10. Get Out MORE (Modernizing Outdoor		
8.10	Recreation Experiences)	110,000,000	-0-

8.11 (a) \$110,000,000 the first year is for
 8.12 modernizing Minnesota's state-managed
 8.13 outdoor recreation experiences. Of this
 8.14 amount:

8.15 (1) \$25,000,000 is for enhancing access and
 8.16 welcoming new users to public lands and
 8.17 outdoor recreation facilities, including
 8.18 improvements to improve climate resiliency;

8.19 (2) \$5,000,000 is for modernizing camping
 8.20 and related infrastructure, including
 8.21 improvements to improve climate resiliency;

8.22 (3) \$35,000,000 is for modernizing fish
 8.23 hatcheries and fishing infrastructure. Of this
 8.24 amount, up to \$366,000 is for installing
 8.25 continuous water-quality monitoring devices;

8.26 (4) \$10,000,000 is for restoring streams and
 8.27 modernizing water-related infrastructure with
 8.28 priority given to fish habitat improvements,
 8.29 dam removal, and improvements to improve
 8.30 climate resiliency; and

8.31 (5) \$35,000,000 is for modernizing boating
 8.32 access.

9.1 (b) Priority for money allocated under
9.2 paragraph (a), clauses (1), (3), (4), and (5),
9.3 must be given to projects where communities
9.4 are currently underserved.

9.5 (c) The commissioner may reallocate money
9.6 appropriated in paragraph (a) across those
9.7 purposes based on project readiness and
9.8 priority. The appropriations in paragraph (a)
9.9 are available until June 30, 2029.

9.10 (d) No later than November 30 each year, the
9.11 commissioner must provide a progress report
9.12 on the expenditure of money appropriated
9.13 under this subdivision to the chairs of the
9.14 legislative committees with jurisdiction over
9.15 environment and natural resources finance.

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

9.17 **ARTICLE 2**

9.18 **POLLUTION CONTROL**

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

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

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

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

9.29 (3) to establish and alter such reasonable pollution standards for any waters of the state
9.30 in relation to the public use to which they are or may be put as it shall deem necessary for
9.31 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
9.32 116;

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

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

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

10.11 (ii) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
10.12 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
10.13 municipal disposal system where the same is likely to get into any waters of the state in
10.14 violation of this chapter and, with respect to the pollution of waters of the state, chapter
10.15 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
10.16 the schedule of compliance within which such prohibition or abatement must be
10.17 accomplished;

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

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

10.26 (v) establishing, and from time to time revising, standards of performance for new sources
10.27 taking into consideration, among other things, classes, types, sizes, and categories of sources,
10.28 processes, pollution control technology, cost of achieving such effluent reduction, and any
10.29 nonwater quality environmental impact and energy requirements. Said standards of
10.30 performance for new sources shall encompass those standards for the control of the discharge
10.31 of pollutants which reflect the greatest degree of effluent reduction which the agency
10.32 determines to be achievable through application of the best available demonstrated control
10.33 technology, processes, operating methods, or other alternatives, including, where practicable,
10.34 a standard permitting no discharge of pollutants. New sources shall encompass buildings,

11.1 structures, facilities, or installations from which there is or may be the discharge of pollutants,
11.2 the construction of which is commenced after the publication by the agency of proposed
11.3 rules prescribing a standard of performance which will be applicable to such source.

11.4 Notwithstanding any other provision of the law of this state, any point source the construction
11.5 of which is commenced after May 20, 1973, and which is so constructed as to meet all
11.6 applicable standards of performance for new sources shall, consistent with and subject to
11.7 the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution
11.8 Control Act, not be subject to any more stringent standard of performance for new sources
11.9 during a ten-year period beginning on the date of completion of such construction or during
11.10 the period of depreciation or amortization of such facility for the purposes of section 167
11.11 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first.
11.12 Construction shall encompass any placement, assembly, or installation of facilities or
11.13 equipment, including contractual obligations to purchase such facilities or equipment, at
11.14 the premises where such equipment will be used, including preparation work at such
11.15 premises;

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

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

11.25 (viii) notwithstanding any other provision of this chapter, and with respect to the pollution
11.26 of waters of the state, chapter 116, requiring the achievement of more stringent limitations
11.27 than otherwise imposed by effluent limitations in order to meet any applicable water quality
11.28 standard by establishing new effluent limitations, based upon section 115.01, subdivision
11.29 13, clause (b), including alternative effluent control strategies for any point source or group
11.30 of point sources to insure the integrity of water quality classifications, whenever the agency
11.31 determines that discharges of pollutants from such point source or sources, with the
11.32 application of effluent limitations required to comply with any standard of best available
11.33 technology, would interfere with the attainment or maintenance of the water quality
11.34 classification in a specific portion of the waters of the state. Prior to establishment of any
11.35 such effluent limitation, the agency shall hold a public hearing to determine the relationship

12.1 of the economic and social costs of achieving such limitation or limitations, including any
12.2 economic or social dislocation in the affected community or communities, to the social and
12.3 economic benefits to be obtained and to determine whether or not such effluent limitation
12.4 can be implemented with available technology or other alternative control strategies. If a
12.5 person affected by such limitation demonstrates at such hearing that, whether or not such
12.6 technology or other alternative control strategies are available, there is no reasonable
12.7 relationship between the economic and social costs and the benefits to be obtained, such
12.8 limitation shall not become effective and shall be adjusted as it applies to such person;

12.9 (ix) modifying, in its discretion, any requirement or limitation based upon best available
12.10 technology with respect to any point source for which a permit application is filed after July
12.11 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the
12.12 agency that such modified requirements will represent the maximum use of technology
12.13 within the economic capability of the owner or operator and will result in reasonable further
12.14 progress toward the elimination of the discharge of pollutants; ~~and~~

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

12.17 (xi) when appropriate, requiring parties who enter into a negotiated agreement to settle
12.18 an enforcement matter with the agency to reimburse the agency according to this clause for
12.19 oversight costs that are incurred by the agency and associated with implementing the
12.20 negotiated agreement, including oversight costs exceeding \$25,000. Oversight costs may
12.21 include but are not limited to any costs associated with inspections, sampling, monitoring,
12.22 modeling, risk assessment, permit writing, engineering review, economic analysis and
12.23 review, and other record or document review. The agency's legal and litigation costs are
12.24 not covered by this clause. In addition to settlement agreements, the commissioner has
12.25 discretion as to whether to apply this clause in cases when the agency is using schedules of
12.26 compliance to bring a class of regulated parties into compliance. Oversight funds reimbursed
12.27 under this item are to be deposited in a settlement oversight reimbursement account
12.28 established in the environmental fund. The commissioner shall manage the account. Earnings,
12.29 such as interest, dividends, and any other earnings arising from assets of the account, must
12.30 be credited to the account. Funds remaining in the account at the end of a fiscal year remain
12.31 in the account. Money in the account is appropriated to the commissioner for the purposes
12.32 of the environmental fund;

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

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

13.6 (8) to conduct such investigations, issue such notices, public and otherwise, and hold
13.7 such hearings as are necessary or which it may deem advisable for the discharge of its duties
13.8 under this chapter and, with respect to the pollution of waters of the state, under chapter
13.9 116, including, but not limited to, the issuance of permits, and to authorize any member,
13.10 employee, or agent appointed by it to conduct such investigations or, issue such notices and
13.11 hold such hearings;

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

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

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

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

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

13.33 (14) to require each governmental subdivision identified as a permittee for a wastewater
13.34 treatment works to evaluate in every odd-numbered year the condition of its existing system

14.1 and identify future capital improvements that will be needed to attain or maintain compliance
14.2 with a national pollutant discharge elimination system or state disposal system permit; ~~and~~

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

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

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

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

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

14.16 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
14.17 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and
14.18 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
14.19 and permits adopted or issued by the agency thereunder or under any other law now in force
14.20 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced
14.21 by any one or any combination of the following: criminal prosecution; action to recover
14.22 civil penalties; injunction; action to compel or cease performance; or other appropriate
14.23 action, in accordance with the provisions of said chapters and this section.

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

14.25 Subd. 3. **Civil penalties.** (a) Any person who violates any provision of this chapter or
14.26 chapter 114C or 116, except any provisions of chapter 116 relating to air and land pollution
14.27 caused by agricultural operations ~~which~~ that do not involve national pollutant discharge
14.28 elimination system permits, or of (1) any effluent standards and limitations or water quality
14.29 standards, (2) any permit or term or condition thereof, (3) any national pollutant discharge
14.30 elimination system filing requirements, (4) any duty to permit or carry out inspection, entry
14.31 or monitoring activities, or (5) any rules, stipulation agreements, variances, schedules of
14.32 compliance, or orders issued by the agency, ~~shall forfeit~~ forfeits and must pay to the state

15.1 a penalty, in an amount to be determined by the court, of not more than ~~\$10,000~~ \$70,000
15.2 per day of violation, except that if the violation relates to hazardous waste, the person ~~shall~~
15.3 ~~forfeit~~ forfeits and must pay to the state a penalty, in an amount to be determined by the
15.4 court, of not more than ~~\$25,000~~ \$80,000 per day of violation.

15.5 (b) A person who commits a violation subject to paragraph (a) within 36 months of a
15.6 previous violation that was also subject to paragraph (a) forfeits and must pay to the state
15.7 a penalty, in an amount to be determined by the court, that is at least ten percent higher per
15.8 day of violation than the penalty amount assessed for the most recent violation.

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

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

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

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

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

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

15.23 Subd. 4. **Injunctions.** Any violation of the provisions, rules, standards, orders, stipulation
15.24 agreements, variances, schedules of compliance, or permits specified in this chapter and
15.25 chapters 114C and 116 ~~shall constitute~~ constitutes a public nuisance and may be enjoined
15.26 as provided by law in an action, in the name of the state, brought by the attorney general.
15.27 Injunctive relief under this subdivision may include but is not limited to a requirement that
15.28 a facility or person immediately cease operation or activities until such time as the
15.29 commissioner has reasonable assurance that renewed operation or activities will not violate
15.30 state pollution requirements, cause harm to human health, or result in a serious violation of
15.31 an applicable permit.

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

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

16.6 Sec. 6. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision to
16.7 read:

16.8 Subd. 9. **Compliance when required permit not obtained.** The commissioner may
16.9 require a person or facility that fails to obtain a required permit to comply with any terms
16.10 of a permit that would have been issued had the person or facility obtained a permit, including
16.11 but not limited to reporting, monitoring, controlling pollutant discharge, and creating and
16.12 implementing operations and maintenance plans. The person or facility is subject to liability
16.13 and penalties, including criminal liability, for failing to operate in compliance with a permit
16.14 not obtained beginning at the time a permit should have been obtained.

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

16.16 **115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.**

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

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

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

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

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

16.24 (5) orderly and deliberate development and financial security of waste facilities including
16.25 disposal facilities.

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

16.30 (1) waste reduction and reuse;

- 17.1 (2) waste recycling;
- 17.2 (3) composting of source-separated compostable materials, including but not limited to,
17.3 yard waste and food waste;
- 17.4 (4) resource recovery through mixed municipal solid waste composting or incineration;
- 17.5 (5) land disposal which produces no measurable methane gas or which involves the
17.6 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale;
17.7 and
- 17.8 (6) land disposal which produces measurable methane and which does not involve the
17.9 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale.
- 17.10 (c) As a means of accomplishing state waste management goals with respect to surplus
17.11 food and food waste, the following waste management practices are in order of preference:
- 17.12 (1) waste reduction at the source;
- 17.13 (2) upcycling or donating for human consumption;
- 17.14 (3) diverting for consumption by animals or leaving crops unharvested;
- 17.15 (4) composting or anaerobic digestion when the biogas and digestate are not disposed
17.16 of but are used as a salable product; and
- 17.17 (5) anaerobic digestion when the biogas is used as a salable product but the digestate is
17.18 disposed of or land application of surplus food and food waste.
- 17.19 (d) For the purposes of this section, the following terms have the meanings given:
- 17.20 (1) "anaerobic digestion" means a process through which microorganisms break down
17.21 organic material in the absence of oxygen and generate biogas and digestate;
- 17.22 (2) "biogas" means a gas that is produced when organic materials decompose and is
17.23 primarily composed of methane and carbon dioxide;
- 17.24 (3) "composting" means controlled, aerobic biological decomposition of organic material
17.25 to produce a nutrient-rich material;
- 17.26 (4) "digestate" means the solid or liquid residual material remaining after the anaerobic
17.27 digestion process has been completed;
- 17.28 (5) "food" means any raw, cooked, processed, or prepared substance, beverage, or
17.29 ingredient used or intended for human consumption;

18.1 (6) "food scraps" means inedible food, trimmings from preparing food, surplus food that
18.2 is not donated, and food-processing waste. Food scraps does not include used cooking oil,
18.3 grease, or any food that is subject to a recall;

18.4 (7) "food waste" means all discarded food, food subject to governmental or producer
18.5 recall due to food safety, and food scraps;

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

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

18.11 (10) "surplus food" means food that is not sold or used and that is still safe to be
18.12 consumed. Surplus food does not include food damaged by pests, mold, bacteria, or other
18.13 contamination or food subject to governmental or producer recall due to food safety; and

18.14 (11) "upcycling" means capturing, processing, and remaking parts of food and food
18.15 scraps into new food products for human consumption when the parts of food and food
18.16 scraps are safe for human consumption and would have been otherwise managed.

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

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

18.20 **Subd. 10d. Finished sewage sludge product.** "Finished sewage sludge product" means
18.21 a fertilizer product consisting in whole or in part of sewage sludge that is disinfected by
18.22 means of composting, pasteurization, wet air oxidation, heat treatment, or other means and
18.23 sold to the public.

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

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

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

18.28 (c) "Boat wrap" means low-density polyethylene plastic that is used to wrap around a
18.29 boat to protect it against moisture and damage from other potentially harmful elements
18.30 during storage.

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

19.3 (e) "Producer" means:

19.4 (1) a manufacturer of boat wrap sold under the manufacturer's own brand; or

19.5 (2) the owner or licensee of a brand of boat wrap that is manufactured by others.

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

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

19.10 (2) using boat wrap as or processing boat wrap into a feedstock to produce transportation
19.11 fuels or plastics; or

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

19.13 (g) "Retailer" means a person that offers boat wrap for sale at retail in or into this state.

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

19.17 Subd. 2. **Product stewardship program.** A producer selling or offering boat wrap for
19.18 sale in or into this state must, through membership in a stewardship organization, implement
19.19 and finance a statewide product stewardship program to reduce the volume of boat wrap
19.20 disposed of in landfills by promoting and providing for the negotiation and execution of
19.21 agreements to collect, transport, and recycle boat wrap.

19.22 Subd. 3. **Participation required to sell.** (a) On and after July 1, 2025, or, for boat wrap
19.23 brands not sold in or into this state before that date, no later than three months after a
19.24 producer's stewardship plan is approved by the commissioner under this section, no producer,
19.25 wholesaler, or retailer may sell or offer boat wrap for sale in or into this state unless the
19.26 producer participates in an approved stewardship plan through a stewardship organization.

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

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

20.1 Subd. 4. **Stewardship plan required.** On or before March 1, 2025, and before first
20.2 offering boat wrap for sale in or into this state, a producer must submit a stewardship plan
20.3 to the commissioner or must submit documentation to the commissioner demonstrating that
20.4 the producer has entered into an agreement with a stewardship organization to be an active
20.5 participant in a product stewardship program approved by the commissioner under
20.6 subdivision 7. A stewardship plan must include all elements required under subdivision 5.

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

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

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

20.13 (3) a description of methods by which boat wrap will be collected in all areas of the state
20.14 without relying on end-of-life fees paid by boat wrap purchasers, including an explanation
20.15 of how the collection system will be convenient and adequate to serve the needs of boat
20.16 owners, marinas, and boat storage establishments in both urban and rural areas on an ongoing
20.17 basis and a discussion of how existing marinas, boat storage establishments, and sites
20.18 designated as recycling centers under section 115A.555 will be considered when selecting
20.19 collection sites;

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

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

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

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

20.28 (8) a description of:

20.29 (i) the promotion and outreach activities that will be undertaken to encourage participation
20.30 in the boat wrap collection and recycling programs and how their effectiveness will be
20.31 evaluated; and

20.32 (ii) the process that will be followed to modify the program, when necessary;

21.1 (9) the annual performance goals established by the commissioner under subdivision
21.2 12;

21.3 (10) evidence of adequate insurance and financial assurance that may be required for
21.4 collection, handling, and disposal operations; and

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

21.7 Subd. 6. **Consultation required.** In developing a stewardship plan, a stewardship
21.8 organization or individual producer submitting a stewardship plan must consult with
21.9 stakeholders, including boat owners, owners of marinas and boat storage establishments,
21.10 contractors, collectors, recyclers, and local units of government.

21.11 Subd. 7. **Agency review and approval.** (a) Within 90 days after receiving a proposed
21.12 stewardship plan, the commissioner must determine whether the plan complies with
21.13 subdivision 5. If the commissioner approves a plan, the commissioner must notify the
21.14 applicant of the plan approval in writing. If the commissioner rejects a plan, the commissioner
21.15 must notify the applicant in writing of the reasons for rejection. An applicant whose plan
21.16 is rejected by the commissioner must submit a revised plan to the commissioner within 60
21.17 days after receiving notice of rejection. If a revised plan is rejected by the commissioner,
21.18 the commissioner may elect to write a plan that the applicant must implement.

21.19 (b) A stewardship organization is responsible for notifying the commissioner of any
21.20 proposed changes or modifications to the plan or its implementation. A written plan revision
21.21 must be submitted to the commissioner for review and may not be implemented without
21.22 written approval from the commissioner.

21.23 (c) A stewardship organization may operate under an approved stewardship plan for
21.24 five years.

21.25 (d) Six months before an approved stewardship plan expires, a stewardship organization
21.26 must submit a new plan for commissioner approval that meets the requirements of this
21.27 section. The commissioner must review the new plan according to this subdivision.

21.28 Subd. 8. **Plan availability.** The commissioner must make a draft stewardship plan
21.29 available on the agency's website and at the agency's headquarters for public review and
21.30 comment at least 30 days before the commissioner's decision regarding plan approval. The
21.31 commissioner must make an approved stewardship plan available on the agency's website
21.32 and at the agency's headquarters.

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

22.6 Subd. 10. **Stewardship organization responsibilities.** A stewardship organization must
22.7 provide boat wrap purchasers with educational materials regarding the product stewardship
22.8 program. The materials must include, but are not limited to, information regarding available
22.9 end-of-life management options for boat wrap offered through the product stewardship
22.10 program.

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

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

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

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

22.24 (b) The commissioner must, in consultation with the stewardship organization, establish
22.25 annual performance goals regarding the percentage and weight of boat wrap collected and
22.26 recycled that the stewardship organization must incorporate into its stewardship plan and
22.27 meet annually. The goals must increase each year. By the end of the fifth year of the initial
22.28 product stewardship plan approved by the commissioner, no less than 50 percent of the total
22.29 weight of boat wrap sold in this state must be collected and recycled, and by the end of the
22.30 fifth year of the second product stewardship plan, no less than 80 percent of the total weight
22.31 of boat wrap sold in this state must be collected and recycled. The performance goals, whose
22.32 derivation must be described, must be based on:

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

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

23.2 (3) actual collection data from boat wrap recycling or stewardship programs operating
23.3 in other states.

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

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

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

23.15 Subd. 14. **User fees prohibited.** A stewardship organization or retailer may not charge
23.16 a fee to a person for providing boat wrap for collection and recycling under a stewardship
23.17 program approved by the commissioner under this section.

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

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

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

23.28 (1) a description of the methods used to collect, transport, and process discarded boat
23.29 wrap in all regions of the state;

23.30 (2) the weight of all boat wrap collected in each separate region of the state;

24.1 (3) a comparison of the amount of boat wrap collected with the performance goals
24.2 established in the stewardship plan and, if the goals have not been met, a discussion of
24.3 actions the stewardship organization will take to ensure that they are achieved in the future;

24.4 (4) the weight of discarded boat wrap collected in the state by method of disposition,
24.5 including recycling and other methods of processing;

24.6 (5) a comparison of program performance with the performance goals established by
24.7 the commissioner under subdivision 12 and, if applicable, a discussion of why the
24.8 performance goals were not met and proposed modifications to the collection program the
24.9 stewardship organization will implement to ensure that future performance goals will be
24.10 met;

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

24.14 (7) an independent financial audit of stewardship organization activities.

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

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

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

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

24.23 (1) mixed municipal solid waste land disposal facilities;

24.24 (2) industrial solid waste land disposal facilities;

24.25 (3) demolition debris land disposal facilities;

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

24.28 (5) other facilities identified by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26.7 **115A.5502 PACKAGING PRACTICES; PREFERENCES; GOALS.**

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

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

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

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

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

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

26.29 (6) all other packaging.

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

27.2 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

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

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

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

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

27.25 Subd. 2. Local notification. If money in the closed landfill investment fund is spent or
27.26 transferred for purposes other than the purposes provided under sections 115B.39 to
27.27 115B.444, the commissioner must provide written notification to each county with a qualified
27.28 facility within 30 days of the transfer or expenditure that includes the amount, purpose, and
27.29 authority used to spend or transfer the money.

27.30 Sec. 13. Minnesota Statutes 2022, section 116.07, subdivision 9, is amended to read:

27.31 Subd. 9. **Orders; investigations.** ~~The agency shall have~~ commissioner has the following
27.32 powers and duties for ~~the enforcement of~~ enforcing any provision of this chapter and chapter
27.33 114C, relating to air contamination or waste:

28.1 (1) to adopt, issue, reissue, modify, deny, revoke, reopen, enter into or enforce reasonable
28.2 orders, schedules of compliance and stipulation agreements;

28.3 (2) to require the owner or operator of any emission facility, air contaminant treatment
28.4 facility, potential air contaminant storage facility, or any system or facility related to the
28.5 storage, collection, transportation, processing, or disposal of waste to establish and maintain
28.6 records; to make reports; to install, use, and maintain monitoring equipment or methods;
28.7 and to make tests, including testing for odor where a nuisance may exist, in accordance with
28.8 methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to
28.9 provide other information as the agency may reasonably require;

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

28.15 (4) when appropriate, to require parties who enter into a negotiated agreement to settle
28.16 an enforcement matter with the agency to reimburse the agency according to this clause for
28.17 oversight costs that are incurred by the agency and associated with implementing the
28.18 negotiated agreement, including oversight costs exceeding \$25,000. Oversight costs may
28.19 include but are not limited to any costs associated with inspections, sampling, monitoring,
28.20 modeling, risk assessment, permit writing, engineering review, economic analysis and
28.21 review, and other record or document review. The agency's legal and litigation costs are
28.22 not covered by this clause. In addition to settlement agreements, the commissioner has
28.23 discretion as to whether to apply this clause in cases where the agency is using schedules
28.24 of compliance to bring a class of regulated parties into compliance. Oversight funds
28.25 reimbursed under this item are to be deposited in a settlement oversight reimbursement
28.26 account established in the environmental fund. The commissioner shall manage the account.
28.27 Earnings, such as interest, dividends, and any other earnings arising from assets of the
28.28 account, must be credited to the account. Funds remaining in the account at the end of a
28.29 fiscal year remain in the account. Money in the account is appropriated to the commissioner
28.30 for the purposes of the environmental fund.

29.1 Sec. 14. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
29.2 read:

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

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

29.8 Subd. 9b. **Compliance when required permit not obtained.** The commissioner may
29.9 require a person or facility that fails to obtain a required permit to comply with any terms
29.10 of a permit that would have been issued had the person or facility obtained a permit, including
29.11 but not limited to reporting, monitoring, controlling pollutant discharge, and creating and
29.12 implementing operations and maintenance plans. The person or facility is subject to liability
29.13 and penalties, including criminal liability, for failing to operate in compliance with a permit
29.14 not obtained beginning at the time a permit should have been obtained.

29.15 Sec. 16. [116.0718] AIR POLLUTION FACILITIES; PRIORITIZATION;
29.16 COMPLIANCE PROTOCOLS.

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

29.19 (b) "Air toxics" has the meaning given in section 116.062.

29.20 (c) "Continuous emission monitoring system" has the meaning given in Minnesota Rules,
29.21 part 7017.1002, subpart 4.

29.22 (d) "Facility" means a facility that has been issued an air quality permit by the agency.

29.23 (e) "Performance test" has the meaning given in Minnesota Rules, part 7017.2005,
29.24 subpart 4.

29.25 (f) "Potential to emit" has the meaning given in Minnesota Rules, part 7005.0100, subpart
29.26 35a.

29.27 (g) "Priority facility" means a facility that the commissioner has placed on the priority
29.28 list established under subdivision 2.

29.29 (h) "Sensitive receptors" means people whose age or health status make them particularly
29.30 susceptible to harmful impacts from exposure to air toxics.

30.1 Subd. 2. **Prioritization.** (a) The commissioner must develop and establish a list of the
30.2 30 facilities whose potential to emit air toxics poses the greatest risks to the environment
30.3 and human health. In assessing risks, the commissioner must consider the most recent
30.4 available credible scientific information regarding environmental and health risks resulting
30.5 from exposure to air toxics, including but not limited to:

30.6 (1) the information submitted by a facility to the agency in an air emissions risk analysis;

30.7 (2) toxicity values for individual air toxics listed in the agency's risk analysis screening
30.8 spreadsheet; and

30.9 (3) inhalation health benchmarks developed by the Department of Health and, for
30.10 pollutants for which inhalation health benchmarks have not been developed, health
30.11 benchmark values developed by the following sources, in order of priority:

30.12 (i) the United States Environmental Protection Agency's Integrated Risk Information
30.13 System (IRIS);

30.14 (ii) the California Environmental Protection Agency's reference exposure levels and
30.15 cancer potency values; and

30.16 (iii) provisional peer-reviewed toxicity values derived by the United States Environmental
30.17 Protection Agency's Superfund Health Risk Technical Support Center for the agency's
30.18 Superfund Program.

30.19 (b) In determining which facilities to place on the list, the commissioner must consider:

30.20 (1) the risks posed by the nature of each air toxic emitted by a facility, as quantified in
30.21 the total cancer risks and noncancer risks estimated in the sources of information identified
30.22 in paragraph (a);

30.23 (2) the volume of each air toxic emitted, calculated as a facility's potential to emit that
30.24 air toxic;

30.25 (3) the number of people potentially exposed to a facility's air toxics emissions through
30.26 direct inhalation, ingesting pollutants in food, and other pathways and the number of persons
30.27 potentially exposed that are estimated to be:

30.28 (i) sensitive receptors; and

30.29 (ii) residents of an environmental justice area; and

30.30 (4) the presence of environmentally sensitive resources that may be exposed to a facility's
30.31 air toxics emissions, such as surface waters, wetlands, and land on which food is grown.

31.1 Subd. 3. Compliance protocols; quality control. (a) The commissioner must develop
31.2 a compliance protocol for each priority facility that consists of:

31.3 (1) methods the agency requires the priority facility to employ to physically measure
31.4 the actual emissions of each air toxic the priority facility emits; and

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

31.6 (b) The compliance protocol must be designed to minimize the length of time between
31.7 physical measures of each air toxic emitted by the priority facility. Methods of physical
31.8 measurement the agency may employ include but are not limited to:

31.9 (1) continuous emission monitoring systems;

31.10 (2) performance tests;

31.11 (3) ambient monitoring near the priority facility;

31.12 (4) portable monitoring units that have been calibrated with performance tests or
31.13 continuous emission monitors; and

31.14 (5) any other physical method of measuring actual emissions that the commissioner
31.15 determines is accurate and technically and physically feasible.

31.16 (c) The commissioner must require priority facilities to employ quality control measures
31.17 and procedures to ensure that pollution control equipment and emissions monitoring
31.18 equipment are properly calibrated, operated, and maintained to ensure accuracy.

31.19 (d) The commissioner must incorporate the compliance protocol developed under this
31.20 subdivision into the permits of priority facilities as permits are renewed, amended, or
31.21 modified. Priority facilities issued nonexpiring permits must incorporate the compliance
31.22 protocol no later than December 31, 2027.

31.23 Subd. 4. Reporting requirements. (a) A permit that requires a priority facility to maintain
31.24 records of parameters that serve as indirect measures of the priority facility's air emissions
31.25 must require the priority facility to transmit the records to the agency at least monthly. For
31.26 purposes of this subdivision, "indirect measures of the priority facility's air emissions" means
31.27 proxy measures or calculations that affect, indicate, or are correlated with the volume of
31.28 emissions released by the priority facility, including but not limited to measurements of the
31.29 pollution removal efficiency of pollution control equipment, the temperature or pressure of
31.30 equipment or processes, and the volume of inputs the priority facility purchases or uses that
31.31 emit hazardous air pollutants during the production process.

32.1 (b) The agency must review the records submitted under paragraph (a) within 60 days
 32.2 of receipt.

32.3 (c) A third party under contract to a priority facility must report the results of any tests
 32.4 or measurements required under the permit or ordered by the commissioner directly to the
 32.5 agency at the same time the results are reported to the priority facility.

32.6 Subd. 5. **Performance tests.** (a) A priority facility that exceeds an emissions limit
 32.7 established in its permit for an air toxic must conduct a performance test for that air toxic
 32.8 within 12 months of the date of the exceedance.

32.9 (b) A priority facility whose pollution control equipment has undergone a significant
 32.10 alteration, repair, or parts replacement that may affect the priority facility's ability to meet
 32.11 an emissions limit, as determined by the commissioner, must conduct a performance test
 32.12 within 90 days of the pollution control equipment becoming operational following the
 32.13 modification.

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

32.15 Sec. 17. Minnesota Statutes 2022, section 116.072, subdivision 2, is amended to read:

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

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

32.21 (1) the willfulness of the violation;

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

32.24 (3) the history of past violations;

32.25 (4) the number of violations;

32.26 (5) the economic benefit gained by the person by allowing or committing the violation;
 32.27 and

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

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

- 33.1 (1) similarity of the most recent previous violation and the violation to be penalized;
- 33.2 (2) time elapsed since the last violation;
- 33.3 (3) number of previous violations; and
- 33.4 (4) response of the person to the most recent previous violation identified.

33.5 Sec. 18. Minnesota Statutes 2022, section 116.072, subdivision 5, is amended to read:

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

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

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

33.19 (b) For a repeated or serious violation, the commissioner or county board ~~may~~ must
33.20 issue an order with a penalty that will not be forgiven after the corrective action is taken.
33.21 A penalty for a repeated violation that occurs within 36 months after one or more previous
33.22 violations must be at least ten percent higher than the penalty imposed for the most recent
33.23 violation, except the amount must not exceed the maximum penalty established in subdivision
33.24 2. The penalty is due by 31 days after the order was received unless review of the order
33.25 under subdivision 6, 7, or 8 has been sought.

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

33.28 Sec. 19. Minnesota Statutes 2022, section 116.11, is amended to read:

33.29 **116.11 EMERGENCY POWERS.**

33.30 Subdivision 1. **Imminent and substantial danger.** If there is imminent and substantial
33.31 danger to the health and welfare of the people of the state, or of any of them, as a result of

34.1 the pollution of air, land, or water, the agency commissioner may by emergency order direct
 34.2 the immediate discontinuance or abatement of the pollution without notice and without a
 34.3 hearing or at the request of the agency commissioner, the attorney general may bring an
 34.4 action in the name of the state in the appropriate district court for a temporary restraining
 34.5 order to immediately abate or prevent the pollution. The agency commissioner's order or
 34.6 temporary restraining order ~~shall remain~~ is effective until notice, hearing, and determination
 34.7 pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order
 34.8 of the agency commissioner in these cases ~~shall be~~ is appealable in accordance with chapter
 34.9 14.

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

34.12 (1) falsification of records;

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

34.15 (3) chronic or substantial permit violations; or

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

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

34.21 (1) suspend or revoke a permit;

34.22 (2) issue an order to cease operation or activities;

34.23 (3) require financial assurances;

34.24 (4) reopen and modify a permit to require additional terms;

34.25 (5) require additional agency oversight; or

34.26 (6) pursue other actions deemed necessary to abate pollution and protect human health.

34.27 Sec. 20. [116.2021] STATE SALT PURCHASE REPORT AND REDUCTION GOAL.

34.28 Subdivision 1. Definition. For the purposes of this section, "deicing salt" refers to salt
 34.29 in its solid form used to melt snow and ice, excluding salt used on roads managed by the
 34.30 Department of Transportation.

35.1 Subd. 2. **Salt purchase report.** By February 1, 2025, and every year thereafter, the
35.2 commissioner of the Pollution Control Agency, in cooperation with other state agencies,
35.3 must submit a report to the chairs and ranking minority members of the legislative committees
35.4 and divisions with jurisdiction over environment and natural resources policy and finance
35.5 that details the purchase of deicing salt by state agencies, excluding the Department of
35.6 Transportation, and strategies to meet the salt reduction goal established in subdivision 3.

35.7 Subd. 3. **Reduction goal.** It is the goal of the state that no later than January 1, 2030,
35.8 state agencies will reduce the purchase of deicing salt by 25 percent from the level first
35.9 reported under subdivision 2.

35.10 **Sec. 21. [116.2022] STATE NITROGEN FERTILIZER PURCHASE REPORT AND**
35.11 **REDUCTION GOAL.**

35.12 Subdivision 1. **Nitrogen fertilizer report.** By February 1, 2025, and every year thereafter,
35.13 the commissioner of the Pollution Control Agency, in cooperation with other state agencies,
35.14 must submit a report to the chairs and ranking minority members of the legislative committees
35.15 and divisions with jurisdiction over environment and natural resources policy and finance
35.16 that details the purchase of nitrogen fertilizer by state agencies and strategies to meet the
35.17 nitrogen fertilizer reduction goal established in subdivision 2.

35.18 Subd. 2. **Reduction goal.** It is the goal of the state that no later than January 1, 2030,
35.19 state agencies will reduce the purchase of nitrogen fertilizer by 25 percent from the level
35.20 first reported under subdivision 1.

35.21 **Sec. 22. Minnesota Statutes 2022, section 116.92, is amended by adding a subdivision to**
35.22 **read:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.18 (3) "mercury vapor lamp" means a high-intensity discharge lamp, including clear,
36.19 phosphor-coated, and self-ballasted screw base lamps, in which the major portion of the
36.20 light is produced by radiation from mercury typically operating at a partial vapor pressure
36.21 in excess of 100,000 pascals;

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

36.25 (5) "specialty application mercury vapor lamp ballast" means a mercury vapor lamp
36.26 ballast:

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

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

37.1 (b) Effective January 1, 2025, a person may not sell, offer for sale, or distribute in the
37.2 state as a new manufactured product a screw- or bayonet-base type compact fluorescent
37.3 lamp, a mercury vapor lamp, or a mercury vapor lamp ballast, whether sold separately, in
37.4 a retrofit kit, or in a luminaire. Effective January 1, 2026, a person may not sell, offer for
37.5 sale, or distribute in the state as a new manufactured product a pin-base type compact
37.6 fluorescent lamp or a linear fluorescent lamp.

37.7 (c) This subdivision does not apply to:

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

37.10 (i) photocopying;

37.11 (ii) printing, directly or in preprocessing;

37.12 (iii) lithography;

37.13 (iv) film and video projection; or

37.14 (v) holography;

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

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

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

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

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

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

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

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

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

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

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

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

38.11 **Sec. 23. [116.996] LAWN AND SNOW REMOVAL EQUIPMENT**
38.12 **ELECTRIFICATION REBATE PROGRAM.**

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

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

38.16 (c) "Eligible expenses" means the amount paid for lawn and snow removal equipment
38.17 that operates solely by electricity inclusive of sales tax but exclusive of any other related
38.18 charges, including charges for a warranty, service, or delivery.

38.19 (d) "Eligible individual" means an individual who:

38.20 (1) is at least 15 years old;

38.21 (2) is a resident individual taxpayer at the time of application for a rebate certificate and
38.22 in the previous calendar year;

38.23 (3) was not claimed as a dependent on another return in the taxable year described in
38.24 subdivision 3, paragraph (c); and

38.25 (4) currently resides in the seven-county metropolitan area.

38.26 (e) "Eligible retailer" means a person who has engaged in the business of retail sales of
38.27 new lawn and snow removal equipment for at least six months before receiving the approval
38.28 of the commissioner under subdivision 5.

38.29 (f) "Lawn and snow removal equipment" means equipment that is used to perform
38.30 landscaping or remove snow from land or building surfaces. Lawn and snow removal
38.31 equipment includes but is not limited to a lawn mower, lawn edger, trimmer, leaf blower,

39.1 chainsaw, snow blower, or other equipment that emits local air pollution, including small
39.2 generators used to power community events.

39.3 Subd. 2. **Establishment.** The commissioner must establish a lawn and snow removal
39.4 equipment electrification rebate program to assist eligible individuals to purchase lawn and
39.5 snow removal equipment that operates solely by electricity and to provide public education
39.6 and outreach regarding the benefits of electrification, including to K-12 schools.

39.7 Subd. 3. **Amount of rebate.** (a) The amount of a rebate under this section equals the
39.8 lesser of:

39.9 (1) the applicable percentage, as described in paragraph (b), multiplied by the amount
39.10 of eligible expenses paid by an eligible individual; or

39.11 (2) \$1,500.

39.12 (b) The applicable percentage equals 75 percent, but is reduced by one percentage point
39.13 until the percentage equals 50 percent, for each \$4,000 of the eligible individual's adjusted
39.14 gross income in excess of:

39.15 (1) \$50,000 for a married taxpayer filing a joint return; and

39.16 (2) \$25,000 for all other filers.

39.17 (c) For the purposes of determining the applicable percentage under paragraph (b) and
39.18 subdivision 4, paragraph (a), the commissioner must use the eligible individual's adjusted
39.19 gross income for the taxable year ending in the calendar year before the year in which the
39.20 individual applied for a rebate certificate.

39.21 Subd. 4. **Rebate certificates.** (a) To qualify for a rebate under this section, an eligible
39.22 individual must apply to the commissioner for a rebate certificate in the manner specified
39.23 by the commissioner before purchasing lawn and snow removal equipment. As part of the
39.24 application, the eligible individual must include proof of the individual's adjusted gross
39.25 income for the taxable year specified in subdivision 3, paragraph (c). The commissioner
39.26 must issue a rebate certificate to an eligible individual stating the issuance date, the applicable
39.27 percentage, and the maximum rebate for which the taxpayer is eligible. For a married
39.28 taxpayer filing a joint return, each spouse may apply to the commissioner separately, and
39.29 the commissioner must issue each spouse a separate rebate certificate.

39.30 (b) The commissioner may determine the date to begin accepting applications for a
39.31 rebate certificate, and applications must not be submitted before the date determined by the
39.32 commissioner. Beginning July 1, 2025, and July 1 of each subsequent calendar year for
39.33 which there is an allocation of rebate certificates, the commissioner must allocate rebate

40.1 certificates on a first-come, first-served basis. The commissioner must reserve 40 percent
40.2 of the certificates for a married taxpayer filing a joint return with an adjusted gross income
40.3 of less than \$78,000 or any other filer with an adjusted gross income of less than \$41,000.
40.4 Any portion of the reserved amount under this paragraph that is not allocated by September
40.5 30 is available for allocation to other rebate certificate applications beginning October 1.

40.6 (c) The commissioner must not issue rebate certificates totaling more than \$500,000 in
40.7 each of calendar years 2025 and 2026, except any amount authorized but not allocated in
40.8 any calendar year does not cancel and is available for allocation in the next calendar year.
40.9 In calculating the amount of remaining allocations, the commissioner must assume that
40.10 each allocated but unclaimed certificate reduces the available allocations by \$1,500.

40.11 (d) A rebate certificate that is not assigned to a retailer expires two months after the date
40.12 the certificate was issued and may not be assigned to a retailer after expiration. The amount
40.13 of any expired rebate certificates is added to the amount available for allocation under
40.14 paragraph (c).

40.15 Subd. 5. **Eligible retailers.** To be eligible to be assigned a rebate certificate under this
40.16 section, an eligible retailer must apply to the commissioner to be certified as an eligible
40.17 retailer in the manner specified by the commissioner. The application must include proof
40.18 that the person applying has been actively involved in the business of retail sales of new
40.19 lawn and snow removal equipment for at least six months.

40.20 Subd. 6. **Application for rebate.** (a) An eligible individual who purchases lawn and
40.21 snow removal equipment that is operated solely on electricity may assign a rebate certificate
40.22 to an eligible retailer at the time of purchase. The retailer must reduce the price of the
40.23 equipment by the amount of the rebate determined under subdivision 3.

40.24 (b) The commissioner must establish the form and manner by which a taxpayer may
40.25 assign a rebate certificate to a retailer. The commissioner must establish a process allowing
40.26 retailers to quickly verify the validity of a rebate certificate at the time of purchase.

40.27 (c) An eligible retailer that was assigned a rebate certificate may apply to the
40.28 commissioner for a rebate within one month of the date of the sale, on a form and in a
40.29 manner specified by the commissioner. The commissioner must pay to an eligible retailer
40.30 who meets the requirements of this section the amount of the rebate determined under
40.31 subdivision 3.

40.32 (d) Only an eligible retailer may apply for a rebate under this subdivision. To receive
40.33 the benefit of a rebate under this section, an eligible individual must assign a rebate certificate
40.34 to an eligible retailer.

41.1 (e) A rebate certificate under this section must not be assigned or transferred more than
41.2 once.

41.3 (f) The commissioner must not pay any rebates under this section after June 30, 2027.

41.4 Subd. 7. **Limitations.** (a) The commissioner must not issue an eligible individual a
41.5 rebate certificate more than once. This limitation does not apply to a rebate certificate that
41.6 has expired.

41.7 (b) If an eligible individual purchases lawn and snow removal equipment using a rebate
41.8 under this section and returns the equipment to an eligible retailer, the eligible retailer must
41.9 repay to the commissioner the amount of the rebate received.

41.10 (c) The commissioner must not issue a rebate certificate to an eligible individual who
41.11 is subject to a claim for a refund under chapter 270A.

41.12 (d) For lawn and snow removal equipment purchased using rebates under this section:

41.13 (1) an eligible retailer must charge the same retail price for the equipment as the retailer
41.14 charges for the equipment if it is purchased without a rebate; and

41.15 (2) an eligible retailer must not charge a retail price in excess of the manufacturer's
41.16 suggested retail price.

41.17 Subd. 8. **Priority.** The commissioner must give priority to providing rebates to individuals
41.18 who currently reside in an environmental justice area as defined in section 115A.03,
41.19 subdivision 10b.

41.20 Subd. 9. **Sunset.** This section expires June 30, 2027. The expiration of this section does
41.21 not affect the commissioner's authority to audit or power of examination and assessment
41.22 for rebates claimed under this section.

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

41.24 Sec. 24. Minnesota Statutes 2022, section 116D.02, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

42.16 (8) establish and maintain statewide environmental information systems sufficient to
42.17 gauge environmental conditions;

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

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

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

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

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

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

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

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

43.6 (17) minimize noise, particularly in urban areas;

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

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

43.9 Sec. 25. Minnesota Statutes 2022, section 473.845, is amended by adding a subdivision
43.10 to read:

43.11 Subd. 3a. **Local notification.** If money in the metropolitan landfill contingency action
43.12 trust account is spent or transferred for purposes other than the purposes provided under
43.13 this section, the commissioner must provide written notification to each county with a facility
43.14 eligible for spending from the metropolitan landfill contingency action trust account within
43.15 30 days of the transfer or expenditure that includes the amount, purpose, and authority used
43.16 to spend or transfer the money.

43.17 Sec. 26. **SEWAGE SLUDGE FOR LAND APPLICATION ANALYZED FOR PFAS.**

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

43.23 Sec. 27. **CRITICAL MATERIALS RECOVERY ADVISORY TASK FORCE.**

43.24 Subdivision 1. **Definition.** For the purposes of this section, "critical materials" means
43.25 materials on the final 2023 Critical Materials List published by the United States Secretary
43.26 of Energy in the Federal Register on August 4, 2023, as amended, as required under section
43.27 7002 of the Energy Act of 2020.

43.28 Subd. 2. **Composition of task force.** (a) The commissioner of the Pollution Control
43.29 Agency must, no later than October 1, 2024, establish and appoint a Critical Materials
43.30 Recovery Advisory Task Force consisting of 13 members appointed as follows:

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

- 44.1 (2) the commissioner of employment and economic development or the commissioner's
44.2 designee;
- 44.3 (3) an expert in the field of industrial metallurgy;
- 44.4 (4) one representative from the Solid Waste Administrators Association;
- 44.5 (5) one representative from a company that disassembles electronic waste;
- 44.6 (6) one representative from an energy advocacy organization;
- 44.7 (7) one representative from an organization that is primarily involved in environmental
44.8 justice issues;
- 44.9 (8) one representative from an industrial labor union;
- 44.10 (9) one representative from a labor union affiliated with the Building and Construction
44.11 Trades Council;
- 44.12 (10) one representative from a company that recovers critical materials from end-of-life
44.13 products;
- 44.14 (11) one representative from a manufacturer that uses critical materials as inputs;
- 44.15 (12) one representative of a Minnesota Tribal government, as defined in Minnesota
44.16 Statutes, section 10.65, subdivision 2; and
- 44.17 (13) one representative of a utility providing retail electric service to customers in
44.18 Minnesota.
- 44.19 (b) All members appointed under paragraph (a) are voting members of the task force,
44.20 except for the representative appointed under clause (9), who is a nonvoting member.
- 44.21 (c) A member appointed under paragraph (a) may not be a registered lobbyist.
- 44.22 Subd. 3. **Duties.** (a) The task force must advise the commissioner of the Pollution Control
44.23 Agency with respect to policy and program options designed to increase the recovery of
44.24 critical materials from end-of-life products by:
- 44.25 (1) developing a strategic road map for achieving domestic recovery of critical materials;
- 44.26 (2) investigating emerging technologies employed to recover critical materials from
44.27 electronic waste, components of renewable energy generating systems, and other end-of-life
44.28 products;
- 44.29 (3) evaluating the economic, environmental, and social costs, benefits, and impacts
44.30 associated with various methods of recovering critical materials from end-of-life products;

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

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

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

45.7 (b) The council must convene at least one public meeting to gather comments on issues
45.8 regarding critical materials recovery.

45.9 Subd. 4. **Task force; administration.** (a) The task force must elect a chair by majority
45.10 vote at its initial meeting. The task force must meet quarterly. Additional meetings may be
45.11 held at the call of the chair. The commissioner or the commissioner's designee and the
45.12 member appointed as an expert in industrial metallurgy must cofacilitate task force meetings.

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

45.14 Subd. 5. **Report.** No later than December 31, 2025, the task force must submit a written
45.15 report containing its findings and recommendations for administrative and legislative action
45.16 to the commissioner of the Pollution Control Agency and the chairs and ranking minority
45.17 members of the senate and house of representatives committees with primary jurisdiction
45.18 over solid waste. The recommendations in the report must be specific and actionable and
45.19 may not include recommendations for further reports or studies.

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

45.21 Sec. 28. **MINNESOTA POLLUTION CONTROL AGENCY; PFAS REMOVAL**
45.22 **REPORT.**

45.23 On or before January 15, 2025, the commissioner of the Pollution Control Agency must
45.24 submit a report to the chairs and ranking minority members of the legislative committees
45.25 with jurisdiction over environment and natural resources finance and policy and capital
45.26 investment. The report must provide recommendations for strategies the state may use to
45.27 require manufacturers using perfluoroalkyl and polyfluoroalkyl substances (PFAS) in their
45.28 products or as part of the manufacturing process to pay the cost of purchasing and installing
45.29 infrastructure designed to remove PFAS from influent waters at municipal wastewater
45.30 facilities statewide and the cost of treating and disposing of the PFAS. The report must
45.31 specify any legislation needed to implement the strategies and must incorporate options
45.32 from the report submitted by the PFAS manufacturers fee work group required under Laws
45.33 2023, chapter 60, article 3, section 30, in developing the recommendations. The

46.1 recommendations in the report must be specific and actionable and may not include
46.2 recommendations for further reports or studies.

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

46.4 Sec. 29. **POSTCLOSURE CARE; SOLID WASTE DISPOSAL FACILITIES;**
46.5 **RULEMAKING.**

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

46.9 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,
46.10 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
46.11 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
46.12 14.388.

46.13 Sec. 30. **MANDATORY ENVIRONMENTAL IMPACT STATEMENT FOR LARGE**
46.14 **LIVESTOCK PROJECTS; RULEMAKING.**

46.15 (a) The Environmental Quality Board must amend Minnesota Rules, part 4410.4400, to
46.16 require that construction of an animal feedlot facility with a capacity of 10,000 or more
46.17 animal units or the expansion of an existing animal feedlot facility to a total cumulative
46.18 capacity of 10,000 or more animal units requires the preparation of an environmental impact
46.19 statement.

46.20 (b) The board may use the good-cause exemption under Minnesota Statutes, section
46.21 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes,
46.22 section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

46.23 **EFFECTIVE DATE.** This section is effective the day following final enactment and
46.24 applies to applications submitted on or after that date.

46.25 Sec. 31. **REPEALER.**

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

ARTICLE 3

NATURAL RESOURCES

47.1

47.2

47.3 Section 1. Minnesota Statutes 2022, section 13.7931, is amended by adding a subdivision
47.4 to read:

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

47.8 Sec. 2. Minnesota Statutes 2022, section 16A.125, subdivision 5, is amended to read:

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

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

47.16 (c) After a fiscal year, the commissioner of management and budget shall certify the
47.17 costs incurred for forestry during that year under appropriations for the improvement,
47.18 administration, and management of state forest trust fund lands and construction and
47.19 improvement of forest roads to enhance the forest value of the lands. The certificate must
47.20 specify the trust funds interested in the lands. After presentation to the Legislative Permanent
47.21 School Fund Commission or by June 30 each year, whichever is sooner, the commissioner
47.22 of natural resources shall supply the commissioner of management and budget with the
47.23 information needed for the certificate. The certificate shall include an analysis that compares
47.24 costs certified under this section with costs incurred on other public and private lands with
47.25 similar land assets.

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

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

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

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

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

48.8 Sec. 3. Minnesota Statutes 2022, section 84.027, subdivision 12, is amended to read:

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

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

48.17 (c) Notwithstanding section 16B.2975, subdivision 6, clause (2), if the commissioner
48.18 determines that a transfer benefits the state's natural resources management or bison
48.19 management, the commissioner may request that the commissioner of administration donate
48.20 and convey bison to a governmental unit or nonprofit organization, in or outside Minnesota,
48.21 or sell bison. The recipient of the bison is solely responsible for all future expenses related
48.22 to the bison.

48.23 Sec. 4. **[84.0871] DATA ON FOREST INDUSTRY.**

48.24 (a) The following data that the Department of Natural Resources collects, receives, or
48.25 maintains through voluntary responses to questionnaires or surveys by forest industry
48.26 businesses are classified as private data on individuals, as defined in section 13.02,
48.27 subdivision 12, if the data are data on individuals or as nonpublic data, as defined in section
48.28 13.02, subdivision 9, if the data are data not on individuals:

48.29 (1) timber resource consumption;

48.30 (2) origin of timber resources;

48.31 (3) cost of delivered timber;

49.1 (4) forest industry product output; and

49.2 (5) production costs.

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

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

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

49.10 Sec. 5. Minnesota Statutes 2022, section 84.0895, subdivision 1, is amended to read:

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

49.16 Sec. 6. **[84.705] COMMUNITY TREE-PLANTING GRANTS.**

49.17 Subdivision 1. **Definition.** For the purposes of this section, "shade tree" means a woody
49.18 perennial grown primarily for aesthetic or environmental purposes with minimal to residual
49.19 timber value.

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

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

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

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

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

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

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

50.3 (2) projects located in whole or in part in a census tract where at least three of the
 50.4 following apply, as determined using the most recently published data from the United
 50.5 States Census Bureau or United States Centers for Disease Control and Prevention:

50.6 (i) 20 percent or more of the residents have income below the federal poverty thresholds;

50.7 (ii) the tract has a United States Centers for Disease Control and Prevention Social
 50.8 Vulnerability Index greater than 0.80;

50.9 (iii) the upper limit of the lowest quintile of household income is less than the state upper
 50.10 limit of the lowest quintile;

50.11 (iv) the housing vacancy rate is greater than the state average; or

50.12 (v) the percent of the population receiving Supplemental Nutrition Assistance Program
 50.13 (SNAP) benefits is greater than the state average.

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

50.16 Sec. 7. Minnesota Statutes 2022, section 84.777, subdivision 1, is amended to read:

50.17 Subdivision 1. **Designated trails.** ~~(a) Except as otherwise allowed by law or rules adopted~~
 50.18 ~~by the commissioner, effective June 1, 2003,~~ Notwithstanding sections 84.787 to 84.804
 50.19 and 84.92 to 84.928, the use of off-highway vehicles is prohibited on state land administered
 50.20 by the commissioner of natural resources, and on county-administered forest land within
 50.21 the boundaries of a state forest, except on roads and trails specifically designated and posted
 50.22 by the commissioner for use by off-highway vehicles. The commissioner may limit the use
 50.23 of off-highway vehicles under this subdivision to specific purposes or seasons but must
 50.24 include these limitations in the designation and posting under this subdivision.

50.25 (b) Paragraph (a) does not apply to county-administered land within a state forest if the
 50.26 county board adopts a resolution that modifies restrictions on the use of off-highway vehicles
 50.27 on county-administered land within the forest.

50.28 **EFFECTIVE DATE.** This section is effective August 1, 2026.

50.29 Sec. 8. Minnesota Statutes 2022, section 84.777, subdivision 3, is amended to read:

50.30 Subd. 3. **Mapped trails.** (a) Except as provided in sections 84.926 and 84.928, after
 50.31 completion of official department off-highway vehicle maps for the area, a person must not

51.1 operate an off-highway vehicle on state land that is not mapped for the type of off-highway
 51.2 vehicle. ~~This paragraph does not apply to state forest land north of U.S. Highway 2 until~~
 51.3 ~~after June 30, 2009.~~

51.4 (b) ~~This subdivision does not apply to a forest access route in a managed forest north of~~
 51.5 ~~U.S. Highway 2 that the commissioner has not designated as a road or trail. Forest access~~
 51.6 ~~routes will not be signed or maintained and will not be included on published user maps of~~
 51.7 ~~the forest.~~ Off-highway vehicle operation on forest access routes is subject to the prohibitions
 51.8 on causing erosion, rutting, damage to trees or crops, and construction of unauthorized trails
 51.9 contained in Minnesota Rules. Damaged routes are subject to closure to off-highway vehicle
 51.10 use.

51.11 **EFFECTIVE DATE.** This section is effective August 1, 2026.

51.12 Sec. 9. Minnesota Statutes 2022, section 84.777, is amended by adding a subdivision to
 51.13 read:

51.14 **Subd. 5. Exception by permit.** Notwithstanding subdivisions 1 to 4 and section 84.773,
 51.15 subdivision 1, on a case-by-case basis, the commissioner may issue a permit authorizing a
 51.16 person to operate an off-highway vehicle on individual public trails under the commissioner's
 51.17 jurisdiction during specified times and for specified purposes.

51.18 **EFFECTIVE DATE.** This section is effective August 1, 2026.

51.19 Sec. 10. Minnesota Statutes 2022, section 84.871, is amended to read:

51.20 **84.871 EQUIPMENT MUFFLER REQUIREMENTS; PENALTIES.**

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

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

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

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

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

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

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

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

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

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

52.11 Subd. 4. **Penalties.** (a) A person who operates a snowmobile in violation of subdivision
52.12 1, paragraph (a) or (b), is guilty of a misdemeanor.

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

52.16 (1) \$250 for the first offense;

52.17 (2) \$500 for the second offense; and

52.18 (3) \$1,000 for the third and subsequent offenses.

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

52.22 (1) \$250 for the first offense;

52.23 (2) \$500 for the second offense; and

52.24 (3) \$1,000 for the third and subsequent offenses.

52.25 Sec. 11. Minnesota Statutes 2022, section 84.943, subdivision 5, is amended to read:

52.26 **Subd. 5. Pledges and contributions.** (a) The commissioner of natural resources may
52.27 accept contributions and pledges to the critical habitat private sector matching account. A
52.28 pledge that is made contingent on an appropriation is acceptable and ~~shall~~ must be reported
52.29 with other pledges as required in this section. The commissioner may agree to match a
52.30 contribution contingent on a future appropriation. In the budget request for each biennium,

53.1 the commissioner ~~shall~~ must report the balance of contributions in the account and the
 53.2 amount that has been pledged for payment in the succeeding two calendar years.

53.3 ~~(b) Money in the account is appropriated to the commissioner of natural resources only~~
 53.4 ~~for the direct acquisition, restoration, or enhancement of land or interests in land as provided~~
 53.5 ~~in section 84.944. Acquisition includes:~~

53.6 ~~(1) purchase of land or an interest in land by the commissioner; or~~

53.7 ~~(2) acceptance by the commissioner of gifts of land or interests in land as program~~
 53.8 ~~projects.~~

53.9 ~~(e)~~ (b) To the extent of available appropriations other than bond proceeds, the money
 53.10 matched to the nongame wildlife management account may be used for:

53.11 (1) the management of nongame wildlife projects as specified in section 290.431;

53.12 (2) restoration and enhancement activities for critical natural habitat; or

53.13 (3) monitoring and evaluation activities for rare resources and native plant communities
 53.14 that inform the management of critical natural habitat.

53.15 No more than 30 percent of the nongame wildlife management account appropriations each
 53.16 fiscal year may be used to match money from the critical habitat private sector matching
 53.17 account for monitoring and evaluation activities.

53.18 Sec. 12. Minnesota Statutes 2022, section 84.943, is amended by adding a subdivision to
 53.19 read:

53.20 Subd. 6. **Expenditures.** Money in the account is appropriated to the commissioner and
 53.21 may be expended only as follows:

53.22 (1) revenue from license plates depicting big game, turkey, or pheasant or license plates
 53.23 not otherwise specified under this subdivision must be used:

53.24 (i) to acquire, restore, or enhance land or interests in land as provided in section 84.944;

53.25 (ii) for acceptance by the commissioner of gifts of land or interests in land as program
 53.26 projects; or

53.27 (iii) to inventory and monitor lands acquired under this section;

53.28 (2) revenue from license plates depicting a loon, chickadee, or lady slipper must be used
 53.29 in addition to appropriations from the nongame wildlife management account for the purposes
 53.30 specified in section 290.431;

54.1 (3) revenue from license plates depicting anglers or fish must be used for aquatic
54.2 management area purposes under section 86A.05, subdivision 14, including acquisition,
54.3 development, and restoration;

54.4 (4) revenue from license plates depicting bees or other pollinators must be transferred
54.5 to the Board of Water and Soil Resources for grants or payments under section 103B.104;
54.6 and

54.7 (5) private contributions and other revenue must be used for the purposes under clause
54.8 (1), unless the donor specifies another purpose under this subdivision.

54.9 **Sec. 13. [84.9736] CORN PLANTING ON STATE LANDS.**

54.10 A person may not plant corn for commercial purposes on state land administered by the
54.11 commissioner of natural resources.

54.12 **EFFECTIVE DATE.** This section is effective January 1, 2026.

54.13 Sec. 14. Minnesota Statutes 2022, section 88.82, is amended to read:

54.14 **88.82 MINNESOTA RELEAF PROGRAM.**

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

54.20 (b) Priority for grants awarded under this section must be given to projects located in
54.21 whole or in part in a census tract where at least three of the following apply, as determined
54.22 using the most recently published data from the United States Census Bureau or United
54.23 States Centers for Disease Control and Prevention:

54.24 (1) 20 percent or more of the residents have income below the federal poverty thresholds;

54.25 (2) the tract has a United States Centers for Disease Control and Prevention Social
54.26 Vulnerability Index greater than 0.80;

54.27 (3) the upper limit of the lowest quintile of household income is less than the state upper
54.28 limit of the lowest quintile;

54.29 (4) the housing vacancy rate is greater than the state average; or

55.1 (5) the percent of the population receiving Supplemental Nutrition Assistance Program
 55.2 (SNAP) benefits is greater than the state average.

55.3 Sec. 15. Minnesota Statutes 2022, section 89.36, subdivision 1, is amended to read:

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

55.10 Sec. 16. Minnesota Statutes 2022, section 89.37, subdivision 3, is amended to read:

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

55.16 Sec. 17. Minnesota Statutes 2022, section 93.0015, subdivision 3, is amended to read:

55.17 Subd. 3. **Expiration.** The committee expires June 30, ~~2026~~ 2031.

55.18 Sec. 18. Minnesota Statutes 2022, section 93.25, subdivision 1, is amended to read:

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

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

55.27 Sec. 19. Minnesota Statutes 2022, section 93.25, subdivision 2, is amended to read:

55.28 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals ~~or petroleum,~~
 55.29 gas, or oil must be approved by the Executive Council, and any other mineral lease issued
 55.30 pursuant to this section that covers 160 or more acres must be approved by the Executive

56.1 Council. The rents, royalties, terms, conditions, and covenants of all such leases ~~shall~~ must
56.2 be fixed by the commissioner according to rules adopted by the commissioner, but no lease
56.3 shall be for a longer term than 50 years, and all rents, royalties, terms, conditions, and
56.4 covenants ~~shall~~ must be fully set forth in each lease issued. No nonferrous metallic mineral
56.5 lease shall be canceled by the state for failure to meet production requirements prior to the
56.6 36th year of the lease. The rents and royalties ~~shall~~ must be credited to the funds as provided
56.7 in section 93.22. For purposes of this section, "gas" includes both hydrocarbon and
56.8 nonhydrocarbon gases.

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

56.10 Sec. 20. **[93.513] PROHIBITION ON PRODUCTION OF GAS OR OIL WITHOUT**
56.11 **PERMIT.**

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

56.20 Subd. 2. **Moratorium.** Until rules are adopted under section 93.514, a permit authority
56.21 may not grant a permit necessary for the production of gas or oil unless the permit authority
56.22 has been given legislative approval to issue the permit.

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

56.24 Sec. 21. **[93.514] GAS AND OIL PRODUCTION RULEMAKING.**

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

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

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

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

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

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

57.9 (b) An agency adopting rules under this section must publish the notice of intent to adopt
57.10 rules within 24 months of the effective date of this section. The 18-month time limit under
57.11 section 14.125 does not apply to rules adopted under this section.

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

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

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

57.18 Sec. 22. **[93.516] GAS AND OIL LEASING.**

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

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

57.27 Subd. 2. **Application.** An application for a lease under this section must be submitted
57.28 to the commissioner of natural resources. The commissioner must prescribe the information
57.29 to be included in the application. The applicant must submit with the application a certified
57.30 check, cashier's check, or bank money order payable to the Department of Natural Resources
57.31 in the sum of \$100 as a fee for filing the application. The application fee must not be refunded

58.1 under any circumstances. The right is reserved to the state to reject any or all applications
58.2 for an oil or gas lease.

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

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

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

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

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

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

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

58.24 Sec. 23. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
58.25 to read:

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

58.29 Sec. 24. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

58.30 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
58.31 animal in violation of the game and fish laws or section 343.21 is liable to the state for the

59.1 value of the wild animal as provided in this section. Species afforded protection include
59.2 members of the following groups as defined by statute or rule: game fish, game birds, big
59.3 game, small game, fur-bearing animals, minnows, and threatened and endangered animal
59.4 species. Other animal species may be added by rule of the commissioner as determined
59.5 after public meetings and notification of the chairs of the environment and natural resources
59.6 committees in the senate and house of representatives.

59.7 Sec. 25. Minnesota Statutes 2022, section 97A.341, subdivision 2, is amended to read:

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

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

59.17 Sec. 26. Minnesota Statutes 2022, section 97A.341, subdivision 3, is amended to read:

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

59.26 Sec. 27. Minnesota Statutes 2022, section 97A.345, is amended to read:

59.27 **97A.345 RESTITUTION VALUE OF WILD ANIMALS.**

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

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

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

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

60.7 Sec. 28. Minnesota Statutes 2022, section 97A.425, is amended by adding a subdivision
60.8 to read:

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

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

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

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

60.17 (3) finished taxidermy mounts.

60.18 Sec. 29. Minnesota Statutes 2022, section 97A.425, subdivision 4, is amended to read:

60.19 Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions
60.20 1 to ~~3~~ 3a, governing record keeping, reporting, and marking of specimens by taxidermists.

60.21 Sec. 30. Minnesota Statutes 2022, section 97A.475, subdivision 2, is amended to read:

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

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

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

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

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

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

- 61.1 (6) for persons age 18 or over to take deer by archery, \$34;
- 61.2 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
61.3 season, \$34;
- 61.4 (8) to take moose, for a party of not more than six persons, \$356;
- 61.5 (9) for persons age 18 or over to take bear, \$44;
- 61.6 (10) to take elk, for a party of not more than two persons, \$287;
- 61.7 ~~(11) to take Canada geese during a special season, \$4;~~
- 61.8 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- 61.9 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- 61.10 ~~(14)~~ (13) to take prairie chickens, \$23;
- 61.11 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during
61.12 the regular firearms season, \$5;
- 61.13 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 61.14 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader
61.15 during the muzzleloader season, \$5;
- 61.16 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;
- 61.17 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 61.18 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period
61.19 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the
61.20 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
61.21 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
61.22 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
61.23 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
61.24 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition
61.25 account;
- 61.26 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 61.27 ~~(22)~~ (21) to take wolf, \$30;
- 61.28 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;
- 61.29 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 61.30 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and

62.1 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the
62.2 muzzleloader season, no fee.

62.3 Sec. 31. Minnesota Statutes 2022, section 97A.475, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

62.17 ~~(10)~~ (9) to take light geese during the light goose conservation order, \$2.50;

62.18 ~~(11)~~ (10) to take sandhill crane during the sandhill crane season, \$3;

62.19 ~~(12)~~ (11) for persons age 13 or over and under age 18 to take deer with firearms during
62.20 the regular firearms season in any open season option or time period, \$5;

62.21 ~~(13)~~ (12) for persons age 13 or over and under age 18 to take deer by archery, \$5;

62.22 ~~(14)~~ (13) for persons age 13 or over and under age 18 to take deer during the muzzleloader
62.23 season, \$5;

62.24 ~~(15)~~ (14) for persons age 13 or over and under 18 to take bear, \$5;

62.25 ~~(16)~~ (15) for persons age 18 or over to take small game for a consecutive 72-hour period
62.26 selected by the licensee, \$75, of which an amount equal to one-half of the fee for the
62.27 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
62.28 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
62.29 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
62.30 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half

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

63.3 ~~(17)~~ (16) for persons age 16 or 17 to take small game, \$5;

63.4 ~~(18)~~ (17) to take wolf, \$250;

63.5 ~~(19)~~ (18) for persons age 12 and under to take turkey, no fee;

63.6 ~~(20)~~ (19) for persons age 10, 11, or 12 to take deer by firearm, no fee;

63.7 ~~(21)~~ (20) for persons age 10, 11, or 12 to take deer by archery, no fee;

63.8 ~~(22)~~ (21) for persons age 10, 11, or 12 to take deer by muzzleloader during the
63.9 muzzleloader season, no fee; and

63.10 ~~(23)~~ (22) for persons age 10, 11, or 12 to take bear, no fee.

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

63.14 Sec. 32. Minnesota Statutes 2022, section 97A.505, subdivision 8, is amended to read:

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

63.17 (1) cut and wrapped meat;

63.18 (2) quarters or other portions of meat with no part of the spinal column or head attached;

63.19 (3) antlers, hides, or teeth, ~~finished taxidermy mounts, and;~~

63.20 (4) if cleaned of all brain tissue, antlers attached to skull caps ~~that are cleaned of all brain~~
63.21 tissue. or whole skulls; and

63.22 (5) finished taxidermy mounts.

63.23 (b) Cervidae carcasses originating from outside Minnesota may be transported on a
63.24 direct route through the state by nonresidents.

63.25 (c) Heads from cervids with or without the cape and neck attached that originate from
63.26 outside Minnesota may be transported into Minnesota only if they are delivered to a licensed
63.27 taxidermist within 48 hours of entering Minnesota.

64.1 Sec. 33. Minnesota Statutes 2022, section 97A.512, is amended to read:

64.2 **97A.512 SALE OF INEDIBLE PORTIONS OF BIG GAME ANIMALS,**
64.3 **FUR-BEARING ANIMALS, FISH, AND GAME BIRDS OTHER THAN**
64.4 **MIGRATORY WATERFOWL.**

64.5 (a) Except as otherwise provided by the game and fish laws and as restricted in this
64.6 section, a person may possess, transport, buy, or sell the following inedible portions of
64.7 lawfully taken or acquired big game animals, fur-bearing animals, fish, and game birds
64.8 other than migratory waterfowl: bones, including skulls; sinews; adipose tissue, hides, and
64.9 skins; hooves; teeth; claws; and antlers.

64.10 (b) A person may not buy or sell bear paws, unless attached to the hide, or bear
64.11 gallbladders.

64.12 Sec. 34. Minnesota Statutes 2022, section 97B.001, is amended by adding a subdivision
64.13 to read:

64.14 Subd. 9. **Placing traps or snares on private land; permission required.** (a) A person
64.15 may not set or place a trap or snare on private property other than property owned or occupied
64.16 by the person, unless the person has the written or verbal permission of the owner, occupant,
64.17 or lessee of the private property.

64.18 (b) For the purposes of this subdivision, "private property" means:

64.19 (1) land that is occupied by an owner or tenant either seasonally or year-round; or

64.20 (2) private land that is ten acres or less and borders private land on at least two sides.

64.21 (c) This subdivision does not apply to:

64.22 (1) a state or federal agency, road authority, or local government unit, or their agent,
64.23 removing animals causing damage or otherwise being a nuisance;

64.24 (2) a parcel of private land that is more than 40 acres and used primarily for timber
64.25 production; or

64.26 (3) private property located north of U.S. Highway 2.

64.27 Sec. 35. Minnesota Statutes 2022, section 97B.022, subdivision 2, is amended to read:

64.28 Subd. 2. **Requirements.** (a) A resident or nonresident born after December 31, 1979,
64.29 who is age 12 or over and who does not possess a hunter education firearms safety certificate
64.30 or a resident or nonresident born after December 31, 1989, who does not possess a trapper

65.1 education certificate may be issued an apprentice-hunter/trapper validation. An
65.2 apprentice-hunter/trapper validation may be purchased two license years in a lifetime and
65.3 used to obtain hunting or trapping licenses during the same license year that the validation
65.4 is purchased.

65.5 (b) An individual in possession of an apprentice-hunter/trapper validation may ~~hunt~~ take
65.6 small game, deer, and bear only when accompanied by an adult who has a valid license to
65.7 ~~hunt~~ take the same species of game in Minnesota and whose license was not obtained using
65.8 an apprentice-~~hunter~~ validation.

65.9 (c) When an individual in possession of an apprentice-hunter/trapper validation is hunting
65.10 turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed for
65.11 another permit area or time period but must be licensed for the same season as the apprentice
65.12 hunter. If the accompanying adult is not licensed for the same permit area or time period
65.13 as the apprentice hunter, the accompanying adult may not shoot or possess a firearm or bow
65.14 while accompanying the apprentice hunter under this paragraph.

65.15 (d) An apprentice-hunter/trapper-validation holder must obtain all required licenses and
65.16 stamps.

65.17 Sec. 36. Minnesota Statutes 2022, section 97B.022, subdivision 3, is amended to read:

65.18 Subd. 3. **Apprentice-hunter/trapper validation; fee.** The fee for an
65.19 apprentice-hunter/trapper validation is \$3.50. Fees collected must be deposited in the firearms
65.20 safety and trapper education training account, except for the electronic licensing system
65.21 commission established by the commissioner under section 84.027, subdivision 15, and
65.22 issuing fees collected under section 97A.485, subdivision 6, and are appropriated annually
65.23 to the Enforcement Division of the Department of Natural Resources for administering the
65.24 firearm safety course ~~program~~ and trapper education programs.

65.25 Sec. 37. Minnesota Statutes 2023 Supplement, section 97B.071, is amended to read:

65.26 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
65.27 **ORANGE OR BLAZE PINK.**

65.28 (a) Except as provided in rules adopted under paragraph (d), a person may not hunt or
65.29 trap during the open season where deer may be taken by firearms under applicable laws and
65.30 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,
65.31 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink
65.32 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each

66.1 foot square. This section does not apply to migratory-waterfowl hunters on waters of this
66.2 state or in a stationary shooting location or to trappers on waters of this state.

66.3 (b) Except as provided in rules adopted under paragraph (d), and in addition to the
66.4 requirement in paragraph (a), a person may not take small game other than turkey, migratory
66.5 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
66.6 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
66.7 does not apply to a person when in a stationary location while hunting deer by archery or
66.8 when hunting small game by falconry.

66.9 (c) A person hunting deer in a fabric or synthetic ground blind on public land must have:

66.10 (1) a blaze orange safety covering on the top of the blind that is visible for 360 degrees
66.11 around the blind; or

66.12 (2) at least 144 square inches of blaze orange material on each side of the blind.

66.13 (d) The commissioner may, by rule, prescribe an alternative color in cases where
66.14 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
66.15 Law 103-141.

66.16 (e) A violation of paragraph (b) does not result in a penalty, but is punishable only by
66.17 a safety warning.

66.18 Sec. 38. Minnesota Statutes 2022, section 97B.516, is amended to read:

66.19 **97B.516 PLAN FOR ELK MANAGEMENT.**

66.20 (a) The commissioner of natural resources must adopt an elk management plan that:

66.21 (1) recognizes the value and uniqueness of elk;

66.22 (2) provides for integrated management of an elk population in harmony with the
66.23 environment; and

66.24 (3) affords optimum recreational opportunities.

66.25 ~~(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in~~
66.26 ~~Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size~~
66.27 ~~of the herd, including adoption or implementation of an elk management plan designed to~~
66.28 ~~increase an elk herd, unless the commissioner of agriculture verifies that crop and fence~~
66.29 ~~damages paid under section 3.7371 and attributed to the herd have not increased for at least~~
66.30 ~~two years.~~

67.1 ~~(e)~~ (b) At least 60 days ~~prior to~~ before implementing a plan to increase an elk herd, the
67.2 commissioners of natural resources and agriculture must hold a joint public meeting in the
67.3 county where the elk herd to be increased is located. ~~At the meeting, the commissioners~~
67.4 ~~must present evidence that crop and fence damages have not increased in the prior two years~~
67.5 ~~and must detail the practices that will be used to reduce elk conflicts with area landowners.~~

67.6 Sec. 39. Minnesota Statutes 2022, section 97C.001, subdivision 2, is amended to read:

67.7 Subd. 2. **Public notice and ~~meeting~~ comment.** (a) Before the commissioner designates,
67.8 or vacates or extends the designation of, experimental waters, ~~a public meeting must be~~
67.9 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
67.10 change must be provided in the county where the largest portion of the waters is located, a
67.11 virtual or in-person meeting must be held, and opportunity to submit public comment must
67.12 be offered.

67.13 (b) ~~At least 90 days before the public meeting and during the open angling season for~~
67.14 ~~fish the taking of which is, or is proposed to be, regulated under subdivision 3 on the waters~~
67.15 ~~under consideration, Before the year that the designation is to become effective, the~~
67.16 commissioner must give notice of the proposed designation, vacation, or extension must
67.17 be. The notice must summarize the proposed action and invite public comment. Public
67.18 comments must be accepted at least through September 30, and the commissioner must
67.19 consider any public comments received in making a final decision. Notice must include:

67.20 (1) signs of the proposed changes and instructions for submitting comments posted at
67.21 publicly maintained access points on the water; by June 1;

67.22 (2) a list of proposed changes posted on the department's website by June 1, summarizing
67.23 the proposed actions and inviting public comment; and

67.24 (3) a news release issued by the commissioner by July 1, a notice published in a
67.25 newspaper of general circulation in the area where the waters are located by August 20, and
67.26 at least one more digital media communication published by August 31.

67.27 (c) ~~Before the public meeting, notice of the meeting must be published in a news release~~
67.28 ~~issued by the commissioner and in a newspaper of general circulation in the area where the~~
67.29 ~~proposed experimental waters are located. The notice must be published at least once between~~
67.30 ~~30 and 60 days before the meeting, and at least once between seven and 30 days before the~~
67.31 ~~meeting. A virtual or in-person meeting must be held before September 20 where public~~
67.32 comment must be accepted. An in-person meeting, where public comment must be accepted,
67.33 must be held in the county where the largest portion of the waters is located if:

68.1 (1) a water or connected waters to be designated is over 5,000 acres or a stream or river
68.2 reach is over ten miles; or

68.3 (2) a request for an in-person meeting is submitted to the commissioner by August 20
68.4 before the year that the designation is to become effective.

68.5 (d) The notices required in this subdivision must summarize the proposed action, invite
68.6 public comment, and specify a deadline for the receipt of public comments. The
68.7 commissioner shall mail a copy of each required notice to persons who have registered their
68.8 names with the commissioner for this purpose. The commissioner shall consider any public
68.9 comments received in making a final decision.

68.10 (e) If a water to be designated is a lake with a water area of more than 1,500 acres, or
68.11 is a stream or river with a reach of more than six miles, a public meeting must also be held
68.12 in the seven-county metropolitan area unless a virtual meeting is held and notice of the
68.13 meeting is published in a newspaper of general circulation in the seven-county metropolitan
68.14 area.

68.15 Sec. 40. Minnesota Statutes 2022, section 97C.005, subdivision 2, is amended to read:

68.16 Subd. 2. **Public notice and ~~meeting~~ comment.** (a) Before the commissioner designates
68.17 special management waters, ~~public comment must be received and, for waters other than~~
68.18 ~~those proposed to be designated as trout streams or trout lakes, a public meeting must be~~
68.19 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
68.20 designation must be given, a virtual or in-person meeting must be held, and opportunity to
68.21 submit public comment must be offered.

68.22 (b) ~~For waters previously designated as experimental waters, a proposed change in status~~
68.23 ~~to special management waters must be announced before the public meeting by notice~~
68.24 ~~published in a news release issued by the commissioner and in a newspaper of general~~
68.25 ~~circulation in the area where the waters are located. The notice must be published at least~~
68.26 ~~once between 30 and 60 days before the public meeting, and at least once between seven~~
68.27 ~~and 30 days before the meeting.~~ If a water proposed to be designated is a lake with a water
68.28 area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a
68.29 public meeting must also be held in the seven-county metropolitan area unless a virtual
68.30 meeting is held and notice of the meeting is published in a newspaper of general circulation
68.31 in the seven-county metropolitan area.

68.32 (c) ~~For proposed special management waters, other than designated trout lakes and~~
68.33 ~~designated trout streams, that were not previously designated as experimental waters, notice~~

69.1 ~~of the proposed designation must be given as provided in this paragraph. The notice must~~
 69.2 ~~be posted at publicly maintained access points at least 90 days before the public meeting~~
 69.3 ~~and during the open angling season for fish the taking of which on the waters is proposed~~
 69.4 ~~to be regulated under subdivision 3. Before the public meeting, notice of the meeting must~~
 69.5 ~~be published in a news release issued by the commissioner and in a newspaper of general~~
 69.6 ~~circulation in the area where the proposed special management waters are located. The~~
 69.7 ~~notice must be published at least once between 30 and 60 days before the meeting, and at~~
 69.8 ~~least once between seven and 30 days before the meeting. If a water to be designated is a~~
 69.9 ~~lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more~~
 69.10 ~~than six miles, a public meeting must also be held in the seven-county metropolitan area.~~

69.11 (c) For proposed special management waters other than designated trout lakes and
 69.12 designated trout streams, before the year that the designation is to become effective, the
 69.13 commissioner must give notice of the proposed designation. The notice must summarize
 69.14 the proposed action and invite public comment. Public comments must be accepted at least
 69.15 through September 30, and the commissioner must consider any public comments received
 69.16 in making a final decision. Notice must include:

69.17 (1) signs of the proposed designation and instructions for submitting comments posted
 69.18 at publicly maintained access points on the water by June 1;

69.19 (2) a list of proposed designations posted on the department's website by June 1,
 69.20 summarizing the proposed action and inviting public comment; and

69.21 (3) a news release issued by the commissioner by July 1, a notice published in a
 69.22 newspaper of general circulation in the area where the waters are located by August 15, and
 69.23 at least one more digital media communication published by August 31.

69.24 (d) A virtual or in-person meeting must be held before September 20 where public
 69.25 comment must be accepted. An in-person meeting, where public comment must be accepted,
 69.26 must be held in the county where the largest portion of the waters is located if:

69.27 (1) a water to be designated is a lake over 5,000 acres or is a stream or river reach over
 69.28 ten miles; or

69.29 (2) a request for an in-person meeting is submitted to the commissioner by August 20
 69.30 before the year that the designation is to become effective.

69.31 ~~(d)~~ (e) For waters proposed to be designated as trout streams or trout lakes, notice of the
 69.32 proposed designation must be published at least 90 days before the effective date of the
 69.33 designation in a news release issued by the commissioner and in a newspaper of general

70.1 circulation in the area where the waters are located. In addition, all riparian owners along
70.2 the waters must be notified at least 90 days before the effective date of the designation.

70.3 ~~(e)~~ (f) The notices required in this subdivision must summarize the proposed action,
70.4 invite public comment, and specify a deadline for the receipt of public comments. The
70.5 commissioner shall mail a copy of each required notice to persons who have registered their
70.6 names with the commissioner for this purpose. The commissioner shall consider any public
70.7 comments received in making a final decision.

70.8 Sec. 41. **[97C.202] WATER-QUALITY MONITORING AT STATE FISH**
70.9 **HATCHERIES.**

70.10 (a) The commissioner, in conjunction with the commissioners of health, agriculture, and
70.11 the Pollution Control Agency, must test the source water at the state fish hatcheries located
70.12 in the cities of Crystal Springs, Lanesboro, and Peterson monthly for nitrates and pesticides,
70.13 including neonicotinoids. By February 15 each year, the commissioner must report the
70.14 results of the previous calendar year's testing to the chairs and ranking minority members
70.15 of the legislative committees and divisions with jurisdiction over environment and natural
70.16 resources policy and finance and health policy and finance.

70.17 (b) Once construction of the state fish hatchery in the city of Waterville is completed,
70.18 the commissioner must test the source water monthly and report the results as required for
70.19 other hatcheries under paragraph (a).

70.20 Sec. 42. Minnesota Statutes 2022, section 97C.395, as amended by Laws 2023, chapter
70.21 60, article 4, section 70, is amended to read:

70.22 **97C.395 OPEN SEASONS FOR ANGLING.**

70.23 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
70.24 are as follows:

70.25 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
70.26 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend through the
70.27 last Sunday in February;

70.28 ~~(2) for lake trout, from January 1 through October 31;~~

70.29 ~~(3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
70.30 ~~splake on all lakes located outside or partially within the Boundary Waters Canoe Area,~~
70.31 ~~from January 15 through March 31;~~

71.1 ~~(4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
 71.2 ~~splake on all lakes located entirely within the Boundary Waters Canoe Area, from January~~
 71.3 ~~1 through March 31;~~

71.4 ~~(5)~~ (2) for brown trout, brook trout, lake trout, rainbow trout, and splake, between January
 71.5 1 through October 31 as prescribed by the commissioner by rule except as provided in
 71.6 section 97C.415, subdivision 2; and

71.7 ~~(6)~~ (3) for salmon, as prescribed by the commissioner by rule.

71.8 (b) The commissioner shall close the season in areas of the state where fish are spawning
 71.9 and closing the season will protect the resource.

71.10 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
 71.11 crappie, yellow perch, channel catfish, rock bass, white bass, yellow bass, burbot, cisco
 71.12 (tullibee), lake whitefish, common carp, and native rough fish, the open season is continuous.

71.13 Sec. 43. Minnesota Statutes 2022, section 97C.411, is amended to read:

71.14 **97C.411 STURGEON AND PADDLEFISH.**

71.15 Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold,
 71.16 transported or possessed except as provided by rule of the commissioner. ~~The commissioner~~
 71.17 ~~may only allow the taking of these fish in waters that the state boundary passes through and~~
 71.18 ~~in tributaries to the St. Croix River.~~

71.19 Sec. 44. Minnesota Statutes 2022, section 103F.211, subdivision 1, is amended to read:

71.20 Subdivision 1. **Adoption.** The commissioner shall adopt model standards and criteria
 71.21 for the subdivision, use, and development of shoreland in municipalities and areas outside
 71.22 of a municipality. The authority to adopt model standards and criteria is exempt from section
 71.23 14.125 and does not expire. The standards and criteria must include:

71.24 (1) the area of a lot and length of water frontage suitable for a building site;

71.25 (2) the placement of structures in relation to shorelines and roads;

71.26 (3) the placement and construction of sanitary and waste disposal facilities;

71.27 (4) designation of types of land uses;

71.28 (5) changes in bottom contours of adjacent public waters;

71.29 (6) preservation of natural shorelands through the restriction of land uses;

71.30 (7) variances from the minimum standards and criteria; and

72.1 (8) for areas outside of a municipality only, a model ordinance.

72.2 Sec. 45. Minnesota Statutes 2022, section 103G.005, subdivision 15, is amended to read:

72.3 Subd. 15. **Public waters.** (a) "Public waters" means:

72.4 (1) water basins assigned a shoreland management classification by the commissioner
72.5 under sections 103F.201 to 103F.221;

72.6 (2) waters of the state that have been finally determined to be public waters or navigable
72.7 waters by a court of competent jurisdiction;

72.8 (3) meandered lakes, excluding lakes that have been legally drained;

72.9 (4) water basins previously designated by the commissioner for management for a
72.10 specific purpose such as trout lakes and game lakes pursuant to applicable laws;

72.11 (5) water basins designated as scientific and natural areas under section 84.033;

72.12 (6) water basins located within and totally surrounded by publicly owned lands;

72.13 (7) water basins where the state of Minnesota or the federal government holds title to
72.14 any of the beds or shores, unless the owner declares that the water is not necessary for the
72.15 purposes of the public ownership;

72.16 (8) water basins where there is a publicly owned and controlled access that is intended
72.17 to provide for public access to the water basin;

72.18 (9) natural and altered watercourses with a total drainage area greater than two square
72.19 miles;

72.20 (10) natural and altered watercourses designated by the commissioner as trout streams;
72.21 and

72.22 (11) public waters wetlands, unless the statute expressly states otherwise.

72.23 (b) Public waters are not determined exclusively by:

72.24 (1) the proprietorship of the underlying, overlying, or surrounding land or by;

72.25 (2) whether it is a body or stream of water that was navigable in fact or susceptible of
72.26 being used as a highway for commerce at the time this state was admitted to the union; or

72.27 (3) their inclusion in or exclusion from the public waters inventory required under section
72.28 103G.201.

73.1 Sec. 46. Minnesota Statutes 2023 Supplement, section 103G.301, subdivision 2, is amended
73.2 to read:

73.3 Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of
73.4 receiving, recording, and processing must be paid for a permit application authorized under
73.5 this chapter, except for a general permit application, for each request to amend or transfer
73.6 an existing permit, and for a notification to request authorization to conduct a project under
73.7 a general permit. Fees established under this subdivision, unless specified in paragraph (c),
73.8 must comply with section 16A.1285.

73.9 (b) Proposed projects that require water in excess of 100 million gallons per year must
73.10 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred
73.11 for environmental review. Fees collected under this paragraph must be credited to an account
73.12 in the natural resources fund and are appropriated to the commissioner.

73.13 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
73.14 paragraph (b), is \$150. The application fee for a permit to construct or repair a dam that is
73.15 subject to a dam safety inspection, to work in public waters, or to divert waters for mining
73.16 must be at least \$1,200, but not more than \$12,000. The fee for a notification to request
73.17 authorization to conduct a project under a general permit is \$400, except that the fee for a
73.18 notification to request authorization to appropriate water under a general permit is \$100.

73.19 Sec. 47. Minnesota Statutes 2022, section 103G.315, subdivision 15, is amended to read:

73.20 Subd. 15. **Rules.** The commissioner shall adopt rules prescribing standards and criteria
73.21 for issuing and denying water-use permits and public-waters-work permits. The authority
73.22 to adopt the rules is exempt from section 14.125 and does not expire.

73.23 Sec. 48. **CORN PLOT TRANSITION.**

73.24 (a) Notwithstanding Minnesota Statutes, section 84.9736, a person may plant corn under
73.25 an agreement with the commissioner of natural resources entered into before January 1,
73.26 2025. Beginning January 1, 2025, the commissioner of natural resources may not enter into
73.27 agreements allowing the commercial production of corn on lands administered by the
73.28 commissioner.

73.29 (b) The commissioner must transition all existing corn plots to native vegetation.

74.1 **Sec. 49. REPORT ON RECREATIONAL USE OF SCHOOL TRUST LANDS.**

74.2 **Subdivision 1. Office of School Trust Lands.** The school trust lands director must
74.3 conduct a study of the recreational use of school trust lands in the state. The study must be
74.4 used to determine the amount of money to be allocated to the permanent school fund for
74.5 fees paid to the state for outdoor recreation purposes. The commissioner of natural resources
74.6 must assist the director by providing existing outdoor recreation use data. The director may
74.7 contract for additional survey data to complete the study. The director may seek expertise
74.8 from outdoor recreation industry leaders when preparing the study. The study must include
74.9 the following:

74.10 (1) the estimated annual number of daily visits by individuals with a Minnesota hunting
74.11 license accessing school trust lands and as a percentage of annual days hunted by all
74.12 individuals with a Minnesota hunting license;

74.13 (2) the estimated annual number of daily visits by individuals with a Minnesota fishing
74.14 license using a public water access site that contains school trust lands and as a percentage
74.15 of annual days fishing by all individuals with a Minnesota fishing license;

74.16 (3) the estimated annual visits by Minnesota-licensed watercrafts to state-owned public
74.17 water access sites that contain school trust lands and as a percentage of all visits by
74.18 Minnesota-licensed watercrafts using public water access sites;

74.19 (4) the total number of miles of state-maintained snowmobile trails and all-terrain vehicle
74.20 trails that are on school trust lands and as a percentage of total miles of state-operated trails
74.21 for each purpose;

74.22 (5) the total amount of acres of school trust lands located within state parks and recreation
74.23 areas and as a percentage of all acres of land in state parks and recreation areas;

74.24 (6) any other uses of school trust lands for outdoor recreation that include individuals
74.25 purchasing a permit or paying a fee for access to the school trust lands and the percentage
74.26 of the total permits or fees for that purpose;

74.27 (7) the estimated cost of posting signage near entrances to school trust lands declaring
74.28 that certain portions of the public land that are being used for outdoor recreation is school
74.29 trust land; and

74.30 (8) the estimated cost of updating recreational use maps and other electronic and printed
74.31 documents to distinctly label school trust lands that are contained within or are part of state
74.32 recreational areas, parks, and trails.

75.1 Subd. 2. Report to the legislature. By January 15, 2026, the school trust lands director
75.2 must report the findings in subdivision 1 to the chairs and ranking minority members of the
75.3 legislative committees with jurisdiction over environment and natural resources.

75.4 **Sec. 50. CONFORMING CHANGES TO RULE; OHV USE AND FOREST**
75.5 **CLASSIFICATIONS.**

75.6 The commissioner of natural resources must amend Minnesota Rules, part 6100.1950,
75.7 regarding the use of off-highway vehicles to conform with the changes to Minnesota Statutes,
75.8 section 84.777, in this act.

75.9 **Sec. 51. STATE PARK LICENSE PLATE DESIGN CONTEST.**

75.10 The commissioner of natural resources must hold a license plate design contest to design
75.11 a new state park license plate available under Minnesota Statutes, section 168.1295,
75.12 subdivision 1.

75.13 **Sec. 52. RUSTY PATCHED BUMBLE BEE ENDANGERED SPECIES**
75.14 **DESIGNATION; RULEMAKING.**

75.15 (a) The commissioner of natural resources must amend Minnesota Rules, part 6134.0200,
75.16 to designate the rusty patched bumble bee, *Bombus affinis*, as an endangered species.

75.17 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
75.18 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
75.19 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
75.20 14.388.

75.21 **Sec. 53. MINNESOTA GAS AND OIL RESOURCES TECHNICAL ADVISORY**
75.22 **COMMITTEE.**

75.23 (a) The commissioner of natural resources must appoint a Minnesota Gas and Oil
75.24 Resources Technical Advisory Committee to develop recommendations according to
75.25 paragraph (d). The commissioner may appoint representatives from the following entities
75.26 to the technical advisory committee:

75.27 (1) the Pollution Control Agency;

75.28 (2) the Environmental Quality Board;

75.29 (3) the Department of Health;

75.30 (4) the Department of Revenue;

76.1 (5) the Office of the Attorney General;

76.2 (6) the University of Minnesota; and

76.3 (7) federal agencies.

76.4 (b) A majority of the committee members must be from state agencies, and all members
76.5 must have expertise in at least one of the following areas: environmental review; air quality;
76.6 water quality; taxation; mine permitting; mineral, gas, or oil exploration and development;
76.7 well construction; law; or other areas related to gas or oil production.

76.8 (c) Members of the technical advisory committee may not be registered lobbyists.

76.9 (d) The technical advisory committee must make recommendations to the commissioner
76.10 relating to the production of gas and oil in the state to guide the creation of a temporary
76.11 regulatory framework that will govern permitting before the rules authorized in Minnesota
76.12 Statutes, section 93.514, are adopted. The temporary framework must include
76.13 recommendations on statutory and policy changes that govern permitting requirements and
76.14 processes, financial assurance, taxation, boring monitoring and inspection protocols,
76.15 environmental review, and other topics that provide for gas and oil production to be
76.16 conducted in a manner that will reduce environmental impacts to the extent practicable,
76.17 mitigate unavoidable impacts, and ensure that the production area is restored to a condition
76.18 that protects natural resources and minimizes harm and that any ongoing maintenance
76.19 required to protect natural resources is provided. The temporary framework must consider
76.20 public testimony from stakeholders and Tribes, and the committee must hold at least one
76.21 public meeting on this topic. Recommendations must include draft legislative language.

76.22 (e) By January 15, 2025, the commissioner must submit to the chairs and ranking minority
76.23 members of the legislative committees and divisions with jurisdiction over environment
76.24 recommendations for statutory and policy changes to facilitate gas and oil exploration and
76.25 production in this state and to support the issuance of temporary permits issued under the
76.26 temporary framework in a manner that benefits the people of Minnesota while adequately
76.27 protecting the state's natural resources.

76.28 (f) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon
76.29 gases. For purposes of this section, "production" includes extraction and beneficiation from
76.30 consolidated or unconsolidated formations in the state.

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

77.1 Sec. 54. **REPEALER.**77.2 (a) Minnesota Statutes 2022, section 84.926, subdivision 1, is repealed.77.3 (b) Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws
77.4 2005, First Special Session chapter 1, article 2, section 152, Laws 2007, chapter 57, article
77.5 1, section 155, is repealed.77.6 (c) Minnesota Rules, part 6100.0500, subpart 8d, is repealed.77.7 (d) Minnesota Statutes 2022, sections 84.033, subdivision 3; and 97B.802, are repealed.77.8 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective August 1, 2026.77.9 **ARTICLE 4**77.10 **BOARD OF WATER AND SOIL RESOURCES**

77.11 Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 12, is amended to read:

77.12 Subd. 12. **Authority to issue penalty orders.** (a) ~~Except as provided under subdivision~~
77.13 ~~12a,~~ The board may issue an order requiring violations to be corrected and administratively
77.14 assessing monetary penalties of up to \$10,000 per violation for violations of this chapter
77.15 and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters,
77.16 and any standards, limitations, or conditions established by the board.77.17 (b) Administrative penalties issued by the board under paragraph (a) ~~or subdivision 12a,~~
77.18 may be appealed according to section 116.072, if the recipient of the penalty requests a
77.19 hearing by notifying the commissioner in writing within 30 days after receipt of the order.
77.20 For the purposes of this section, the terms "commissioner" and "agency" as used in section
77.21 116.072 mean the board. If a hearing is not requested within the 30-day period, the order
77.22 becomes a final order not subject to further review.77.23 (c) Administrative penalty orders issued under paragraph (a) ~~or subdivision 12a,~~ may
77.24 be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within
77.25 30 days of issuance of the order.77.26 (d) If the board determines that sufficient steps have been taken to fully resolve
77.27 noncompliance, all or part of a penalty issued under this subdivision may be forgiven.

77.28 Sec. 2. Minnesota Statutes 2022, section 103B.101, subdivision 12a, is amended to read:

77.29 Subd. 12a. **Authority to issue penalty orders; counties and watershed districts.** (a)
77.30 A county or watershed district with jurisdiction ~~or the Board of Water and Soil Resources~~
77.31 may issue an order requiring violations of the water resources riparian protection requirements

78.1 under sections 103F.415, 103F.421, and 103F.48 to be corrected and administratively
78.2 assessing monetary penalties up to ~~\$500~~ \$10,000 for noncompliance commencing on day
78.3 one of the 11th month after the noncompliance notice was issued. The proceeds collected
78.4 from an administrative penalty order issued under this section must be remitted to the county
78.5 or watershed district with jurisdiction over the noncompliant site, or otherwise remitted to
78.6 the Board of Water and Soil Resources.

78.7 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt
78.8 a plan containing procedures for the issuance of administrative penalty orders by local
78.9 governments and the board as authorized in this subdivision and subdivision 12. This plan,
78.10 and any subsequent amendments, ~~will become~~ is effective 30 days after being published in
78.11 the State Register. ~~The initial plan must be published in the State Register no later than July~~
78.12 ~~1, 2017.~~

78.13 (c) Administrative penalties may be reissued and appealed under paragraph (a) according
78.14 to section 103F.48, subdivision 9.

78.15 Sec. 3. Minnesota Statutes 2023 Supplement, section 103B.104, is amended to read:

78.16 **103B.104 LAWNS TO LEGUMES PROGRAM.**

78.17 (a) The Board of Water and Soil Resources may provide financial and technical assistance
78.18 to plant residential landscapes and community spaces with native vegetation and
78.19 pollinator-friendly forbs and legumes to:

78.20 (1) protect a diversity of pollinators with declining populations; and

78.21 (2) provide additional benefits for water management, carbon sequestration, and landscape
78.22 and climate resiliency.

78.23 (b) The board must establish criteria for grants or payments awarded under this section.
78.24 Grants or payments awarded under this section may give priority consideration for proposals
78.25 in areas identified by the United States Fish and Wildlife Service as areas where there is a
78.26 high potential for rusty patched bumble bees and other priority species to be present.

78.27 (c) The board may collaborate with and enter into agreements with federal, state, and
78.28 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and
78.29 promote the program.

78.30 (d) Data on individuals who apply for or receive financial or technical assistance to plant
78.31 residential landscapes or community spaces under the program are classified as private data

79.1 on individuals, as defined by section 13.02, subdivision 12. Section 13.05, subdivision 11,
79.2 applies to an agreement between the board and a private person to implement the program.

79.3 Sec. 4. Minnesota Statutes 2023 Supplement, section 103F.06, is amended by adding a
79.4 subdivision to read:

79.5 Subd. 7. **Grant requirements.** In addition to the applicable grants management
79.6 requirements under sections 16B.97 to 16B.991, as a condition of receiving financial
79.7 assistance to purchase soil health equipment under this section, a farmer must commit to:

79.8 (1) if not certified under sections 17.9891 to 17.993, achieving certification no later than
79.9 24 months after the grant agreement is fully executed;

79.10 (2) not leasing or renting the equipment to another for economic gain; and

79.11 (3) if selling the equipment, selling it for no more than the farmer's documented share
79.12 of the total purchase price.

79.13 Sec. 5. Minnesota Statutes 2022, section 103F.48, subdivision 7, is amended to read:

79.14 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
79.15 a landowner is not in compliance with this section, the district must notify the county or
79.16 watershed district with jurisdiction over the noncompliant site and the board. The county
79.17 or watershed district with jurisdiction or the board must provide the landowner with a list
79.18 of corrective actions needed to come into compliance and a practical timeline to meet the
79.19 requirements in this section. The county or watershed district with jurisdiction must provide
79.20 a copy of the corrective action notice to the board.

79.21 (b) A county or watershed district exercising jurisdiction under this subdivision and the
79.22 enforcement authority granted in section 103B.101, subdivision 12a, shall affirm their
79.23 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
79.24 compliance provisions of this section and section 103B.101, subdivision 12a, by notice to
79.25 the board prior to March 31, 2017. A county or watershed district must provide notice to
79.26 the board at least 60 days prior to the effective date of a subsequent decision on their
79.27 jurisdiction.

79.28 (c) If the landowner does not comply with the list of actions and timeline provided, the
79.29 county or watershed district may enforce this section under the authority granted in section
79.30 103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official
79.31 control of the county. Before exercising administrative penalty authority, a county or
79.32 watershed district must adopt a plan consistent with the plan adopted by the board containing

80.1 procedures for the issuance of administrative penalty orders and may issue orders beginning
80.2 November 1, 2017. If a county or watershed district with jurisdiction over the noncompliant
80.3 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
80.4 board must enforce this section under the authority granted in section 103B.101, subdivision
80.5 ~~12a~~ 12.

80.6 (d) If the county, watershed district, or board determines that sufficient steps have been
80.7 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

80.8 (e) An order issued under paragraph (c) may be appealed to the board as provided under
80.9 subdivision 9.

80.10 (f) A corrective action is not required for conditions resulting from a flood or other act
80.11 of nature.

80.12 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
80.13 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
80.14 has obtained a signed statement from the property owner stating that the permission for the
80.15 work has been granted by the unit of government authorized to approve the work in this
80.16 section or that a buffer or water quality practice is not required as validated by the soil and
80.17 water conservation district. Removal or willful degradation of a riparian buffer or water
80.18 quality practice, wholly or partially, by an agent or operator is a separate and independent
80.19 offense and may be subject to the corrective actions and penalties in this subdivision.

80.20 **Sec. 6. [103F.49] DRAIN TILE SELLER'S DISCLOSURE REQUIRED.**

80.21 Subdivision 1. **Definition.** For purposes of this section, "drain tile" means a system of
80.22 tile, corrugated plastic tubing, pipe, or other conduit installed beneath the ground surface
80.23 to collect and convey water.

80.24 Subd. 2. **Disclosure required.** (a) Before signing an agreement to sell or transfer real
80.25 property classified for purposes of taxation under section 273.13 as class 2a or 2b, the seller
80.26 must disclose in writing to the buyer the status and location of all known drain tile on the
80.27 property by delivering to the buyer:

80.28 (1) a statement by the seller that the seller does not know of any drain tile on the property;
80.29 or

80.30 (2) a disclosure statement indicating the legal description and county and, to the extent
80.31 practicable, a map drawn from available information and accurate to scale identifying the
80.32 location of drain tile on the property, including tile diameter and all outlets and control
80.33 structures, and the drainage water flow path for the first mile downstream of the drain tile.

81.1 (b) At the time of closing the sale, the disclosure statement information, name and mailing
81.2 address of the buyer, and the quartile, section, township, and range in which drain tile is
81.3 located must be provided on a drain tile disclosure certificate signed by the seller or a person
81.4 authorized to act on behalf of the seller.

81.5 (c) A drain tile certificate need not be provided if the seller does not know of any drain
81.6 tile on the property and the deed or other instrument of conveyance contains the statement:
81.7 "The Seller certifies that the Seller does not know of any drain tile on the described real
81.8 property."

81.9 (d) If a deed is given pursuant to a contract for deed, the drain tile disclosure certificate
81.10 required by this subdivision must be signed by the buyer or a person authorized to act on
81.11 behalf of the buyer. If the buyer knows of no drain tile on the property, a drain tile disclosure
81.12 certificate is not required if the following statement appears on the deed, followed by the
81.13 signature of the grantee or, if there is more than one grantee, the signature of at least one
81.14 of the grantees: "The Grantee certifies that the Grantee does not know of any drain tile on
81.15 the described real property." The statement and signature of the grantee may be on the front
81.16 or back of the deed or on an attached sheet, and an acknowledgment of the statement by
81.17 the grantee is not required for the deed to be recordable.

81.18 (e) If the seller fails to provide a required drain tile disclosure certificate, the buyer, or
81.19 a person authorized to act on behalf of the buyer, may sign a drain tile disclosure certificate
81.20 based on the information provided on the disclosure statement required by this section or
81.21 based on other available information.

81.22 (f) A county recorder or registrar of titles may not record a deed or other instrument of
81.23 conveyance dated after January 1, 2026, for which a certificate of value is required under
81.24 section 272.115, or any deed or other instrument of conveyance dated after January 1, 2026,
81.25 from a governmental body exempt from the payment of state deed tax, unless the deed or
81.26 other instrument of conveyance contains the statement made in accordance with paragraph
81.27 (c) or (d) or is accompanied by the drain tile disclosure certificate containing all the
81.28 information required by paragraph (b) or (d).

81.29 (g) The county recorder or registrar of titles must not accept a certificate unless it contains
81.30 all required information. The county recorder or registrar of titles must note on each deed
81.31 or other instrument of conveyance accompanied by a drain tile disclosure certificate that
81.32 the drain tile disclosure certificate was received. The notation must include the statement
81.33 "No drain tile on property" if the disclosure certificate states that there is no drain tile on
81.34 the property.

82.1 (h) The drain tile disclosure certificate must not be filed or recorded in the records
82.2 maintained by the county recorder or registrar of titles. After noting "No drain tile on
82.3 property" on the deed or other instrument of conveyance, the county recorder or registrar
82.4 of titles must destroy or return to the buyer the drain tile disclosure certificate.

82.5 (i) The county recorder or registrar of titles must collect from the buyer or the person
82.6 seeking to record a deed or other instrument of conveyance a fee of \$50 for receipt of a
82.7 completed drain tile disclosure certificate. By the tenth day of each month, the county
82.8 recorder or registrar of titles must transmit the drain tile disclosure certificates to the Board
82.9 of Water and Soil Resources. By the tenth day after the end of each calendar quarter, the
82.10 county recorder or registrar of titles must transmit to the Board of Water and Soil Resources
82.11 \$42.50 of the fee for each drain disclosure certificate received during the quarter. The board
82.12 must maintain the drain tile disclosure certificate for at least six years. The board may store
82.13 the certificate as an electronic image. A copy of that image is as valid as the original.

82.14 (j) The Board of Water and Soil Resources, in consultation with county recorders, must
82.15 prescribe the form for a drain tile disclosure certificate and provide drain tile disclosure
82.16 certificate forms to county recorders, registrars of titles, and other interested persons.

82.17 (k) Failure to comply with a requirement of this section does not impair:

82.18 (1) the validity of a deed or other instrument of conveyance as between the parties to
82.19 the deed or instrument or as to any other person who otherwise would be bound by the deed
82.20 or instrument; or

82.21 (2) the record, as notice, of any deed or other instrument of conveyance accepted for
82.22 filing or recording contrary to the provisions of this subdivision.

82.23 Subd. 3. **Liability for failure to disclose.** Unless the buyer and seller agree to the
82.24 contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence
82.25 or known status of drain tile at the time of sale and knew or had reason to know of the
82.26 existence or known status of the drain tile is liable to the buyer for costs incurred to repair
82.27 the drain tile and reasonable attorney fees for collection of costs from the seller, if the action
82.28 is commenced within six years after the date the buyer closed the purchase of the real
82.29 property where the drain tile is located.

82.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.

82.31 Sec. 7. **SOIL HEALTH APPROPRIATIONS; REPORT.**

82.32 By January 15, 2026, the Board of Water and Soil Resources must submit a report to
82.33 the chairs and ranking minority members of the legislative committees and divisions with

83.1 jurisdiction over environment and natural resources on the expenditure of money appropriated
83.2 for soil health activities under Laws 2023, chapter 60, article 1, section 4, paragraph (k).

83.3 **ARTICLE 5**

83.4 **PACKAGING WASTE AND COST REDUCTION ACT**

83.5 Section 1. **[115A.144] SHORT TITLE.**

83.6 Sections 115A.144 to 115A.1462 may be cited as the "Packaging Waste and Cost
83.7 Reduction Act."

83.8 Sec. 2. **[115A.1441] DEFINITIONS.**

83.9 Subdivision 1. **Scope.** For the purposes of sections 115A.144 to 115A.1462, the terms
83.10 in this section have the meanings given.

83.11 Subd. 2. **Advisory board.** "Advisory board" or "board" means the Producer
83.12 Responsibility Advisory Board established under section 115A.1444.

83.13 Subd. 3. **Brand.** "Brand" means a name, symbol, word, or mark that identifies a product
83.14 and attributes the product and its components, including packaging, to the brand owner.

83.15 Subd. 4. **Brand owner.** "Brand owner" means a person that owns or licenses a brand or
83.16 that otherwise has rights to market a product under the brand, whether or not the brand's
83.17 trademark is registered.

83.18 Subd. 5. **Collection rate.** "Collection rate" means the amount of a covered material by
83.19 covered materials type collected by service providers and transported for recycling or
83.20 composting divided by the total amount of the type of a covered material by covered materials
83.21 type sold or distributed into the state by the relevant unit of measurement established in
83.22 section 115A.1451.

83.23 Subd. 6. **Compostable material.** "Compostable material" means a covered material
83.24 that:

83.25 (1) meets, and is labeled to reflect that it meets, the American Society for Testing and
83.26 Materials Standard Specification for Labeling of Plastics Designed to be Aerobically
83.27 Composted in Municipal or Industrial Facilities (D6400) or its successor;

83.28 (2) meets, and is labeled to reflect that it meets, the American Society for Testing and
83.29 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and
83.30 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
83.31 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

84.1 (3) is comprised of only wood without any coatings or additives; or

84.2 (4) is comprised of only paper without any coatings or additives.

84.3 Subd. 7. **Composting.** "Composting" means the controlled microbial degradation of
84.4 source-separated compostable materials to yield a humus-like product.

84.5 Subd. 8. **Composting rate.** "Composting rate" means the amount of compostable covered
84.6 material that is managed through composting, divided by the total amount of compostable
84.7 covered material sold or distributed into the state by the relevant unit of measurement
84.8 established in section 115A.1451.

84.9 Subd. 9. **Covered material.** "Covered material" means packaging and paper products
84.10 introduced into the state. Covered material does not include exempt materials.

84.11 Subd. 10. **Covered materials type.** "Covered materials type" means a singular and
84.12 specific type of covered material that can be categorized based on distinguishing chemical
84.13 or physical properties, including properties that allow for a covered materials type to be
84.14 aggregated into a commonly defined discrete commodity category for purposes of reuse,
84.15 recycling, or composting, and based on similar uses in the form of a product or package.

84.16 Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the
84.17 most recent fiscal year:

84.18 (1) introduced less than one ton of covered material into this state; or

84.19 (2) earned global gross revenues of less than \$2,000,000.

84.20 Subd. 12. **Drop-off collection site.** "Drop-off collection site" means a physical location
84.21 where covered materials are accepted from the public and that is open a minimum of 12
84.22 hours weekly throughout the year.

84.23 Subd. 13. **Environmental impact.** "Environmental impact" means the impact of a
84.24 covered material on human health and the environment from extraction and processing of
84.25 the raw materials composing the material through manufacturing; distribution; use; recovery
84.26 for reuse, recycling, or composting; and final disposal.

84.27 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of
84.28 materials, that:

84.29 (1) are packaging for infant formula, as defined in United States Code, title 21, section
84.30 321(z);

84.31 (2) are packaging for medical food, as defined in United States Code, title 21, section
84.32 360ee(b)(3);

85.1 (3) are packaging for a fortified oral nutritional supplement used by persons who require
85.2 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs
85.3 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,
85.4 as those terms are defined by the International Classification of Diseases, Tenth Revision;

85.5 (4) are packaging for medical devices or drugs, as defined in the federal Food, Drug,
85.6 and Cosmetic Act, United States Code, title 21, sections 321(g), 321(h), and 353(b)(1), as
85.7 amended;

85.8 (5) are packaging for products regulated as animal biologics, including vaccines, bacterins,
85.9 antisera, diagnostic kits, and other products of biological origin, under the federal
85.10 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq., as amended;

85.11 (6) are packaging for products regulated under the federal Insecticide, Fungicide, and
85.12 Rodenticide Act, United States Code, title 7, section 136 et seq., as amended;

85.13 (7) are paper products used for a print publication with a circulation of less than 20,000
85.14 that primarily includes content derived from primary sources related to news and current
85.15 events; or

85.16 (8) are exempt materials, as determined by the commissioner under section 115A.1453,
85.17 subdivision 6.

85.18 Subd. 15. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

85.19 Subd. 16. **Independent auditor.** "Independent auditor" means an independent and
85.20 actively licensed certified public accountant that is:

85.21 (1) retained by a producer responsibility organization;

85.22 (2) not otherwise employed by or affiliated with a producer responsibility organization;
85.23 and

85.24 (3) qualified to conduct an audit under state law.

85.25 Subd. 17. **Infrastructure investment.** "Infrastructure investment" means an investment
85.26 by a producer responsibility organization that funds:

85.27 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,
85.28 or composting;

85.29 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of
85.30 covered materials; or

86.1 (3) the expansion or strengthening of demand for and use of covered materials by
86.2 responsible markets in the state or region.

86.3 Subd. 18. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship
86.4 a product within or into this state.

86.5 Subd. 19. **Living wage.** "Living wage" means the minimum hourly wage necessary to
86.6 allow a person working 40 hours per week to afford basic needs.

86.7 Subd. 20. **Needs assessment.** "Needs assessment" means an assessment conducted
86.8 according to section 115A.1450. Except where the context requires otherwise, needs
86.9 assessment means the most recently completed needs assessment.

86.10 Subd. 21. **Nondisclosure agreement.** "Nondisclosure agreement" means an agreement
86.11 that requires the parties to the agreement to treat private and nonpublic data submitted to
86.12 facilitate the completion of a needs assessment according to section 115A.06, subdivision
86.13 13.

86.14 Subd. 22. **Packaging.** "Packaging" has the meaning given in section 115A.03 and
86.15 includes food packaging. Packaging does not include exempt materials.

86.16 Subd. 23. **Paper product.** "Paper product" means a product made primarily from wood
86.17 pulp or other cellulosic fibers, except that paper product does not include bound books or
86.18 products that recycling or composting facilities will not accept because of the unsafe or
86.19 unsanitary nature of the paper product.

86.20 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means
86.21 the portion of a product composed of postconsumer material, expressed as a percentage of
86.22 the total weight of the product.

86.23 Subd. 25. **Producer.** (a) "Producer" means the following person responsible for
86.24 compliance with requirements under sections 115A.144 to 115A.1462 for a covered material
86.25 sold, offered for sale, or distributed in or into this state:

86.26 (1) for items sold in or with packaging at a physical retail location in this state:

86.27 (i) if the item is sold in or with packaging under the brand of the item manufacturer or
86.28 is sold in packaging that lacks identification of a brand, the producer is the person that
86.29 manufactures the item;

86.30 (ii) if there is no person to which item (i) applies, the producer is the person that is
86.31 licensed to manufacture and sell or offer for sale to consumers in this state an item with
86.32 packaging under the brand or trademark of another manufacturer or person;

87.1 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
87.2 of the item;

87.3 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
87.4 producer is the person who is the importer of record for the item into the United States for
87.5 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;
87.6 or

87.7 (v) if there is no person described in items (i) to (iv), the producer is the person that first
87.8 distributes the item in or into this state;

87.9 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote
87.10 sale, or distribution:

87.11 (i) for packaging used to directly protect or contain the item, the producer of the packaging
87.12 is the same as the producer identified under clause (1); and

87.13 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is
87.14 the person that packages the item to be shipped to the consumer;

87.15 (3) for packaging that is a covered material and is not included in clauses (1) and (2),
87.16 the producer of the packaging is the person that first distributes the item in or into this state;

87.17 (4) for paper products that are magazines, catalogs, telephone directories, or similar
87.18 publications, the producer is the publisher;

87.19 (5) for paper products not described in clause (4):

87.20 (i) if the paper product is sold under the manufacturer's own brand, the producer is the
87.21 person that manufactures the paper product;

87.22 (ii) if there is no person to which item (i) applies, the producer is the person that is the
87.23 owner or licensee of a brand or trademark under which the paper product is used in a
87.24 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or
87.25 not the trademark is registered in this state;

87.26 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
87.27 of the paper product;

87.28 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
87.29 producer is the person that imports the paper product into the United States for use in a
87.30 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;
87.31 or

88.1 (v) if there is no person described in items (i) to (iv), the producer is the person that first
88.2 distributes the paper product in or into this state; and

88.3 (6) a person is the producer of a covered material sold, offered for sale, or distributed
88.4 in or into this state, as defined in clauses (1) to (5), except:

88.5 (i) where another person has mutually signed an agreement with a producer as defined
88.6 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
88.7 and the person has joined a registered producer responsibility organization as the responsible
88.8 producer for that covered material under sections 115A.144 to 115A.1462. In the event that
88.9 another person is assigned responsibility as the producer under this subdivision, the producer
88.10 under clauses (1) to (5) must provide written certification of that contractual agreement to
88.11 the producer responsibility organization; and

88.12 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part
88.13 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a
88.14 commercial presence within the state.

88.15 (b) "Producer" does not include:

88.16 (1) government agencies, municipalities, or other political subdivisions of the state;

88.17 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
88.18 organizations; or

88.19 (3) de minimis producers.

88.20 Subd. 26. **Producer responsibility organization.** "Producer responsibility organization"
88.21 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal
88.22 Internal Revenue Code and that is created by a group of producers to implement activities
88.23 under sections 115A.144 to 115A.1462.

88.24 Subd. 27. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that
88.25 recycling does not include reuse or composting.

88.26 Subd. 28. **Recycling rate.** "Recycling rate" means the amount of covered material, in
88.27 aggregate or by individual covered materials type, managed through recycling in a calendar
88.28 year divided by the total amount of covered materials sold or distributed into the state by
88.29 the relevant unit of measurement established in section 115A.1451.

88.30 Subd. 29. **Refill.** "Refill" means the continued use of a covered material by a consumer
88.31 through a system that is:

89.1 (1) intentionally designed and marketed for repeated filling of a covered material to
89.2 reduce demand for new production of the covered material;

89.3 (2) supported by adequate logistics and infrastructure to provide convenient access for
89.4 consumers; and

89.5 (3) compliant with all applicable state and local statutes, rules, ordinances, and other
89.6 laws governing health and safety.

89.7 Subd. 30. **Responsible market.** "Responsible market" means a materials market that:

89.8 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of
89.9 contaminants in a manner that protects the environment and minimizes risks to public health
89.10 and worker health and safety;

89.11 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and
89.12 other laws governing environmental, health, safety, and financial responsibility;

89.13 (3) possesses all requisite licenses and permits required by government agencies;

89.14 (4) if the market operates in the state, manages waste according to the waste management
89.15 goal and priority order of waste management practices stated in section 115A.02; and

89.16 (5) minimizes adverse impacts to environmental justice areas.

89.17 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material,
89.18 in aggregate or by individual covered materials type, collected for reuse by the producer or
89.19 service provider in a calendar year divided by the total amount of reusable covered materials
89.20 sold or distributed into the state by the relevant unit of measurement established in section
89.21 115A.1451.

89.22 Subd. 32. **Reusable.** "Reusable" means capable of reuse.

89.23 Subd. 33. **Reuse.** "Reuse" means the return of a covered material to the marketplace and
89.24 the continued use of the covered material by a producer or service provider when the covered
89.25 material is:

89.26 (1) intentionally designed and marketed to be used multiple times for its original intended
89.27 purpose without a change in form;

89.28 (2) designed for durability and maintenance to extend its useful life and reduce demand
89.29 for new production of the covered material;

90.1 (3) supported by adequate logistics and infrastructure at a retail location, by a service
90.2 provider, or on behalf of or by a producer, that provides convenient access for consumers;
90.3 and

90.4 (4) compliant with all applicable state and local statutes, rules, ordinances, and other
90.5 laws governing health and safety.

90.6 Subd. 34. **Reuse rate.** "Reuse rate" means the share of units of a covered material sold
90.7 or distributed into the state in a calendar year that are deemed reusable by the commissioner
90.8 according to section 115A.1451.

90.9 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,
90.10 sorts, processes, or otherwise prepares covered materials for reuse, recycling, or composting.
90.11 A political subdivision that provides or that contracts or otherwise arranges with another
90.12 party to provide reuse, collection, recycling, or composting services for covered materials
90.13 within its jurisdiction may be a service provider regardless of whether it provided, contracted
90.14 for, or otherwise arranged for similar services before the approval of the applicable
90.15 stewardship plan.

90.16 Subd. 36. **Third-party certification.** "Third-party certification" means certification by
90.17 an accredited independent organization that a standard or process required by sections
90.18 115A.144 to 115A.1462, or a stewardship plan approved under sections 115A.144 to
90.19 115A.1462, has been achieved.

90.20 Subd. 37. **Toxic substance.** "Toxic substance" means hazardous waste; a problem
90.21 material; a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,
90.22 or 325F.172 to 325F.179; or a chemical of high concern identified under section 116.9402.

90.23 Subd. 38. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"
90.24 has the meaning given in section 115A.03, except that waste reduction or source reduction
90.25 includes refill, but does not include reuse.

90.26 Sec. 3. **[115A.1442] ESTABLISHMENT OF PROGRAM.**

90.27 Producers must implement and finance a statewide program for packaging and paper
90.28 products in accordance with sections 115A.144 to 115A.1462 that encourages packaging
90.29 redesign to reduce the environmental impacts and human health impacts and that reduces
90.30 generation of covered materials waste through waste reduction, reuse, recycling, and
90.31 composting and by providing for negotiation and execution of agreements to collect,
90.32 transport, and process used covered materials for reuse, recycling, and composting.

91.1 Sec. 4. [115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY
91.2 ORGANIZATIONS.

91.3 Subdivision 1. Annual registration. (a) By January 1, 2025, and annually thereafter,
91.4 producers must appoint a producer responsibility organization and the organization must
91.5 register with the commissioner by submitting the following:

91.6 (1) contact information for a person responsible for implementing an approved
91.7 stewardship plan;

91.8 (2) a list of all member producers that will operate under the stewardship plan
91.9 administered by the producer responsibility organization and, for each producer, a list of
91.10 all brands of the producer's covered materials introduced in this state;

91.11 (3) copies of written agreements with each producer stating that each producer agrees
91.12 to operate under an approved stewardship plan administered by the producer responsibility
91.13 organization;

91.14 (4) a list of current board members and the executive director if different than the person
91.15 responsible for implementing approved stewardship plans; and

91.16 (5) payment of the annual fee required under subdivision 2.

91.17 (b) If more than a single producer responsibility organization is established, the producers
91.18 and producer responsibility organizations must establish a coordinating body and process
91.19 to prevent redundancy of service contracts among service providers and to ensure the efficient
91.20 delivery of waste management services. The stewardship plans of all producer responsibility
91.21 organizations must be integrated into a single stewardship plan that covers all requirements
91.22 of sections 115A.144 to 115A.1462 and encompasses all producers when submitted to the
91.23 commissioner for approval. The annual reports of all producer responsibility organizations
91.24 must be integrated into a single annual report that covers all requirements of sections
91.25 115A.144 to 115A.1462 and encompasses all producers when submitted to the commissioner.

91.26 Subd. 2. Registration fee. (a) As part of its annual registration with the commissioner,
91.27 a producer responsibility organization must submit to the commissioner an annual fee for
91.28 the following year, as determined by the commissioner. Beginning October 1, 2028, and
91.29 annually thereafter, the commissioner must notify registered producer responsibility
91.30 organizations in writing of the amount of the fee for the following year. If there is more
91.31 than one registered producer responsibility organization, the coordinating body described
91.32 in subdivision 1, paragraph (b), must equitably apportion payment of the annual fee between
91.33 all registered producer responsibility organizations. The annual fee must be set at an amount

92.1 anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs
92.2 required to perform the commissioner's duties as described in section 115A.1445 and to
92.3 otherwise administer, implement, and enforce sections 115A.144 to 115A.1462.

92.4 (b) The commissioner must reconcile the fees paid by a producer responsibility
92.5 organization under this subdivision with the actual costs incurred by the agency on an annual
92.6 basis, by means of credits or refunds to or additional payments required of a producer
92.7 responsibility organization, as applicable.

92.8 (c) Fees collected by the commissioner under this section are appropriated to the
92.9 commissioner for the purposes of sections 115A.144 to 115A.1462.

92.10 **Subd. 3. Initial producer responsibility organization registration; implementation**
92.11 **fee. (a) Notwithstanding the other provisions of this section, the commissioner may not**
92.12 **allow registration of more than one producer responsibility organization under this section**
92.13 **before the first stewardship plan approved by the commissioner expires. If more than one**
92.14 **producer responsibility organization applies to register under this section before the first**
92.15 **stewardship plan is approved by the commissioner, the commissioner must select the producer**
92.16 **responsibility organization that will represent producers until the first stewardship plan**
92.17 **expires and must return the registration fee paid by applicants who are not selected. When**
92.18 **selecting a producer responsibility organization, the commissioner must consider whether**
92.19 **the producer responsibility organization:**

92.20 (1) has a governing board consisting of producers that represent a diversity of covered
92.21 materials introduced in the state; and

92.22 (2) demonstrates adequate financial responsibility and financial controls to ensure proper
92.23 management of funds.

92.24 (b) By October 1, 2025, and annually until the first stewardship plan is approved, the
92.25 commissioner must provide written notice to the initial producer responsibility organization
92.26 registered under this section of the commissioner's estimate of the cost of conducting the
92.27 initial needs assessment and the commissioner's costs to administer sections 115A.144 to
92.28 115A.1462 during the period prior to plan approval. The producer responsibility organization
92.29 must remit payment in full for these costs to the commissioner within 45 days of receipt of
92.30 this notice. The producer responsibility organization may charge each member producer to
92.31 cover the cost of its implementation fee according to each producer's unit-, weight-, volume-,
92.32 or sales-based market share or by another method it determines to be an equitable
92.33 determination of each producer's payment obligation.

93.1 Subd. 4. Requirement for additional producer responsibility organizations. The
93.2 commissioner may allow registration of more than one producer responsibility organization
93.3 if:

93.4 (1) producers of a covered materials type or a specific covered material appoint a producer
93.5 responsibility organization; or

93.6 (2) producers organize under additional producer responsibility organizations that meet
93.7 the criteria established in subdivision 3, paragraph (a).

93.8 Sec. 5. [115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY
93.9 ADVISORY BOARD.

93.10 Subdivision 1. Establishment. The Producer Responsibility Advisory Board is established
93.11 to review all programs conducted by producer responsibility organizations under sections
93.12 115A.144 to 115A.1462 and to advise the commissioner and producer responsibility
93.13 organizations regarding the implementation of sections 115A.144 to 115A.1462.

93.14 Subd. 2. Membership. (a) The membership of the advisory board consists of persons
93.15 appointed by the commissioner by January 1, 2025, as follows:

93.16 (1) two members representing manufacturers of covered materials or a statewide or
93.17 national trade association representing those manufacturers;

93.18 (2) two members representing recycling facilities that manage covered materials;

93.19 (3) one member representing a waste hauler or a statewide association representing waste
93.20 haulers;

93.21 (4) one member representing retailers of covered materials or a statewide trade association
93.22 representing those retailers;

93.23 (5) one member representing a statewide nonprofit environmental organization;

93.24 (6) one member representing a community-based nonprofit environmental justice
93.25 organization;

93.26 (7) one member representing a waste facility that receives and sorts covered materials
93.27 and transfers them to another facility for reuse, recycling, or composting;

93.28 (8) one member representing a waste facility that receives compostable materials for
93.29 composting or a statewide trade association that represents such facilities;

94.1 (9) two members representing an entity that develops or offers for sale covered materials
94.2 that are designed for reuse and maintained through a reuse system or infrastructure or a
94.3 statewide or national trade association that represents such entities;

94.4 (10) three members representing organizations of political subdivisions;

94.5 (11) two members representing other stakeholders or additional members of interests
94.6 represented under clauses (1) to (10) as determined by the commissioner; and

94.7 (12) one member representing the commissioner.

94.8 (b) In making appointments under paragraph (a), the commissioner:

94.9 (1) may not appoint members who are state legislators or registered lobbyists;

94.10 (2) may not appoint members who are employees of a producer required to be members
94.11 of a producer responsibility organization in this state under sections 115A.144 to 115A.1462;
94.12 and

94.13 (3) must endeavor to appoint members from all regions of the state.

94.14 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision
94.15 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members
94.16 serve for a term of four years, except that the initial term for nine of the initial appointees
94.17 must be two years so that membership terms are staggered. Members may be reappointed
94.18 but may not serve more than eight consecutive years. Removing members and filling of
94.19 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,
94.20 chapter 15 does not apply to the board.

94.21 Subd. 4. **Compensation.** Members of the board must be compensated according to
94.22 section 15.059, subdivision 3.

94.23 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If
94.24 there is a vacancy in the membership of the board, a majority of the remaining voting
94.25 members of the board constitutes a quorum.

94.26 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those
94.27 present and voting. All members of the advisory board, except the member appointed under
94.28 subdivision 2, paragraph (a), clause (12), are voting members of the board.

94.29 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may
94.30 meet more frequently upon ten days' written notice at the request of the chair or a majority
94.31 of its members.

94.32 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

95.1 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board
95.2 must elect a chair and vice-chair from among its members.

95.3 Subd. 10. **Administrative and operating support.** The commissioner must provide
95.4 administrative and operating support to the advisory board and may contract with a third-party
95.5 facilitator to assist in administering the activities of the advisory board, including establishing
95.6 a website or landing page on the agency website.

95.7 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board
95.8 in developing policies and procedures governing the disclosure of actual or perceived
95.9 conflicts of interest that advisory board members may have as a result of their employment
95.10 or financial holdings of themselves or of family members. Each advisory board member is
95.11 responsible for reviewing the conflict of interest policies and procedures. An advisory board
95.12 member must disclose any instance of actual or perceived conflicts of interest at each meeting
95.13 of the advisory board at which recommendations regarding stewardship plans, programs,
95.14 operations, or activities are made by the advisory board.

95.15 Sec. 6. **[115A.1445] COMMISSIONER RESPONSIBILITIES.**

95.16 The commissioner must:

95.17 (1) appoint the initial membership of the advisory board by January 1, 2025, according
95.18 to section 115A.1444;

95.19 (2) provide administrative and operating support to the advisory board, as required by
95.20 section 115A.1444, subdivision 10;

95.21 (3) complete an initial needs assessment by December 31, 2026, and update the needs
95.22 assessment every five years thereafter, according to section 115A.1450;

95.23 (4) approve stewardship plans and amendments to stewardship plans according to section
95.24 115A.1451;

95.25 (5) provide the lists of covered materials that are recyclable or compostable and exempt
95.26 materials developed by the commissioner under section 115A.1453 to all producer
95.27 responsibility organizations by March 1, 2027;

95.28 (6) post on the agency's website:

95.29 (i) the most recent registration materials submitted by producer responsibility
95.30 organizations, including all information submitted under section 115A.1443, subdivision
95.31 1;

95.32 (ii) the most recent needs assessment;

96.1 (iii) any stewardship plan or amendment submitted by a producer responsibility
96.2 organization under section 115A.1451 that is in draft form during the public comment
96.3 period;

96.4 (iv) the most recent lists of recyclable or compostable covered materials and of exempt
96.5 materials developed by the commissioner under section 115A.1453;

96.6 (v) the most recent list of exempt materials approved by the commissioner under section
96.7 115A.1453;

96.8 (vi) links to producer responsibility organization websites;

96.9 (vii) comments of the public, advisory board, and producer responsibility organizations
96.10 on the documents listed in items (ii), (iii), (iv), and (viii), and the responses of the
96.11 commissioner to those comments; and

96.12 (viii) links to adopted rules implementing sections 115A.144 to 115A.1462;

96.13 (7) provide producer responsibility organizations with information regarding Minnesota
96.14 and federal laws that prohibit toxic substances in covered materials;

96.15 (8) require and approve independent auditors to perform an annual financial audit of
96.16 program operations of each producer responsibility organization; and

96.17 (9) consider and respond in writing to all written comments received from the advisory
96.18 board.

96.19 **Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**
96.20 **RESPONSIBILITIES.**

96.21 The Producer Responsibility Advisory Board must:

96.22 (1) convene its initial meeting by March 1, 2025;

96.23 (2) consult with the commissioner regarding the scope of the needs assessment and to
96.24 provide written comments on needs assessments, according to section 115A.1450, subdivision
96.25 2;

96.26 (3) advise on the development of stewardship plans and amendments to stewardship
96.27 plans under section 115A.1451;

96.28 (4) submit comments to producer responsibility organizations and to the commissioner
96.29 on any matter relevant to the administration of sections 115A.144 to 115A.1462; and

96.30 (5) provide written comments to the commissioner during any rulemaking process
96.31 undertaken by the commissioner under section 115A.1459.

97.1 Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION
97.2 RESPONSIBILITIES.

97.3 A producer responsibility organization must:

97.4 (1) annually register with the commissioner, according to section 115A.1443;

97.5 (2) submit a stewardship plan to the commissioner by March 1, 2028, and every five
97.6 years thereafter, according to section 115A.1451;

97.7 (3) implement stewardship plans approved by the commissioner under section 115A.1451
97.8 and to comply with the requirements of sections 115A.144 to 115A.1462;

97.9 (4) forward upon receipt from the commissioner the lists of covered materials that are
97.10 recyclable or compostable and exempt materials developed by the commissioner under
97.11 section 115A.1453 to all service providers that participate in a stewardship plan administered
97.12 by the producer responsibility organization;

97.13 (5) collect producer fees according to section 115A.1454;

97.14 (6) submit the reports required by section 115A.1456;

97.15 (7) ensure that producers operating under a stewardship plan administered by the producer
97.16 responsibility organization comply with the requirements of the stewardship plan and with
97.17 sections 115A.144 to 115A.1462;

97.18 (8) expel a producer from the producer responsibility organization if efforts to return
97.19 the producer to compliance with the plan or with the requirements of sections 115A.144 to
97.20 115A.1462 are unsuccessful. The producer responsibility organization must notify the
97.21 commissioner when a producer has been expelled under this clause;

97.22 (9) consider and respond in writing to comments received from the advisory board,
97.23 including justifications for not incorporating any recommendations;

97.24 (10) provide producers with information regarding state and federal laws that prohibit
97.25 substances in covered materials, including sections 115A.965, 116.943, 325F.075, and
97.26 325F.172 to 325F.179 and all laws prohibiting toxic substances in covered materials;

97.27 (11) maintain a website according to section 115A.1457;

97.28 (12) notify the commissioner within 30 days if a change is made to the contact information
97.29 for a person responsible for implementing the stewardship plan, a change to the board
97.30 members, or a change to the executive director; and

97.31 (13) assist service providers in identifying and using responsible markets.

98.1 **Sec. 9. [115A.1448] PRODUCER RESPONSIBILITIES.**

98.2 **Subdivision 1. Registration required; prohibition of sale.** (a) After January 1, 2025,
98.3 a producer must be a member of a producer responsibility organization registered in this
98.4 state.

98.5 (b) After January 1, 2029, no producer may introduce covered materials, either separately
98.6 or when used to package another product, unless the producer operates under a written
98.7 agreement with a producer responsibility organization to operate under an approved
98.8 stewardship plan.

98.9 (c) After January 1, 2032, no producer may introduce covered materials into the state
98.10 unless the covered materials are:

98.11 (1) collected under a program in a stewardship plan approved by the commissioner under
98.12 section 115A.1451, subdivision 4;

98.13 (2) reusable, included in a reuse system that meets the reuse rate and return rate required
98.14 under section 115A.1451, subdivision 7, and included in an approved stewardship plan;

98.15 (3) capable of waste reduction and are in a system for waste reduction included in an
98.16 approved stewardship plan;

98.17 (4) included on the list established under section 115A.1453, subdivision 1; or

98.18 (5) included on the list established under section 115A.1453, subdivision 2.

98.19 **Subd. 2. Duties.** A producer must:

98.20 (1) implement the requirements of the stewardship plan under which the producer operates
98.21 and to comply with the requirements of sections 115A.144 to 115A.1462; and

98.22 (2) pay producer fees according to section 115A.1454.

98.23 **Sec. 10. [115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

98.24 A service provider participating in an approved stewardship plan must:

98.25 (1) provide for the collection and management of covered materials generated in the
98.26 state pursuant to contractual agreements with a producer responsibility organization or
98.27 arrangements with other service providers that are entered into under an approved stewardship
98.28 plan; and

98.29 (2) if the service provider is a political subdivision, provide at least a one-year advance
98.30 notice to the producer responsibility organization if the political subdivision plans to cease
98.31 acting as a service provider.

99.1 Sec. 11. [115A.1450] NEEDS ASSESSMENT.

99.2 Subdivision 1. Needs assessment required. By December 31, 2026, and every five
99.3 years thereafter, the commissioner must complete a statewide needs assessment according
99.4 to this section.

99.5 Subd. 2. Input from interested parties. In conducting a needs assessment, the
99.6 commissioner must:

99.7 (1) initiate a consultation process to obtain recommendations from the advisory board,
99.8 political subdivisions, service providers, producer responsibility organizations, and other
99.9 interested parties regarding the type and scope of information that should be collected and
99.10 analyzed in the statewide needs assessment required by this section;

99.11 (2) contract with a third party who is not a producer or a producer responsibility
99.12 organization to conduct the needs assessment; and

99.13 (3) prior to finalizing the needs assessment, make the draft needs assessment available
99.14 for comment by the advisory board, producer responsibility organizations, and the public.
99.15 The commissioner must respond in writing to the comments and recommendations of the
99.16 advisory board and producer responsibility organizations.

99.17 Subd. 3. Content of needs assessment. A needs assessment must include at a minimum:

99.18 (1) an evaluation of the performance of:

99.19 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered
99.20 materials type, as applicable, including collection rates, recycling rates, composting rates,
99.21 reuse rates, and return rates for each covered materials type;

99.22 (ii) the stewardship plan with respect to the recycling rate, composting rate, reuse rate,
99.23 and return rate for all covered materials; and

99.24 (iii) the extent to which postconsumer recycled content is incorporated into each covered
99.25 materials type, as applicable;

99.26 (2) an evaluation of a representative sample of management of covered materials with
99.27 mixed municipal solid waste, as source-separated recyclable materials, and as
99.28 source-separated compostable materials as received by waste management, recycling, and
99.29 composting facilities in the state, and relevant findings from any publicly available waste
99.30 stream evaluations conducted within the previous year, to evaluate the amount and portion
99.31 of covered materials being disposed of that would otherwise be recyclable or compostable;

- 100.1 (3) proposals for a range of potential performance targets to meet statewide requirements
100.2 as applicable to each covered materials type to be accomplished within a five-year time
100.3 frame in multiple units of measurement, including but not limited to unit-based, weight-based,
100.4 and volume-based, for each of the following:
- 100.5 (i) waste reduction;
100.6 (ii) reuse rates and return rates;
100.7 (iii) recycling rates;
100.8 (iv) composting rates; and
100.9 (v) postconsumer recycled content;
- 100.10 (4) an evaluation of the following factors for each covered material collected for recycling
100.11 or composting:
- 100.12 (i) current availability of recycling collection services;
100.13 (ii) recycling collection and processing infrastructure;
100.14 (iii) capacity and technology for sorting covered materials;
100.15 (iv) availability of responsible end markets;
100.16 (v) the presence and amount of processing residuals, contamination, and toxic substances;
100.17 (vi) quantity of material estimated to be available and recoverable;
100.18 (vii) projected future conditions for clauses (i) to (vi); and
100.19 (viii) other criteria or factors determined by the commissioner;
- 100.20 (5) recommended collection methods, by covered materials type, to maximize collection
100.21 efficiency and feedstock quality;
- 100.22 (6) proposed plans and metrics for how to measure progress in achieving performance
100.23 targets and statewide requirements;
- 100.24 (7) an evaluation of options for third-party certification of activities to meet obligations
100.25 of sections 115A.144 to 115A.1462;
- 100.26 (8) an inventory of the current system, including:
- 100.27 (i) infrastructure, capacity, performance, funding level, and method and sources of
100.28 financing for the existing waste reduction, reuse, collection, transportation, processing,
100.29 recycling, and composting systems for covered materials operating in the state; and

- 101.1 (ii) availability and cost of waste reduction, reuse, recycling, and composting services
101.2 for covered materials at single-family residences, multifamily residences, commercial
101.3 facilities, industrial facilities, institutional facilities, and public places, including identification
101.4 of disparities in the availability of these services in environmental justice areas compared
101.5 with other areas and proposals for reducing or eliminating those disparities;
- 101.6 (9) an evaluation of investments needed to:
- 101.7 (i) increase waste reduction, reuse, recycling, and composting rates of covered materials
101.8 in order to achieve performance targets proposed in clause (3);
- 101.9 (ii) maintain or improve operations of existing infrastructure, taking into account the
101.10 waste reduction, reuse, recycling, and composting of covered materials;
- 101.11 (iii) expand the availability and accessibility of recycling collection services for recyclable
101.12 covered materials to all residents of the state at an equivalent level of service and convenience
101.13 as collection services for mixed municipal solid waste; and
- 101.14 (iv) establish and expand the availability and accessibility of reuse services for reusable
101.15 covered materials;
- 101.16 (10) proposed formulas reimbursing service providers, based on factors identified in
101.17 section 115A.1455, subdivision 4;
- 101.18 (11) an assessment of the viability and robustness of markets for recyclable covered
101.19 materials and the degree to which these markets can be considered responsible markets;
- 101.20 (12) an assessment of the level and causes of contamination of source-separated recyclable
101.21 materials, source-separated compostable materials and collected reusables, and the impacts
101.22 of contamination on service providers, including the cost to manage this contamination;
- 101.23 (13) an assessment of toxic substances intentionally added to covered materials, their
101.24 potential environmental impacts and human health impacts, and whether this limits one or
101.25 more covered materials types from being used as a marketable feedstock;
- 101.26 (14) an assessment of current best practices to increase public awareness, educate, and
101.27 complete outreach activities accounting for culturally responsive materials and methods
101.28 and an evaluation of the impact of these practices on:
- 101.29 (i) using product labels as a means of informing consumers about environmentally sound
101.30 use and management of covered materials;

102.1 (ii) increasing public awareness of how to use and manage covered materials in an
102.2 environmentally sound manner and how to access waste reduction, reuse, recycling, and
102.3 composting services; and

102.4 (iii) encouraging behavior change to increase participation in waste reduction, reuse,
102.5 recycling, and composting programs;

102.6 (15) an assessment of each covered material's:

102.7 (i) generation of hazardous waste and greenhouse gas emissions; and

102.8 (ii) impacts on environmental justice and public health;

102.9 (16) identification of the covered materials with the most significant environmental
102.10 impact; and

102.11 (17) other items identified by the commissioner that would aid the creation of the
102.12 stewardship plan, its administration, and the enforcement of sections 115A.144 to 115A.1462.

102.13 Subd. 4. **Needs assessment as baseline.** When determining the extent to which any
102.14 statewide requirement or performance target under sections 115A.144 to 115A.1462 has
102.15 been achieved, information contained in a needs assessment must serve as the baseline for
102.16 that determination, when applicable.

102.17 Subd. 5. **Participation required.** A service provider or other person with data or
102.18 information necessary to complete a needs assessment must provide the data or information
102.19 to the commissioner in a timely fashion upon request. A service provider or other person
102.20 who does not want to be identified with information submitted to the commissioner under
102.21 this subdivision may request to proceed under a nondisclosure agreement. Once a request
102.22 is made, the requestor, the commissioner, and all third parties participating in the completion
102.23 of the needs assessment in whatever capacity must enter into a nondisclosure agreement.
102.24 Once these parties have entered into a nondisclosure agreement, the requestor must submit
102.25 the necessary data or information to the contractor selected by the commissioner. The
102.26 contractor must aggregate and anonymize the data or information received from all parties
102.27 proceeding under a nondisclosure agreement under this subdivision and must then submit
102.28 the aggregated anonymized information to the commissioner or to the party or parties
102.29 contracted to complete the needs assessment.

102.30 Sec. 12. **[115A.1451] STEWARDSHIP PLAN.**

102.31 Subdivision 1. **Stewardship plan required.** By March 1, 2028, and every five years
102.32 thereafter, a producer responsibility organization must submit a stewardship plan to the

103.1 commissioner that describes the proposed operation by the organization of programs to
103.2 fulfill the requirements of sections 115A.144 to 115A.1462 and that incorporates the findings
103.3 and results of needs assessments. Once approved, a stewardship plan remains in effect for
103.4 five years, as amended, or until a subsequent stewardship plan is approved.

103.5 Subd. 2. **Advisory board review of draft plan and amendments.** A producer
103.6 responsibility organization must submit a draft stewardship plan or draft amendment to the
103.7 advisory board at least 60 days before submitting the draft plan or draft amendment to the
103.8 commissioner to allow the advisory board to submit comments and must address advisory
103.9 board comments and recommendations before submitting the draft plan or draft amendment
103.10 to the commissioner.

103.11 Subd. 3. **Content of stewardship plans.** A proposed stewardship plan must include at
103.12 least the following:

103.13 (1) performance targets applicable to each covered materials type to be accomplished
103.14 within a five-year period, established in subdivision 5, paragraph (a);

103.15 (2) a description of the methods of collection to be used for each covered materials type
103.16 and how they will meet the statewide requirement established in subdivision 7;

103.17 (3) a description of the methods of collection to be used for each covered materials type
103.18 managed through a reuse system, including infrastructure, convenience metrics, and
103.19 measurement, and how they will meet the statewide requirement established in subdivision
103.20 7;

103.21 (4) a description of the methods to be used for each covered materials type for waste
103.22 reduction, including infrastructure, convenience metrics, and measurement methods for
103.23 refill, and how they will meet the statewide requirement established in subdivision 7;

103.24 (5) proposals for exemptions from performance targets and statewide requirements for
103.25 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable
103.26 due to federal or state health and safety requirements. The producer responsibility
103.27 organization must identify the specific requirements and the impact of covered materials;

103.28 (6) a plan for how the producer responsibility organization will measure recycling, waste
103.29 reduction, and reuse according to subdivision 6 and a description of how the organization
103.30 will measure composting and inclusion of postconsumer recycled content;

103.31 (7) third-party certifications as required by the commissioner or voluntarily undertaken;

103.32 (8) a budget and identification of funding needs for each of the five calendar years
103.33 covered by the plan, including:

104.1 (i) producer fees and a description of the process used to calculate the fees, including
104.2 an explanation of how the fees meet the requirements of section 115A.1454; and

104.3 (ii) a plan for infrastructure investments, including a description of how the process to
104.4 offer and select opportunities will be conducted in an open, competitive, and fair manner;
104.5 how it will address gaps in the system not met by service providers; and the financial and
104.6 legal instruments to be used;

104.7 (9) an explanation of how the program will be fully paid for by producers, without any
104.8 fee, charge, surcharge, or other cost to members of the public, businesses, service providers,
104.9 the state or any political subdivision, or any other person who is not a producer. For purposes
104.10 of this requirement, a deposit made in connection with a product's refill, reuse, or recycling
104.11 that can be redeemed by a consumer is not a fee, charge, surcharge, or other cost;

104.12 (10) a description of activities to be undertaken during the next five calendar years,
104.13 which must at a minimum describe how the producer responsibility organization, acting on
104.14 behalf of producers, will:

104.15 (i) minimize the environmental impacts and human health impacts of covered materials;

104.16 (ii) incorporate as program objectives the improved design of covered materials according
104.17 to section 115A.1454, subdivision 1, clause (2);

104.18 (iii) expand and increase the convenience of waste reduction, reuse, collection, recycling,
104.19 and composting services in conformance with the waste management hierarchy under section
104.20 115A.02;

104.21 (iv) ensure statewide coverage of collection services for covered materials on the
104.22 recyclable or compostable list established under section 115A.1453, subdivision 1, at no
104.23 cost to all single-family and multifamily residences and political subdivisions that arrange
104.24 for the collection of recyclable materials from public places, at the equivalent level of service
104.25 and convenience as collection services for mixed municipal solid waste; and

104.26 (v) ensure that postconsumer recycled materials are delivered to responsible markets;

104.27 (11) a description of how the program uses and interacts with existing collection, waste
104.28 reduction, reuse, recycling, and composting efforts and service providers and how the
104.29 producer responsibility organization will reimburse service providers for the cost of:

104.30 (i) collecting covered materials generated from all single-family residences, multifamily
104.31 residences, and public places in the state; and

- 105.1 (ii) managing covered materials generated from all single-family residences; multifamily
105.2 residences; public places; and commercial, industrial, and institutional facilities in the state;
- 105.3 (12) a description of how, for each covered material, the plan will be designed to minimize
105.4 environmental impacts;
- 105.5 (13) a description of how the producer responsibility organization will ensure that all
105.6 persons engaged in reuse, recycling, composting, and management of mixed municipal solid
105.7 waste are made aware of bid opportunities under section 115A.1455;
- 105.8 (14) reimbursement formulas and schedules of reimbursement rates for service providers
105.9 that elect to participate in the program and a description of how the formulas and schedules
105.10 were developed according to section 115A.1455;
- 105.11 (15) terms and conditions for service agreements, including:
- 105.12 (i) an agreement that the producer responsibility organization will treat nonpublic data
105.13 submitted by service providers electing to participate in the program as nonpublic data;
- 105.14 (ii) a requirement that service providers accept all covered materials on the compostable
105.15 materials list established by the commissioner under section 115A.1453; and
- 105.16 (iii) performance standards for service providers that include a requirement that service
105.17 providers sorting commingled recyclable materials meet minimum material standards and
105.18 bale quality standards, minimum capture rates, and maximum processing residual rates and
105.19 demonstrate materials have been sent to a responsible market;
- 105.20 (16) a process to resolve disputes that arise between the producer responsibility
105.21 organization and a service provider regarding the determination and payment of the
105.22 reasonable cost of services provided under an approved stewardship plan;
- 105.23 (17) a description of how the producer responsibility organization will provide technical
105.24 assistance to:
- 105.25 (i) service providers in order to deliver covered materials to responsible markets;
- 105.26 (ii) producers regarding toxic substances in covered materials and actions producers can
105.27 take to reduce intentionally added toxic substances in covered materials through proof of
105.28 testing or an analytical and scientifically demonstrated methodology; and
- 105.29 (iii) producers to make changes in product design that reduce the environmental impact
105.30 of covered materials or that increase the recoverability or marketability of covered materials
105.31 for reuse, recycling, or composting;

106.1 (18) a description of how the producer responsibility organization will increase public
106.2 awareness, educate, and complete outreach activities accounting for culturally responsive
106.3 materials and methods and evaluate the efficacy of these efforts, including:

106.4 (i) assist producers in improving product labels as a means of informing consumers
106.5 about refilling, reusing, recycling, composting, and other environmentally sound methods
106.6 of managing covered materials;

106.7 (ii) increase public awareness of how to use and manage covered materials in an
106.8 environmentally sound manner and how to access waste reduction, reuse, recycling, and
106.9 composting services; and

106.10 (iii) encourage behavior change to increase participation in waste reduction, reuse,
106.11 recycling, and composting programs;

106.12 (19) a summary of consultations held with the advisory board and other stakeholders to
106.13 provide input to the stewardship plan, a list of recommendations that were incorporated into
106.14 the stewardship plan as a result, and a list of rejected recommendations and the reasons for
106.15 rejection; and

106.16 (20) strategies to incorporate findings from any relevant studies required by the
106.17 legislature.

106.18 **Subd. 4. Plan and amendment review and approval procedure.** (a) The commissioner
106.19 must review and approve, deny, or request additional information for a draft stewardship
106.20 plan or a draft plan amendment no later than 120 days after the date the commissioner
106.21 receives it from a producer responsibility organization. The commissioner must post the
106.22 draft plan or draft amendment on the agency's website and allow public comment for no
106.23 less than 45 days before approving, denying, or requesting additional information on the
106.24 draft plan or draft amendment.

106.25 (b) If the commissioner denies or requests additional information for a draft plan or draft
106.26 amendment, the commissioner must provide the producer responsibility organization with
106.27 the reasons, in writing, that the plan or plan amendment does not meet the plan requirements
106.28 of subdivision 3. The producer responsibility organization has 60 days from the date that
106.29 the rejection or request for additional information is received to submit to the commissioner
106.30 any additional information necessary for the approval of the draft plan or draft amendment.
106.31 The commissioner must review and approve or disapprove the revised draft plan or draft
106.32 amendment no later than 60 days after the date the commissioner receives it.

107.1 (c) A producer responsibility organization may resubmit a draft plan or draft amendment
107.2 to the commissioner on not more than two occasions. If, after the second resubmission, the
107.3 commissioner determines that the draft plan or draft amendment does not meet the plan
107.4 requirements of sections 115A.144 to 115A.1462, the commissioner must modify the draft
107.5 plan or draft amendment as necessary for it to meet the requirements of sections 115A.144
107.6 to 115A.1462 and approve it.

107.7 (d) Upon recommendation by the advisory board, or upon the commissioner's own
107.8 initiative, the commissioner may require an amendment to a stewardship plan if the
107.9 commissioner determines that an amendment is necessary to ensure that the producer
107.10 responsibility organization maintains compliance with sections 115A.144 to 115A.1462.

107.11 **Subd. 5. Performance targets.** (a) The producer responsibility organization must propose
107.12 performance targets based on the needs assessment that meet the statewide requirements in
107.13 subdivision 7 that must be included in a stewardship plan approved under this section.
107.14 Performance targets must include targets for reuse rates, return rates, recycling rates,
107.15 composting rates, and postconsumer recycled content by covered materials type that are to
107.16 be achieved by the end of the stewardship plan's term. The producer responsibility
107.17 organization must select the unit that is most appropriate to measure each performance
107.18 target as informed by the needs assessment.

107.19 (b) The commissioner may require that a producer responsibility organization obtain
107.20 third-party certification of any activity or achievement of any standard required by sections
107.21 115A.144 to 115A.1462. The commissioner must provide a producer responsibility
107.22 organization with notice of at least one year prior to requiring use of third-party certification
107.23 under this paragraph.

107.24 (c) The performance targets proposed under this subdivision must demonstrate continuous
107.25 improvement in reducing the environmental and human health impacts of covered materials
107.26 over time.

107.27 **Subd. 6. Measurement criteria for performance targets.** (a) For purposes of
107.28 determining whether recycling performance targets are being met, except as modified by
107.29 the commissioner, a stewardship plan must stipulate that the amount of recycled material
107.30 must be measured at the point at which material leaves a recycling facility and must account
107.31 for:

107.32 (1) levels of estimated contamination documented by the facility;

107.33 (2) any exclusions for fuel or energy capture; and

108.1 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179
108.2 and all other laws pertaining to toxic substances in covered materials.

108.3 (b) For purposes of determining whether waste reduction performance targets are being
108.4 met, a stewardship plan must ensure that the amount of waste reduction of covered materials
108.5 is measured in a manner that can determine the extent to which the amount of material used
108.6 for a covered material is eliminated beyond what is necessary to efficiently deliver a product
108.7 without damage or spoilage or other means of covered material redesign to reduce overall
108.8 use and environmental impacts.

108.9 (c) For purposes of determining whether reuse targets are being met, a stewardship plan
108.10 must provide for the measurement of the amount of reusable covered materials to be at the
108.11 point at which reusable covered materials meet the following criteria as demonstrated by
108.12 the producer and approved by the commissioner:

108.13 (1) whether the average minimum number of cycles of reuses within a recognized reuse
108.14 system has been met based on the number of times an item must be reused for it to have
108.15 lower environmental impacts than the single-use version of the item; and

108.16 (2) whether the demonstrated or research-based anticipated return rate of the covered
108.17 material to the reuse system has been met.

108.18 (d) For other targets, the producer responsibility organization must propose a calculation
108.19 point for review and approval as part of the stewardship plan based on findings from the
108.20 needs assessment.

108.21 Subd. 7. **Statewide requirements.** (a) The producer responsibility organization must
108.22 ensure the following requirements are met collectively by its members by the end of the
108.23 year indicated:

108.24 (1) by 2033:

108.25 (i) the combined recycling rate and composting rate must be no less than 65 percent of
108.26 covered materials by weight sold or distributed;

108.27 (ii) the reuse rate is ten percent of the number of units of packaging sold or distributed
108.28 into the state, with a return rate of no less than 90 percent;

108.29 (iii) the weight of covered materials introduced must be waste reduced by 15 percent,
108.30 compared to levels identified in the initial needs assessment; and

108.31 (iv) all covered materials introduced must contain at least ten percent postconsumer
108.32 recycled content, with all covered materials containing an overall average of at least 30

109.1 percent, as applicable, excluding compostable materials that cannot include postconsumer
109.2 recycled content because of unique chemical or physical properties or health and safety
109.3 requirements that prohibit introduction of postconsumer recycled content; and

109.4 (2) by 2038:

109.5 (i) the combined recycling rate and composting rate must be no less than 75 percent of
109.6 covered materials by weight sold or distributed into the state;

109.7 (ii) the reuse rate is 20 percent of the number of units of packaging sold or distributed
109.8 into the state, with a return rate of no less than 95 percent;

109.9 (iii) the weight of covered materials introduced must be waste reduced by 25 percent,
109.10 compared to levels identified in the initial needs estimate; and

109.11 (iv) all covered materials introduced must contain at least 30 percent postconsumer
109.12 recycled content, with all covered products containing an overall average of at least 50
109.13 percent, as applicable, excluding compostable materials that cannot include postconsumer
109.14 recycled content because of unique chemical or physical properties or health and safety
109.15 requirements that prohibit introduction of postconsumer recycled content.

109.16 (b) The commissioner may adjust any requirement established in paragraph (a) by no
109.17 more than five percent after submitting the proposed adjustment to the advisory board and
109.18 considering the board's recommendations before making the adjustment.

109.19 (c) After 2038, the commissioner may establish additional statewide requirements for:

109.20 (1) the amount of covered materials that must be recycled or composted;

109.21 (2) the number of units of packaging sold or distributed into the state that must be reusable
109.22 and the return rate that must be met when returned to an established reuse system;

109.23 (3) the weight of covered materials introduced that must be waste reduced; and

109.24 (4) the percent of postconsumer recycled content that must be used in covered materials
109.25 introduced.

109.26 The statewide requirements established under this paragraph must not be less than those
109.27 listed in paragraph (a), clause (2).

109.28 **Sec. 13. [115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**
109.29 **MATERIALS LISTS; EXEMPT MATERIALS LIST.**

109.30 Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a
109.31 list of covered materials determined to be recyclable or compostable statewide through

110.1 systems where covered materials are commingled into a recyclables stream and a separate
110.2 compostables stream. These covered materials must be collected at the equivalent level of
110.3 service and convenience as collection services for mixed municipal solid waste.

110.4 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner
110.5 must complete a list of covered materials determined to be recyclable or compostable and
110.6 collected statewide through systems other than the system required for covered materials
110.7 on the list established in subdivision 1.

110.8 Subd. 3. **Input from interested parties.** The commissioner must consult with the
110.9 advisory board, producer responsibility organizations, service providers, political
110.10 subdivisions, and other interested parties to develop or amend the recyclable or compostable
110.11 covered materials lists.

110.12 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner
110.13 may consider the following criteria:

110.14 (1) current availability of recycling collection services;

110.15 (2) recycling collection and processing infrastructure;

110.16 (3) capacity and technology for sorting covered materials;

110.17 (4) availability of responsible end markets;

110.18 (5) presence and amount of processing residuals, contamination, and toxic substances;

110.19 (6) quantity of material estimated to be available and recoverable;

110.20 (7) projected future conditions for clauses (1) to (6);

110.21 (8) if collected for recycling, the covered material type and form must be one that is
110.22 regularly sorted and aggregated into defined streams for recycling processes or the packaging
110.23 format must be specified in a relevant Institution of Scrap Recycling Industries specification;
110.24 and

110.25 (9) other criteria or factors determined by the commissioner.

110.26 Subd. 5. **Collection requirements.** (a) A producer responsibility organization must
110.27 collect covered materials included in a list established under subdivision 1, on a statewide
110.28 basis, as follows:

110.29 (1) for residents that have curbside mixed municipal solid waste collection, provide
110.30 collection of covered materials at the same frequency and on the same day as mixed
110.31 municipal solid waste collection;

111.1 (2) provide collection of covered materials at each recycling or mixed municipal solid
111.2 waste drop-off site that is open to the public, including but not limited to canister sites,
111.3 transfer stations, and disposal facilities;

111.4 (3) provide a durable container dedicated to the collection of covered materials to every
111.5 residential unit served according to this paragraph; and

111.6 (4) in addition to the requirements of clauses (1) to (3), the producer responsibility
111.7 organization may collect or contract for the collection of covered materials from the public
111.8 by other means, including but not limited to other drop off locations or mobile collections.

111.9 (b) A producer responsibility organization must collect covered materials included in a
111.10 list established under subdivision 2, on a statewide basis, as follows:

111.11 (1) the producer responsibility organization must provide:

111.12 (i) for each county with a population of 10,000 or less, at least two permanent drop-off
111.13 collection sites;

111.14 (ii) for each county with a population greater than 10,000 but less than or equal to
111.15 100,000, at least two permanent drop-off collection sites and at least one additional permanent
111.16 drop-off collection site for each additional 10,000 in population above a population of
111.17 10,000;

111.18 (iii) for each county with a population greater than 100,000, at least 11 permanent
111.19 drop-off collection sites and at least one additional permanent year-round drop-off collection
111.20 site for each additional 50,000 in population above a population of 100,000; and

111.21 (iv) a permanent drop-off collection site located within ten miles of at least 95 percent
111.22 of state residents;

111.23 (2) the producer responsibility organization may propose an alternative to the
111.24 requirements of paragraph (b), clause (1), as part of a stewardship plan if the producer
111.25 responsibility organization demonstrates that the alternative will provide an equivalent or
111.26 greater level of service and convenience; and

111.27 (3) the producer responsibility organization may use the following additional collection
111.28 methods:

111.29 (i) curbside collection of source-separated covered materials;

111.30 (ii) curbside collection that is less frequent than collection of mixed municipal solid
111.31 waste;

111.32 (iii) mobile collection;

112.1 (iv) collection events;

112.2 (v) custom collection programs based on the use and generation of the covered material
112.3 being managed in a custom program; and

112.4 (vi) collection in the same manner provided for the covered materials in the list under
112.5 subdivision 1.

112.6 Subd. 6. **Exempt materials list.** (a) A producer may request the commissioner, on a
112.7 form prescribed by the commissioner, to classify as an exempt material one or more types
112.8 of packaging. The commissioner must submit the request to the advisory board for review
112.9 and comment before approving or denying the request.

112.10 (b) The commissioner may approve the request only if the commissioner determines
112.11 that a specific federal or state health and safety requirement prevents the packaging from
112.12 being waste reduced or made reusable, recyclable, or compostable.

112.13 (c) The commissioner must review and approve, deny, or request additional information
112.14 for a request for classification of packaging as an exempt material no later than 120 days
112.15 after the date the commissioner receives the request from a producer.

112.16 (d) The commissioner must post on the agency website a list of materials exempted
112.17 under this subdivision.

112.18 (e) An exemption granted under this section is valid for two years, after which a producer
112.19 must reapply according to this subdivision.

112.20 Subd. 7. **Amendment.** The commissioner may amend a list completed under this section
112.21 at any time and must provide amended lists to producer responsibility organizations as soon
112.22 as possible after adopting an amendment. Producer responsibility organizations must provide
112.23 amended lists to service providers as soon as possible after receiving the amendment and
112.24 incorporate changes in relevant service provider agreements and operations within a year.

112.25 Sec. 14. **[115A.1454] PRODUCER FEES.**

112.26 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect
112.27 a fee from each producer that must:

112.28 (1) be based on the total amount of covered materials each producer introduces in the
112.29 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of
112.30 measurement;

113.1 (2) incentivize using materials and design attributes that reduce the environmental impacts
113.2 and human health impacts, as determined by the commissioner, of covered materials by the
113.3 following methods:

113.4 (i) eliminating intentionally added toxic substances in covered materials;

113.5 (ii) reducing the amount of packaging per individual covered material that is necessary
113.6 to efficiently deliver a product without damage or spoilage without reducing its ability to
113.7 be recycled or reducing the amount of paper used to manufacture individual paper products;

113.8 (iii) increasing covered materials managed in a reuse system;

113.9 (iv) increasing the proportion of postconsumer material in covered materials;

113.10 (v) enhancing recyclability or compostability of a covered material; and

113.11 (vi) increasing the amount of inputs derived from renewable and sustainable sources;

113.12 (3) discourage using materials and design attributes in a producer's covered materials
113.13 whose environmental impacts and human health impacts, as determined by the commissioner,
113.14 can be reduced by the methods listed under clause (2);

113.15 (4) prioritize reuse by charging covered materials that are managed through a reuse
113.16 system only once, upon initial entry into the marketplace, and by applying the lowest fee
113.17 to these covered materials; and

113.18 (5) generate revenue sufficient to pay in full:

113.19 (i) the annual registration fee required under section 115A.1443;

113.20 (ii) financial obligations to complete activities described in an approved stewardship
113.21 plan and to reimburse service providers under agreements in section 115A.1455;

113.22 (iii) the operating costs of the producer responsibility organization; and

113.23 (iv) for the establishment and maintenance of a financial reserve that is sufficient to
113.24 operate the program in a fiscally prudent and responsible manner.

113.25 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount
113.26 needed to pay the costs described in subdivision 1, clause (5), must be used to improve or
113.27 enhance program outcomes or to reduce producer fees according to provisions of an approved
113.28 stewardship plan.

113.29 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for
113.30 lobbying, as defined in section 3.084, subdivision 1.

114.1 Sec. 15. [115A.1455] SERVICE PROVIDER AGREEMENTS; REIMBURSEMENT
114.2 RATES.

114.3 Subdivision 1. Service provider agreements and reimbursement required. The terms
114.4 and conditions of the provision of waste reduction, reuse, collection, recycling, or composting
114.5 services under an approved stewardship plan must be established under a service agreement
114.6 between a producer responsibility organization and a service provider. In addition to the
114.7 terms and conditions established in an approved stewardship plan, each agreement must:

114.8 (1) establish strong labor standards and work safety practices, including but not limited
114.9 to safety programs, health benefits, and living wages;

114.10 (2) require the service provider to meet established performance standards;

114.11 (3) prohibit the service provider from charging a fee to any person for the services
114.12 provided under the service agreement; and

114.13 (4) establish clear and reasonable timelines for reimbursement that are no less than
114.14 monthly.

114.15 Subd. 2. Collection of recyclables. If a household does not have access to collection
114.16 services at the equivalent level of service and convenience as collection services for mixed
114.17 municipal solid waste for covered materials on a list established under section 115A.1453,
114.18 subdivision 1, the producer responsibility organization must ensure that collection service
114.19 is available to the household through a service provider.

114.20 Subd. 3. Bidding processes. (a) For procurement of services for management of covered
114.21 materials and for infrastructure investments included under an approved stewardship plan,
114.22 a producer responsibility organization must use the competitive bidding processes established
114.23 in section 16C.28, subdivision 1, and publicly post bid opportunities when entering into
114.24 agreements with service providers that are not political subdivisions, except that preference
114.25 must be given to existing facilities, providers of services, and accounts in the state for waste
114.26 reduction, reuse, collection, recycling, and composting of covered materials.

114.27 (b) No producer or producer responsibility organization may own or partially own
114.28 infrastructure unless, after a bidding process described in paragraph (a), no service provider
114.29 bids on the contract, in which case the producer responsibility organization may make
114.30 infrastructure investments identified under an approved stewardship plan to implement the
114.31 requirements in sections 115A.144 to 115A.1462.

114.32 Subd. 4. Reimbursement rates. (a) Each service agreement must include reimbursement
114.33 rates for services that are based on formulas that:

- 115.1 (1) incorporate relevant cost information identified by the needs assessment;
- 115.2 (2) reflect conditions that affect waste reduction, reuse, collection, recycling, and
- 115.3 composting costs in the region or jurisdiction in which the services are provided, including
- 115.4 but not limited to:
- 115.5 (i) the number and size of households;
- 115.6 (ii) population density;
- 115.7 (iii) collections methods employed;
- 115.8 (iv) distance to consolidation or transfer facilities, reuse, recycling, or composting
- 115.9 facilities, or to responsible markets; and
- 115.10 (v) other factors that may contribute to regional or jurisdictional cost differences;
- 115.11 (3) reflect administrative costs of service providers, including education, public awareness
- 115.12 campaigns, and outreach program costs as applicable;
- 115.13 (4) reflect planned capital improvements to facilities and equipment costs;
- 115.14 (5) reflect the cost of managing contamination present in source-separated recyclable
- 115.15 materials and source-separated compostable materials, including disposal of contamination
- 115.16 and residuals;
- 115.17 (6) reflect the proportion of covered compostable materials within all source-separated
- 115.18 compostable materials collected or managed through composting; and
- 115.19 (7) reflect the cost of managing contamination and cleaning or sanitation needed for
- 115.20 reuse systems.
- 115.21 (b) Each service agreement with a service provider that is also a political subdivision
- 115.22 must include reimbursement rates that use a rate established in a contract between a political
- 115.23 subdivision and one or more service providers in place of paragraph (a), clauses (1) and
- 115.24 (2).
- 115.25 **Subd. 5. Local government authority.** (a) Nothing in sections 115A.144 to 115A.1462
- 115.26 shall be construed to require a political subdivision to agree to operate under a stewardship
- 115.27 plan or enter into a service agreement with a producer responsibility organization.
- 115.28 (b) Nothing in sections 115A.144 to 115A.1462 restricts the authority of a political
- 115.29 subdivision to provide waste management services to residents, to contract with any entity
- 115.30 to provide waste management services, or to exercise its authority granted under section
- 115.31 115A.94. A producer responsibility organization may not conduct activities that would

116.1 conflict, compete, or otherwise interfere with a political subdivision exercising its authority
116.2 under section 115A.94 to organize collection of solid waste, including materials collected
116.3 for recycling or composting, or to extend, renew, or otherwise manage any contracts entered
116.4 into as a result of exercising such authority or otherwise resulting from a competitive
116.5 procurement process.

116.6 Subd. 6. **Dispute.** There must be a dispute resolution process using third-party mediators
116.7 to resolve disputes related to reimbursements and service agreements.

116.8 **Sec. 16. [115A.1456] REPORTING.**

116.9 Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1,
116.10 2031, and each May 1 thereafter, a producer responsibility organization must submit a
116.11 written report to the commissioner that contains, at a minimum, the following information
116.12 for the previous calendar year:

116.13 (1) the amount of covered materials introduced by each covered materials type, reported
116.14 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

116.15 (2) progress toward the performance targets reported in the same units used to establish
116.16 producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide
116.17 and for each county, including:

116.18 (i) the amount of covered materials successfully waste reduced, reused, recycled, and
116.19 composted by covered materials type and the strategies or collection method used; and

116.20 (ii) information about third-party certifications obtained;

116.21 (3) the total cost to implement the program and a detailed description of program
116.22 expenditures, including:

116.23 (i) the total amount of producer fees collected in the current calendar year; and

116.24 (ii) a description of infrastructure investments made during the previous year;

116.25 (4) a copy of a financial audit of program operations conducted by an independent auditor
116.26 approved by the commissioner;

116.27 (5) a description of program performance problems that emerged in specific locations
116.28 and efforts taken or proposed by the producer responsibility organization to address them;

116.29 (6) a discussion of technical assistance provided to producers regarding toxic substances
116.30 in covered materials and actions taken by producers to reduce intentionally added toxic

117.1 substances in covered materials beyond compliance with prohibitions already established
117.2 in law through proof of testing or an analytical and scientifically demonstrated methodology;

117.3 (7) a description of public awareness, education, and outreach activities undertaken,
117.4 including any evaluations conducted of their efficacy, plans for next calendar year's activities,
117.5 and an evaluation of the process established by the producer responsibility organization to
117.6 answer questions from consumers regarding collection, recycling, composting, waste
117.7 reduction, and reuse activities;

117.8 (8) a summary of consultations held with the advisory board and how any feedback was
117.9 incorporated into the report as a result of the consultations, together with a list of rejected
117.10 recommendations and the reasons for rejection;

117.11 (9) a list of any producers found to be out of compliance with sections 115A.144 to
117.12 115A.1462, and actions taken by the producer responsibility organization to return the
117.13 producer to compliance, and notification of any producers that are no longer participating
117.14 in the producer responsibility organization or have been expelled due to their lack of
117.15 compliance;

117.16 (10) any proposed amendments to the stewardship plan to improve program performance
117.17 or reduce costs, including changes to producer fees, infrastructure investments, or
117.18 reimbursement formula and rates; and

117.19 (11) any information requested by the commissioner to assist with determining
117.20 compliance with sections 115A.144 to 115A.1462.

117.21 (b) Every fourth year after a stewardship plan is approved by the commissioner, a
117.22 performance audit of the program must be completed. The performance audit must conform
117.23 to audit standards established by the United States Government Accountability Office; the
117.24 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally
117.25 recognized organization approved by the commissioner.

117.26 Subd. 2. **Report following unmet target.** A producer responsibility organization that
117.27 fails to meet a performance target approved in a stewardship plan must, within 90 days of
117.28 filing an annual report under this section, file with the commissioner an explanation of the
117.29 factors contributing to the failure and propose an amendment to the stewardship plan
117.30 specifying changes in operations that the producer responsibility organization will make
117.31 that are designed to achieve the following year's targets. An amendment filed under this
117.32 subdivision must be reviewed by the advisory board and reviewed and approved by the
117.33 commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

118.1 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,
118.2 the commissioner must submit a report to the governor and to the chairs and ranking minority
118.3 members of the legislative committees with jurisdiction over solid waste. The report must
118.4 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during
118.5 the previous five years, a summary of the needs assessment, a link to reports filed under
118.6 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the
118.7 program, a list of efforts undertaken by the commissioner to enforce and secure compliance
118.8 with sections 115A.144 to 115A.1462, and any other information the commissioner deems
118.9 to be relevant.

118.10 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility
118.11 organizations with data necessary to complete the reports required by this section upon
118.12 request.

118.13 **Sec. 17. [115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**
118.14 **WEBSITES.**

118.15 A producer responsibility organization must maintain a website that uses best practices
118.16 for accessibility that contains, at a minimum:

118.17 (1) information regarding a process that members of the public can use to contact the
118.18 producer responsibility organization with questions;

118.19 (2) a directory of all service providers operating under the stewardship plan administered
118.20 by the producer responsibility organization, grouped by location or political subdivision,
118.21 and information about how to request service;

118.22 (3) registration materials submitted to the commissioner under section 115A.1443;

118.23 (4) the draft and approved stewardship plan and any draft and approved amendments;

118.24 (5) information on how to manage covered materials included on the lists established
118.25 by the commissioner under section 115A.1453;

118.26 (6) information on reuse systems and waste reduction systems operating according to
118.27 sections 115A.144 to 115A.1462;

118.28 (7) the most recent list of exempt materials approved by the commissioner under section
118.29 115A.1453;

118.30 (8) the most recent needs assessment and all past needs assessments;

118.31 (9) annual reports filed by the producer responsibility organization;

119.1 (10) a link to administrative rules implementing sections 115A.144 to 115A.1462;

119.2 (11) comments of the advisory board on the documents listed in clauses (4) and (8), and
119.3 the responses of the producer responsibility organization to those comments;

119.4 (12) the names of producers and brands that are not in compliance with section
119.5 115A.1448;

119.6 (13) a list, that is updated at least monthly, of all member producers that will operate
119.7 under the stewardship plan administered by the producer responsibility organization and,
119.8 for each producer, a list of all brands of the producer's covered materials introduced in the
119.9 state; and

119.10 (14) education materials on waste reduction, reuse, recycling, and composting for
119.11 producers and the general public.

119.12 **Sec. 18. [115A.1458] ANTICOMPETITIVE CONDUCT.**

119.13 A producer responsibility organization that arranges collection, recycling, composting,
119.14 waste reduction, or reuse services under sections 115A.144 to 115A.1462 may engage in
119.15 anticompetitive conduct to the extent necessary to plan and implement collection, recycling,
119.16 composting, waste reduction, or reuse systems to meet the obligations under sections
119.17 115A.144 to 115A.1462, and is immune from liability under state laws relating to antitrust,
119.18 restraint of trade, and unfair trade practices.

119.19 **Sec. 19. [115A.1459] RULEMAKING.**

119.20 The commissioner may adopt rules to implement sections 115A.144 to 115A.1462. The
119.21 18-month time limit under section 14.125 does not apply to the commissioner's rulemaking
119.22 authority under this section.

119.23 **Sec. 20. [115A.1460] PROVIDING INFORMATION.**

119.24 Upon request of the commissioner for purposes of determining compliance with sections
119.25 115A.144 to 115A.1462, or for purposes of implementing sections 115A.144 to 115A.1462,
119.26 a person must furnish to the commissioner any information that the person has or may
119.27 reasonably obtain.

120.1 Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

120.2 It is the intent of the legislature that if a bottle deposit return system is enacted in the
120.3 future, it will be harmonized with sections 115A.144 to 115A.1462 in a manner that ensures
120.4 that:

120.5 (1) materials covered in that system are exempt from sections 115A.144 to 115A.1462
120.6 or related financial obligations are reduced;

120.7 (2) colocation of drop-off facilities and alternative collection sites is maximized;

120.8 (3) education and outreach is integrated between the two programs; and

120.9 (4) waste reduction and reuse strategies are prioritized between the two programs.

120.10 Sec. 22. **[115A.1462] ENFORCEMENT.**

120.11 (a) The commissioner must enforce sections 115A.144 to 115A.1462 as provided under
120.12 this section and sections 115.071 and 116.072. The commissioner may revoke a registration
120.13 of a producer responsibility organization or producer found to have violated sections
120.14 115A.144 to 115A.1462.

120.15 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and
120.16 except as otherwise provided in paragraph (c), a person that violates or fails to perform a
120.17 duty imposed by sections 115A.144 to 115A.1462 or any rule adopted thereunder is liable
120.18 for a civil penalty not to exceed \$25,000 per day of violation.

120.19 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a
120.20 producer responsibility organization or producer that violates a provision of or fails to
120.21 perform a duty imposed by sections 115A.144 to 115A.1462, a rule adopted thereunder, or
120.22 requirements of a stewardship plan approved by the commissioner, is liable for a civil
120.23 penalty not to exceed \$25,000 per day of violation. For a second violation occurring within
120.24 five years after the approval of a stewardship plan, a producer responsibility organization
120.25 or producer is liable for a civil penalty not to exceed \$50,000 per day of violation. For a
120.26 third or subsequent violation occurring within five years after the approval of a stewardship
120.27 plan, a producer responsibility organization or producer is liable for a civil penalty not to
120.28 exceed \$100,000 per day of violation.

120.29 Sec. 23. **WORKPLACE CONDITIONS AND EQUITY STUDY.**

120.30 (a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract
120.31 with a third party that is not a producer or a producer responsibility organization to conduct

121.1 a study of the recycling, composting, and reuse facilities operating in the state. The study
121.2 must analyze, at a minimum, information about:

121.3 (1) working conditions, wage and benefit levels, and employment levels of minorities
121.4 and women at those facilities;

121.5 (2) barriers to ownership of recycling, composting, and reuse operations faced by women
121.6 and minorities;

121.7 (3) the degree to which residents of multifamily buildings have less convenient access
121.8 to recycling, composting, and reuse opportunities than those living in single-family homes;

121.9 (4) the degree to which environmental justice areas have access to fewer recycling,
121.10 composting, and reuse opportunities compared to other parts of the state;

121.11 (5) the degree to which programs to increase access, convenience, and education are
121.12 successful in raising reuse, recycling, and composting rates in areas where participation in
121.13 these activities is low;

121.14 (6) strategies to increase participation in reuse, recycling, and composting; and

121.15 (7) the degree to which residents and workers in environmental justice areas are impacted
121.16 by emissions, toxic substances, and other pollutants from solid waste facilities in comparison
121.17 to other areas of the state and provide recommendations to mitigate those impacts.

121.18 (b) The initial producer responsibility organization registered by the commissioner under
121.19 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
121.20 the study through its annual registration fee and recommended actions identified in the study
121.21 must be considered as part of future stewardship plans as required under Minnesota Statutes,
121.22 section 115A.1451, including adjustments to service provider agreements and reimbursements
121.23 as established under Minnesota Statutes, section 115A.1455.

121.24 **Sec. 24. COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

121.25 (a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation
121.26 with the commissioners of health and natural resources, must contract with a third party
121.27 that is not a producer or a producer responsibility organization to conduct a study to identify
121.28 the contribution of covered products to litter and water pollution in Minnesota. The report
121.29 must at a minimum:

121.30 (1) analyze historical and current environmental and human health impacts of littered
121.31 covered materials and their associated toxic substances in the environment;

121.32 (2) estimate the cost of cleanup and prevention; and

122.1 (3) provide recommendations for how to reduce and mitigate the impacts of litter in the
 122.2 state.

122.3 (b) The contracted third party must consult with units of local government, the
 122.4 commissioners of health and natural resources, and environmental justice organizations.

122.5 (c) The initial producer responsibility organization registered by the commissioner under
 122.6 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
 122.7 the study through its annual registration fee and recommended actions identified in the study
 122.8 must be considered as part of future stewardship plans, as required under Minnesota Statutes,
 122.9 section 115A.1451.

122.10 ARTICLE 6

122.11 FERAL SWINE AND FUR FARMS

122.12 Section 1. Minnesota Statutes 2023 Supplement, section 17.457, as amended by Laws
 122.13 2024, chapter 85, section 8, is amended to read:

122.14 **17.457 RESTRICTED SPECIES.**

122.15 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

122.16 (b) "Commissioner" means the commissioner of agriculture or the commissioner's
 122.17 designee.

122.18 (c) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

122.19 ~~(e)~~ (d) "Restricted species" means ~~Eurasian wild pigs and their hybrids (*Sus scrofa*~~
 122.20 ~~subspecies and *Sus scrofa* hybrids)~~ pigs, boars, peccaries, and all other members of the
 122.21 Suidae family and the Tayassuidae family, excluding domestic hogs (*S. scrofa domesticus*).

122.22 ~~(d)~~ (e) "Release" means an intentional introduction or persistent accidental escape of a
 122.23 restricted species or domestic hog from the control of the owner or responsible party. Release
 122.24 does not mean an accidental escape of restricted species or domestic hogs due to a
 122.25 transportation accident or an act of God.

122.26 Subd. 2. ~~Importation; possession; release of Restricted species permit required.~~ It
 122.27 is unlawful for a person to import, possess, propagate, or transport, or release a restricted
 122.28 species, unless the person has a permit as described in subdivision 3.

122.29 Subd. 2a. Release of restricted species or domestic hogs prohibited. (a) It is unlawful
 122.30 for a person to release restricted species or domestic hogs.

123.1 (b) In addition to the penalties in subdivision 6, a person who violates paragraph (a)
123.2 must do the following at the person's expense and by the date and time specified by the
123.3 commissioner:

123.4 (1) register their premises with the Board of Animal Health;

123.5 (2) implement the confinement standards and record-keeping requirements developed
123.6 by the Board of Animal Health; and

123.7 (3) reimburse the commissioner for costs incurred to annually inspect the registered
123.8 premises and verify compliance with clause (2).

123.9 Subd. 3. **Permits.** The commissioner may issue permits for the transportation, possession,
123.10 purchase, or importation of restricted species only for scientific, research, or educational,
123.11 ~~or commercial~~ purposes. A permit issued under this subdivision may be revoked by the
123.12 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
123.13 act or omission, including accidental escapes.

123.14 Subd. 4. **Notice of release of restricted species or domestic hogs.** In the event of a
123.15 release of a restricted species or domestic hog, the owner must notify within 24 hours a
123.16 conservation officer and the Board of Animal Health and is responsible for the recovery of
123.17 the species. ~~The commissioner may capture or destroy the released animal at the owner's~~
123.18 ~~expense.~~ If the owner does not provide notification or fails to recover the animal within 72
123.19 hours of providing notification, the released animal is considered feral swine under section
123.20 97A.56, is no longer the personal property of the owner, and may be captured or destroyed
123.21 at the former owner's expense by a peace officer or by the commissioner of natural resources
123.22 under section 97A.045, subdivision 1, paragraph (b), or other authority.

123.23 Subd. 5. **Enforcement.** (a) This section may be enforced by a peace officer, an
123.24 enforcement officer under sections 97A.205 and 97A.211, and, except as provided in
123.25 paragraph (b), by the commissioner under sections 17.982 to 17.983.

123.26 (b) For the first violation of this section, the commissioner may impose an administrative
123.27 penalty of no more than \$1,000. For a second violation, the commissioner may impose an
123.28 administrative penalty of no more than \$1,500. For a third or succeeding violation, the
123.29 commissioner may impose an administrative penalty of no more than \$3,000 for each
123.30 violation.

123.31 Subd. 6. **Penalty Penalties.** (a) A person who violates subdivision 2, 2a, 4, or 7 is guilty
123.32 of a misdemeanor.

124.1 (b) A person who violates subdivision 2a, paragraph (a), is liable to the state for costs
124.2 associated with a release. The attorney general may enforce this paragraph on behalf of any
124.3 state agency affected.

124.4 Subd. 7. **Identification requirements.** A restricted species in the possession of a person
124.5 must be marked in a permanent fashion to identify ownership. The restricted species must
124.6 be marked as soon as practicable after birth or purchase.

124.7 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
124.8 natural resources, shall develop criteria for approved containment measures for restricted
124.9 species.

124.10 Subd. 9. **Bond; security.** A person who possesses restricted species must provide proof
124.11 of insurance or file a security bond with the commissioner in an amount determined by the
124.12 commissioner to pay for the potential costs and damages that would be caused by the release
124.13 of a restricted species.

124.14 Subd. 10. **Fee.** The commissioner may impose a fee for permits in an amount sufficient
124.15 to cover the costs of issuing the permits and for facility inspections. The fee may not exceed
124.16 \$50. Fee receipts must be deposited in the general fund.

124.17 Sec. 2. Minnesota Statutes 2022, section 97A.105, is amended to read:

124.18 **97A.105 GAME ~~AND FUR~~ FARMS.**

124.19 Subdivision 1. **License requirements.** (a) A person may breed and propagate ~~fur-bearing~~
124.20 ~~animals~~, game birds, bear, or mute swans only on privately owned or leased land and after
124.21 obtaining a license. Any of the permitted animals on a game farm may be sold to other
124.22 licensed game farms. "Privately owned or leased land" includes waters that are shallow or
124.23 marshy, are not actually navigable, and are not of substantial beneficial public use. Before
124.24 an application for a license is considered, the applicant must enclose the area to sufficiently
124.25 confine the animals to be raised in a manner approved by the commissioner. A license may
124.26 be granted only if the commissioner finds the application is made in good faith with intention
124.27 to actually carry on the business described in the application and the commissioner determines
124.28 that the facilities are adequate for the business.

124.29 (b) A person may purchase live game birds or their eggs without a license if the birds
124.30 or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed
124.31 for consumption within one year after they were purchased or hatched. This paragraph does
124.32 not apply to the purchase of migratory waterfowl or their eggs.

125.1 (c) A person may not introduce mute swans into the wild without a permit issued by the
125.2 commissioner.

125.3 Subd. 2. **Transfer of license.** (a) A game ~~or fur~~ farm license is transferable with the
125.4 transfer of all or a portion of the title or leasehold of the land if:

125.5 (1) the land transferred complies with the license requirements;

125.6 (2) the land is used for the purposes of the license; and

125.7 (3) a verified written report of the existing and intended land use is made to the
125.8 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
125.9 transferring the corresponding title or leasehold in the enclosed land.

125.10 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
125.11 partner or associate in the ownership or operation of a game ~~or fur~~ farm must obtain a
125.12 separate license.

125.13 Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species
125.14 identified in the license, that are within the enclosure are the property of the game ~~and fur~~
125.15 farm licensee.

125.16 Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed ~~fur or~~ game
125.17 farm is not valid unless the animals are delivered to the purchaser or they are identified and
125.18 kept separately.

125.19 (b) Live animals sold through auction or through a broker are considered to be sold by
125.20 the game farm licensee.

125.21 (c) The sale agreement or contract must be in writing. The licensee must notify a
125.22 purchaser of the death of an animal within 30 days and of the number of increase before
125.23 July 20 of each year.

125.24 Subd. 5. **Sale of pelts products.** The commissioner shall prescribe:

125.25 (1) the manner that ~~pelts and~~ products of wild animals raised on ~~fur or~~ game farms may
125.26 be sold or transported; and

125.27 (2) the tags or seals to be affixed to the ~~pelts and~~ products.

125.28 Subd. 6. **Fox and mink.** ~~Fox and mink may not be bought or sold for breeding or~~
125.29 ~~propagating unless they have been pen-bred for at least two generations.~~

125.30 Subd. 7. **Transporting live beaver.** ~~Live beaver may not be transported without a permit~~
125.31 ~~from the commissioner.~~

126.1 Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects
126.2 all wild animals on the game ~~or fur~~ farm to confiscation.

126.3 Subd. 9. **Rules.** The commissioner may adopt rules for:

126.4 (1) ~~the issuance of~~ issuing game farm licenses;

126.5 (2) ~~the inspection of~~ inspecting game farm facilities;

126.6 (3) ~~the acquisition and disposal~~ acquiring and disposing of game farm animals; and

126.7 (4) record keeping and reporting by game farm licensees, including transactions handled
126.8 by auction or broker.

126.9 Sec. 3. [97A.106] FUR FARMS.

126.10 Subdivision 1. License requirements. A person may breed and propagate fur-bearing
126.11 animals only on privately owned or leased land and after obtaining a license. Any of the
126.12 permitted animals on a fur farm may be sold to other licensed fur farms. "Privately owned
126.13 or leased land" includes waters that are shallow or marshy, are not actually navigable, and
126.14 are not of substantial beneficial public use. Before an application for a license is considered,
126.15 the applicant must enclose the area to sufficiently confine the animals to be raised in a
126.16 manner approved by the commissioner. A license may be granted only if the commissioner
126.17 finds the application is made in good faith with intention to actually carry on the business
126.18 described in the application and the commissioner determines that the facilities are adequate
126.19 for the business.

126.20 Subd. 2. Transfer of license. (a) A fur farm license is transferable with the transfer of
126.21 all or a portion of the title or leasehold of the land if:

126.22 (1) the land transferred complies with the license requirements;

126.23 (2) the land is used for the purposes of the license; and

126.24 (3) a verified written report of the existing and intended land use is made to the
126.25 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
126.26 transferring the corresponding title or leasehold in the enclosed land.

126.27 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
126.28 partner or associate in the ownership or operation of a fur farm must obtain a separate
126.29 license.

126.30 Subd. 3. License fee. For each fur farm, the owner must, on or before January 1, pay to
126.31 the commissioner an annual fee of \$250.

127.1 Subd. 4. **Fur farm account.** The fur farm account is established in the game and fish
127.2 fund. Fees collected under this section and interest attributable to money in the account
127.3 must be deposited in the account. Money in the account, including interest earned, is
127.4 appropriated to the commissioner for administration and enforcement of this section.

127.5 Subd. 5. **Ownership of wild animals.** All wild animals and their offspring, of the species
127.6 identified in the license, that are within the enclosure are the property of the fur farm licensee.

127.7 Subd. 6. **Containment and disease control.** The commissioner, in consultation with
127.8 the Board of Animal Health and the commissioners of agriculture and health, must develop:

127.9 (1) containment and disposal requirements for farmed fur-bearers; and

127.10 (2) farmed fur-bearer disease testing and reporting requirements.

127.11 Subd. 7. **Sale of live animals.** (a) A sale of live animals from a licensed fur farm is not
127.12 valid unless the animals are delivered to the purchaser or they are identified and kept
127.13 separately.

127.14 (b) Live animals sold through auction or through a broker are considered to be sold by
127.15 the fur farm licensee.

127.16 (c) The sale agreement or contract must be in writing. The licensee must notify a
127.17 purchaser of the death of an animal within 30 days and of the number of increase before
127.18 July 20 of each year.

127.19 Subd. 8. **Sale of pelts and products.** The commissioner must prescribe:

127.20 (1) the manner that pelts and products of wild animals raised on fur farms may be sold
127.21 or transported; and

127.22 (2) the tags or seals to be affixed to the pelts and products.

127.23 Subd. 9. **Fox and mink.** Fox and mink may not be bought or sold for breeding or
127.24 propagating unless they have been pen-bred for at least two generations.

127.25 Subd. 10. **Transporting live beaver.** Live beaver may not be transported without a
127.26 permit from the commissioner.

127.27 Subd. 11. **Penalty.** A licensee that does not comply with a provision of this section
127.28 subjects all wild animals on the fur farm to confiscation.

127.29 Subd. 12. **Rules.** The commissioner may adopt rules for:

127.30 (1) issuing fur farm licenses;

127.31 (2) inspecting fur farm facilities;

128.1 (3) acquiring fur farm animals; and

128.2 (4) record keeping and reporting by fur farm licensees, including transactions handled
128.3 by auction or broker.

128.4 Sec. 4. Minnesota Statutes 2022, section 97A.56, subdivision 1, is amended to read:

128.5 Subdivision 1. **Definition.** ~~For purposes of this section,~~ (a) The definitions in this
128.6 subdivision apply to this section.

128.7 (b) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

128.8 (c) "Feral swine" means a member an animal of the genus and species *Sus scrofa* family
128.9 Suidae or Tayassuidae that lives in the wild- or has lived in the wild during any part of the
128.10 animal's lifetime. Feral swine includes released domestic hogs, unless the owner satisfies
128.11 the notification requirements of section 17.457, subdivision 4, and recovers the released
128.12 domestic hogs within 72 hours of notification.

128.13 (d) "Release" has the meaning given under section 17.457, subdivision 1.

128.14 Sec. 5. Minnesota Statutes 2022, section 97A.56, subdivision 2, is amended to read:

128.15 Subd. 2. **Prohibited actions; penalty.** (a) Unless authorized by permit under section
128.16 17.457, subdivision 3, a person may not possess or release feral swine ~~or swine that were~~
128.17 ~~feral during any part of the swine's lifetime~~ or otherwise allow feral swine to run at large.

128.18 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner
128.19 for feral swine control or eradication. It is not a violation of this section if a person shoots
128.20 a feral swine and reports the taking to the commissioner within 24 hours. All feral swine
128.21 taken in this manner must be surrendered to the commissioner.

128.22 (c) A person who violates this subdivision is guilty of a misdemeanor.

128.23 (d) A person who violates this subdivision is liable for the actual costs incurred by the
128.24 state for the possession or release of the feral swine.

128.25 (e) A person who violates this subdivision is liable for the damages caused by the
128.26 possession or release of the feral swine.

128.27 Sec. 6. Minnesota Statutes 2022, section 97A.56, is amended by adding a subdivision to
128.28 read:

128.29 Subd. 4. **Domestic hogs and feral swine response protocols.** The commissioner, in
128.30 cooperation with the commissioner of agriculture and the Board of Animal Health, must

129.1 develop protocols for responding to the release of domestic hogs and feral swine, including
129.2 reporting requirements, interagency communications, and other actions necessary to resolve
129.3 the release.

129.4 Sec. 7. **OUTREACH REQUIRED.**

129.5 The commissioners of agriculture and natural resources and the Board of Animal Health
129.6 must jointly develop, and jointly or separately promote and provide to the public, current
129.7 and consistent outreach materials concerning:

129.8 (1) swine containment methods;

129.9 (2) sources of technical and financial assistance for small or hobby farms;

129.10 (3) the importance of preventing the establishment of feral hog populations;

129.11 (4) penalties for the accidental or intentional release of swine;

129.12 (5) effective and lawful methods of feral hog control; and

129.13 (6) other topics as identified by the commissioners and the board.

129.14 Sec. 8. **REPEALER.**

129.15 Minnesota Statutes 2022, section 17.353, is repealed.

129.16 **ARTICLE 7**

129.17 **MISCELLANEOUS**

129.18 Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision
129.19 to read:

129.20 Subd. 18a. **Pesticide-treated seed.** "Pesticide-treated seed" means seed that has a
129.21 pesticide directly applied to the seed before planting and is classified by the United States
129.22 Environmental Protection Agency as a treated article under Code of Federal Regulations,
129.23 title 40, section 152.25(a), and exempt from regulation under FIFRA.

129.24 Sec. 2. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to
129.25 read:

129.26 Subd. 20a. **Nitrogen inhibitor.** "Nitrogen inhibitor" means a compound that inhibits
129.27 the urease or nitrification of nitrogen fertilizer.

130.1 Sec. 3. Minnesota Statutes 2022, section 21.81, is amended by adding a subdivision to
130.2 read:

130.3 Subd. 35. **Systemic pesticide.** "Systemic pesticide" means a pesticide designed to be
130.4 absorbed by plants and translocated throughout plant tissue. Systemic pesticide includes:

130.5 (1) acetamiprid, dinotefuran, clothianidin, thiamethoxam, imidacloprid, nitenpyram,
130.6 thiacloprid, fipronil, flupyradifurone, sulfoxaflor, cyantraniliprole, or chlorantraniliprole;
130.7 and

130.8 (2) any other pesticide determined by the commissioner to be a systemic pesticide,
130.9 including any chemical belonging to the neonicotinoid or anthranilic diamide class.

130.10 Sec. 4. Minnesota Statutes 2023 Supplement, section 21.86, subdivision 2, is amended to
130.11 read:

130.12 Subd. 2. **Miscellaneous violations.** No person may:

130.13 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
130.14 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
130.15 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
130.16 misleading impression as to kind, variety, history, quality, or origin of the seed;

130.17 (b) hinder or obstruct in any way any authorized person in the performance of duties
130.18 under sections 21.80 to 21.92;

130.19 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
130.20 any lot of seed held under a stop sale order or attached tags, except with express permission
130.21 of the enforcing officer for the purpose specified;

130.22 (d) use the word "type" in any labeling in connection with the name of any agricultural
130.23 seed variety;

130.24 (e) use the word "trace" as a substitute for any statement which is required;

130.25 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
130.26 weed seeds in excess of the limits for that seed;

130.27 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
130.28 without permission of the patent or certificate holder of the intellectual property associated
130.29 with the variety of seed; ~~or~~

130.30 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid
130.31 pesticide; or

131.1 (i) beginning January 1, 2026, advertise, sell, or offer for sale any vegetable seed, flower
131.2 seed, wildflower seed, grass seed, shrub seed, tree seed, or other seed that is not advertised,
131.3 sold, or offered for sale as agricultural seed, if the seed is treated with neonicotinoid pesticide.

131.4 Sec. 5. Minnesota Statutes 2023 Supplement, section 41A.30, subdivision 1, is amended
131.5 to read:

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

131.8 (b) "Aircraft" has the meaning given in section 296A.01, subdivision 3.

131.9 (c) "Aviation gasoline" has the meaning given in section 296A.01, subdivision 7.

131.10 (d) "Commissioner" means the commissioner of agriculture.

131.11 (e) "Jet fuel" has the meaning given in section 296A.01, subdivision 8.

131.12 (f) "Qualified clean hydrogen" has the meaning given in United States Code, title 26,
131.13 section 45V(c)(2).

131.14 ~~(f)~~ (g) "Qualifying taxpayer" means a taxpayer, as defined in section 290.01, subdivision
131.15 6, that is engaged in the business of:

131.16 (1) producing sustainable aviation fuel; or

131.17 (2) blending sustainable aviation fuel with aviation gasoline or jet fuel.

131.18 ~~(g)~~ (h) "Sustainable aviation fuel" means liquid fuel that:

131.19 (1) is derived from biomass, as defined in section 41A.15, subdivision 2e;

131.20 (2) is not derived from palm fatty acid distillates; and

131.21 (3) achieves at least a 50 percent life cycle greenhouse gas emissions reduction in
131.22 comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel as
131.23 determined by a test that shows:

131.24 (i) that the fuel production pathway achieves at least a 50 percent life cycle greenhouse
131.25 gas emissions reduction in comparison with petroleum-based aviation gasoline, aviation
131.26 turbine fuel, and jet fuel utilizing the most recent version of Argonne National Laboratory's
131.27 Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies (GREET) model
131.28 that accounts for reduced emissions throughout the fuel production process; or

131.29 (ii) that the fuel production pathway achieves at least a 50 percent reduction of the
131.30 aggregate attributional core life cycle emissions and the positive induced land use change

132.1 values under the life cycle methodology for sustainable aviation fuels adopted by the
132.2 International Civil Aviation Organization with the agreement of the United States.

132.3 Sec. 6. Minnesota Statutes 2023 Supplement, section 116P.09, subdivision 6, is amended
132.4 to read:

132.5 Subd. 6. **Conflict of interest.** (a) A commission member, a technical advisory committee
132.6 member, a peer reviewer, or an employee of the commission may not participate in or vote
132.7 on a decision of the commission, advisory committee, or peer review relating to an
132.8 organization in which the member, peer reviewer, or employee has either a direct or indirect
132.9 personal financial interest. While serving on the commission or technical advisory committee
132.10 or as a peer reviewer or while an employee of the commission, a person must avoid any
132.11 potential conflict of interest.

132.12 (b) A commission member may not vote on a motion regarding the purchase of land
132.13 under section 116P.18 or the final recommendations of the commission required under
132.14 section 116P.05, subdivision 2, paragraph (a), if the motion relates to an organization in
132.15 which the member has a direct personal financial interest. If a commission member is
132.16 prohibited from voting under this paragraph, the number of affirmative votes required under
132.17 section 116P.05, subdivision 2, paragraph (a), or section 116P.18 is reduced by the number
132.18 of members ineligible to vote under this paragraph.

132.19 Sec. 7. Minnesota Statutes 2023 Supplement, section 116P.18, is amended to read:

132.20 **116P.18 LANDS IN PUBLIC DOMAIN.**

132.21 Money appropriated from the trust fund must not be used to purchase any land in fee
132.22 title or a permanent conservation easement if the land in question is fully or partially owned
132.23 by the state or a political subdivision of the state or was acquired fully or partially with state
132.24 money, unless:

132.25 (1) the purchase creates additional direct benefit to the protection, conservation,
132.26 preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural
132.27 resources; and

132.28 (2) the purchase is approved, prior to the acquisition, by an affirmative vote of at least
132.29 11 members of the commission, except as provided under section 116P.09, subdivision 6,
132.30 paragraph (b).

133.1 Sec. 8. [473.355] COMMUNITY TREE-PLANTING GRANTS.

133.2 Subdivision 1. Definition. For the purposes of this section, "shade tree" means a woody
133.3 perennial grown primarily for aesthetic or environmental purposes with minimal to residual
133.4 timber value.

133.5 Subd. 2. Grants. (a) The Metropolitan Council must establish a grant program to provide
133.6 grants to cities, counties, townships, and implementing agencies for the following purposes:

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

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

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

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

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

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

133.16 (2) projects located in whole or in part in a census tract where at least three of the
133.17 following apply, as determined using the most recently published data from the United
133.18 States Census Bureau or United States Centers for Disease Control and Prevention:

133.19 (i) 20 percent or more of the residents have income below the federal poverty thresholds;

133.20 (ii) the tract has a United States Centers for Disease Control and Prevention Social
133.21 Vulnerability Index greater than 0.80;

133.22 (iii) the upper limit of the lowest quintile of household income is less than the state upper
133.23 limit of the lowest quintile;

133.24 (iv) the housing vacancy rate is greater than the state average; or

133.25 (v) the percent of the population receiving Supplemental Nutrition Assistance Program
133.26 (SNAP) benefits is greater than the state average.

133.27 (b) The Metropolitan Council may not prioritize projects based on criteria other than
133.28 the criteria established under paragraph (a).

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.

84.033 SCIENTIFIC AND NATURAL AREAS.

Subd. 3. **County approval.** The commissioner must follow the procedures under section 97A.145, subdivision 2, when acquiring land for designation as a scientific and natural area under this section.

84.926 VEHICLE USE ON PUBLIC LANDS; EXCEPTIONS.

Subdivision 1. **Exception by permit.** Notwithstanding sections 84.773, subdivision 1, and 84.777, on a case-by-case basis, the commissioner may issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

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

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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.

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.

Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws 2007, chapter 57, article 1, section 155;

Sec. 167. **FOREST LAND OFF-HIGHWAY VEHICLE USE RECLASSIFICATION.**

Subdivision 1. **Forest classification status review.** (a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed or limited, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. Except as provided in paragraph (d), after each forest is reviewed, the commissioner must change ~~its~~ the status of the lands within each forest to limited or closed, and. The commissioner may classify portions of a limited forest as closed. The commissioner must also provide a similar status for each of the other areas subject to review under this section after each individual review is completed.

(b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section.

(c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed.

(d) Notwithstanding the restrictions in paragraph (a), and Minnesota Statutes, section 84.777, subdivision 1, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, that are north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950. The commissioner shall provide for seasonal trail closures when conditions warrant them. By December 31, 2008, the commissioner shall complete the review and designate trails on forest lands north of Highway 2 as provided in this section.

6100.0500 DEFINITIONS.

Subp. 8d. **Scramble area.** "Scramble area" means an area that is posted and designated to permit motor vehicles to operate unrestricted by the limitations imposed in part 6100.1950.