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State of Minnesota

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

1.1 A bill for an act

1.2 relating to state government; modifying disposition of certain state revenue and

1.3 property; modifying remedies, penalties, and enforcement; providing for boat wrap

1.4 product stewardship; providing for compliance protocols for certain air pollution

1.5 facilities; providing for recovery of certain state costs; establishing certain priorities

1.6 in 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; modifying game and fish laws;

1.10 modifying Water Law; establishing Packaging Waste and Cost Reduction Act;

1.11 providing for domestic hog control; modifying fur farm provisions; modifying

1.12 pesticide and fertilizer regulation; modifying agricultural development provisions;

1.13 creating task force; classifying data; providing criminal penalties; requiring studies

1.14 and reports; requiring rulemaking; appropriating money; amending Minnesota

1.15 Statutes 2022, sections 13.7931, by adding a subdivision; 16A.125, subdivision

1.16 5; 16A.152, subdivision 1b; 18B.01, by adding a subdivision; 18C.005, by adding

1.17 a subdivision; 21.81, by adding a subdivision; 84.027, subdivision 12; 84.0895,

1.18 subdivision 1; 84.777, subdivisions 1, 3, by adding a subdivision; 84.871; 84.943,

1.19 subdivision 5, by adding a subdivision; 88.82; 89.36, subdivision 1; 89.37,

1.20 subdivision 3; 93.0015, subdivision 3; 97A.015, by adding a subdivision; 97A.105;

1.21 97A.341, subdivisions 1, 2, 3; 97A.345; 97A.425, subdivision 4, by adding a

1.22 subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97A.512; 97A.56,

1.23 subdivisions 1, 2, by adding a subdivision; 97B.001, by adding a subdivision;

1.24 97B.022, subdivisions 2, 3; 97B.516; 97C.001, subdivision 2; 97C.005, subdivision

1.25 2; 97C.395, as amended; 97C.411; 103B.101, subdivisions 12, 12a; 103F.211,

1.26 subdivision 1; 103F.48, subdivision 7; 103G.005, subdivision 15; 103G.315,

1.27 subdivision 15; 115.071, subdivisions 1, 3, 4, by adding subdivisions; 115A.02;

1.28 115A.03, by adding a subdivision; 115A.5502; 115B.421; 116.07, subdivision 9,

1.29 by adding subdivisions; 116.072, subdivisions 2, 5; 116.11; 116.92, by adding a

1.30 subdivision; 116D.02, subdivision 2; 473.845, by adding a subdivision; Minnesota

1.31 Statutes 2023 Supplement, sections 16A.152, subdivision 2; 17.457, as amended;

1.32 21.86, subdivision 2; 41A.30, subdivisions 1, 3; 97B.071; 103B.104; 103F.06, by

1.33 adding a subdivision; 103G.301, subdivision 2; 115.03, subdivision 1; 116P.09,

1.34 subdivision 6; 116P.18; Laws 2023, chapter 60, article 1, section 3, subdivision

1.35 10; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97C;

1.36 103F; 115A; 116; 473; repealing Minnesota Statutes 2022, sections 17.353; 84.033,

1.37 subdivision 3; 84.926, subdivision 1; 97B.802; 115A.5501; Laws 2003, chapter

2.1 128, article 1, section 167, subdivision 1, as amended; Minnesota Rules, part
2.2 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 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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

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

6.21 (b) \$286,000 in fiscal year 2025 is appropriated from the general fund to the Board of
6.22 Water and Soil Resources for implementation of the drain tile seller's disclosure requirements
6.23 under Minnesota Statutes, section 103F.49, and for educational efforts and demonstration
6.24 projects consistent with the duties to manage the public drainage manual and work group
6.25 under Minnesota Statutes, section 103B.101, subdivision 13. This is a onetime appropriation
6.26 and is available until June 30, 2026. The base for this appropriation in fiscal year 2026 and
6.27 thereafter is \$325,000.

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

6.29 (a) \$8,000,000 in fiscal year 2025 is appropriated from the general fund to the
6.30 Metropolitan Council for community tree-planting grants under Minnesota Statutes, section
6.31 473.355. Of this amount, \$600,000 is for a grant to the city of South St. Paul. This is a
6.32 onetime appropriation and is available until June 30, 2026.

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

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

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

7.10 \$150,000 in fiscal year 2025 is appropriated from the natural resources fund to the
7.11 Minnesota Zoological Board to plant trees at the Minnesota Zoological Garden. This
7.12 appropriation is from revenue deposited under Minnesota Statutes, section 297A.94,
7.13 paragraph (h), clause (5). This is a onetime appropriation and is available until June 30,
7.14 2026.

7.15 **Sec. 6. APPROPRIATION EXTENSIONS.**

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

7.19 (b) The appropriations in Laws 2023, chapter 60, article 1, section 3, subdivision 3,
7.20 paragraph (j), for grants to the Minnesota Aquatic Invasive Species Research Center at the
7.21 University of Minnesota for research-based solutions to reduce the effect of aquatic invasive
7.22 species are available as follows: the general fund appropriations are available until June 30,
7.23 2025, and the heritage enhancement account appropriations are available until June 30,
7.24 2026.

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

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

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

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

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

8.4 (a) \$110,000,000 the first year is for
 8.5 modernizing Minnesota's state-managed
 8.6 outdoor recreation experiences. Of this
 8.7 amount:

8.8 (1) \$25,000,000 is for enhancing access and
 8.9 welcoming new users to public lands and
 8.10 outdoor recreation facilities, including
 8.11 improvements to improve climate resiliency;

8.12 (2) \$5,000,000 is for modernizing camping
 8.13 and related infrastructure, including
 8.14 improvements to improve climate resiliency;

8.15 (3) \$35,000,000 is for modernizing fish
 8.16 hatcheries and fishing infrastructure. Of this
 8.17 amount, up to \$366,000 is for installing
 8.18 continuous water-quality monitoring devices;

8.19 (4) \$10,000,000 is for restoring streams and
 8.20 modernizing water-related infrastructure with
 8.21 priority given to fish habitat improvements,
 8.22 dam removal, and improvements to improve
 8.23 climate resiliency; and

8.24 (5) \$35,000,000 is for modernizing boating
 8.25 access.

8.26 (b) Priority for money allocated under
 8.27 paragraph (a), clauses (1), (3), (4), and (5),
 8.28 must be given to projects where communities
 8.29 are currently underserved.

8.30 (c) The commissioner may reallocate money
 8.31 appropriated in paragraph (a) across those
 8.32 purposes based on project readiness and

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

9.3 (d) No later than November 30 each year, the
9.4 commissioner must provide a progress report
9.5 on the expenditure of money appropriated
9.6 under this subdivision to the chairs of the
9.7 legislative committees with jurisdiction over
9.8 environment and natural resources finance.

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

9.10 **ARTICLE 2**

9.11 **POLLUTION CONTROL**

9.12 Section 1. Minnesota Statutes 2022, section 16A.152, subdivision 1b, is amended to read:

9.13 Subd. 1b. **Budget reserve level.** (a) The commissioner of management and budget shall
9.14 calculate the budget reserve level by multiplying the current biennium's general fund
9.15 nondedicated revenues and the most recent budget reserve percentage under subdivision 8.

9.16 (b) If, on the basis of a November forecast of general fund revenues and expenditures,
9.17 the commissioner of management and budget determines that there will be a positive
9.18 unrestricted general fund balance at the close of the biennium and that the provisions of
9.19 subdivision 2, paragraph (a), clauses (1), (2), (3), ~~and (4)~~, (5), and (6), are satisfied, the
9.20 commissioner shall transfer to the budget reserve account in the general fund the amount
9.21 necessary to increase the budget reserve to the budget reserve level determined under
9.22 paragraph (a). The amount of the transfer authorized in this paragraph shall not exceed 33
9.23 percent of the positive unrestricted general fund balance determined in the forecast.

9.24 Sec. 2. Minnesota Statutes 2023 Supplement, section 16A.152, subdivision 2, is amended
9.25 to read:

9.26 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund
9.27 revenues and expenditures, the commissioner of management and budget determines that
9.28 there will be a positive unrestricted budgetary general fund balance at the close of the
9.29 biennium, the commissioner of management and budget must allocate money to the following
9.30 accounts and purposes in priority order:

9.31 (1) the cash flow account established in subdivision 1 until that account reaches
9.32 \$350,000,000;

10.1 (2) the budget reserve account established in subdivision 1a until that account reaches
10.2 \$2,852,098,000;

10.3 (3) the amount necessary to increase the aid payment schedule for school district aids
10.4 and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest
10.5 tenth of a percent without exceeding the amount available and with any remaining funds
10.6 deposited in the budget reserve; ~~and~~

10.7 (4) the amount necessary to restore all or a portion of the net aid reductions under section
10.8 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75,
10.9 subdivision 5, by the same amount;

10.10 (5) the amount necessary to replace any money spent or transferred from the closed
10.11 landfill investment fund established in section 115B.421 for purposes other than the purposes
10.12 provided under sections 115B.39 to 115B.44 that has not been replaced; and

10.13 (6) the amount necessary to replace any money spent or transferred from the metropolitan
10.14 landfill contingency action trust account for purposes other than the purposes provided
10.15 under section 473.845 that has not been replaced.

10.16 (b) The amounts necessary to meet the requirements of this section are appropriated
10.17 from the general fund within two weeks after the forecast is released or, in the case of
10.18 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations
10.19 schedules otherwise established in statute.

10.20 (c) The commissioner of management and budget shall certify the total dollar amount
10.21 of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
10.22 The commissioner of education shall increase the aid payment percentage and reduce the
10.23 property tax shift percentage by these amounts and apply those reductions to the current
10.24 fiscal year and thereafter.

10.25 Sec. 3. Minnesota Statutes 2023 Supplement, section 115.03, subdivision 1, is amended
10.26 to read:

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

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

10.31 (2) to investigate the extent, character, and effect of the pollution of the waters of this
10.32 state and to gather data and information necessary or desirable in the administration or

11.1 enforcement of pollution laws, and to make such classification of the waters of the state as
11.2 it may deem advisable;

11.3 (3) to establish and alter such reasonable pollution standards for any waters of the state
11.4 in relation to the public use to which they are or may be put as it shall deem necessary for
11.5 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
11.6 116;

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

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

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

11.17 (ii) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
11.18 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
11.19 municipal disposal system where the same is likely to get into any waters of the state in
11.20 violation of this chapter and, with respect to the pollution of waters of the state, chapter
11.21 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
11.22 the schedule of compliance within which such prohibition or abatement must be
11.23 accomplished;

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

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

11.32 (v) establishing, and from time to time revising, standards of performance for new sources
11.33 taking into consideration, among other things, classes, types, sizes, and categories of sources,

12.1 processes, pollution control technology, cost of achieving such effluent reduction, and any
12.2 nonwater quality environmental impact and energy requirements. Said standards of
12.3 performance for new sources shall encompass those standards for the control of the discharge
12.4 of pollutants which reflect the greatest degree of effluent reduction which the agency
12.5 determines to be achievable through application of the best available demonstrated control
12.6 technology, processes, operating methods, or other alternatives, including, where practicable,
12.7 a standard permitting no discharge of pollutants. New sources shall encompass buildings,
12.8 structures, facilities, or installations from which there is or may be the discharge of pollutants,
12.9 the construction of which is commenced after the publication by the agency of proposed
12.10 rules prescribing a standard of performance which will be applicable to such source.

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

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

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

12.32 (viii) notwithstanding any other provision of this chapter, and with respect to the pollution
12.33 of waters of the state, chapter 116, requiring the achievement of more stringent limitations
12.34 than otherwise imposed by effluent limitations in order to meet any applicable water quality
12.35 standard by establishing new effluent limitations, based upon section 115.01, subdivision

13.1 13, clause (b), including alternative effluent control strategies for any point source or group
13.2 of point sources to insure the integrity of water quality classifications, whenever the agency
13.3 determines that discharges of pollutants from such point source or sources, with the
13.4 application of effluent limitations required to comply with any standard of best available
13.5 technology, would interfere with the attainment or maintenance of the water quality
13.6 classification in a specific portion of the waters of the state. Prior to establishment of any
13.7 such effluent limitation, the agency shall hold a public hearing to determine the relationship
13.8 of the economic and social costs of achieving such limitation or limitations, including any
13.9 economic or social dislocation in the affected community or communities, to the social and
13.10 economic benefits to be obtained and to determine whether or not such effluent limitation
13.11 can be implemented with available technology or other alternative control strategies. If a
13.12 person affected by such limitation demonstrates at such hearing that, whether or not such
13.13 technology or other alternative control strategies are available, there is no reasonable
13.14 relationship between the economic and social costs and the benefits to be obtained, such
13.15 limitation shall not become effective and shall be adjusted as it applies to such person;

13.16 (ix) modifying, in its discretion, any requirement or limitation based upon best available
13.17 technology with respect to any point source for which a permit application is filed after July
13.18 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the
13.19 agency that such modified requirements will represent the maximum use of technology
13.20 within the economic capability of the owner or operator and will result in reasonable further
13.21 progress toward the elimination of the discharge of pollutants; ~~and~~

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

13.24 (xi) when appropriate, requiring parties who enter into a negotiated agreement to settle
13.25 an enforcement matter with the agency to reimburse the agency according to this clause for
13.26 oversight costs that are incurred by the agency and associated with implementing the
13.27 negotiated agreement, including oversight costs exceeding \$25,000. Oversight costs may
13.28 include but are not limited to any costs associated with inspections, sampling, monitoring,
13.29 modeling, risk assessment, permit writing, engineering review, economic analysis and
13.30 review, and other record or document review. The agency's legal and litigation costs are
13.31 not covered by this clause. In addition to settlement agreements, the commissioner has
13.32 discretion as to whether to apply this clause in cases when the agency is using schedules of
13.33 compliance to bring a class of regulated parties into compliance. Oversight funds reimbursed
13.34 under this item are to be deposited in a settlement oversight reimbursement account
13.35 established in the environmental fund. The commissioner shall manage the account. Earnings,

14.1 such as interest, dividends, and any other earnings arising from assets of the account, must
14.2 be credited to the account. Funds remaining in the account at the end of a fiscal year remain
14.3 in the account. Money in the account is appropriated to the commissioner for the purposes
14.4 of the environmental fund;

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

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

14.13 (8) to conduct such investigations, issue such notices, public and otherwise, and hold
14.14 such hearings as are necessary or which it may deem advisable for the discharge of its duties
14.15 under this chapter and, with respect to the pollution of waters of the state, under chapter
14.16 116, including, but not limited to, the issuance of permits, and to authorize any member,
14.17 employee, or agent appointed by it to conduct such investigations or, issue such notices and
14.18 hold such hearings;

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

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

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

14.32 (12) to impose as additional conditions in permits to publicly owned disposal systems
14.33 appropriate measures to insure compliance by industrial and other users with any pretreatment
14.34 standard, including, but not limited to, those related to toxic pollutants, and any system of

15.1 user charges ratably as is hereby required under state law or said Federal Water Pollution
15.2 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

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

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

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

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

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

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

15.22 Sec. 4. Minnesota Statutes 2022, section 115.071, subdivision 1, is amended to read:

15.23 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
15.24 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and
15.25 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
15.26 and permits adopted or issued by the agency thereunder or under any other law now in force
15.27 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced
15.28 by any one or any combination of the following: criminal prosecution; action to recover
15.29 civil penalties; injunction; action to compel or cease performance; or other appropriate
15.30 action, in accordance with the provisions of said chapters and this section.

16.1 Sec. 5. Minnesota Statutes 2022, section 115.071, subdivision 3, is amended to read:

16.2 Subd. 3. **Civil penalties.** (a) Any person who violates any provision of this chapter or
16.3 chapter 114C or 116, except any provisions of chapter 116 relating to air and land pollution
16.4 caused by agricultural operations ~~which~~ that do not involve national pollutant discharge
16.5 elimination system permits, or of (1) any effluent standards and limitations or water quality
16.6 standards, (2) any permit or term or condition thereof, (3) any national pollutant discharge
16.7 elimination system filing requirements, (4) any duty to permit or carry out inspection, entry
16.8 or monitoring activities, or (5) any rules, stipulation agreements, variances, schedules of
16.9 compliance, or orders issued by the agency, ~~shall forfeit~~ forfeits and must pay to the state
16.10 a penalty, in an amount to be determined by the court, of not more than ~~\$10,000~~ \$70,000
16.11 per day of violation, except that if the violation relates to hazardous waste, the person ~~shall~~
16.12 ~~forfeit~~ forfeits and must pay to the state a penalty, in an amount to be determined by the
16.13 court, of not more than ~~\$25,000~~ \$80,000 per day of violation.

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

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

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

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

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

16.29 (e) The civil penalties and damages provided for in this subdivision may be recovered
16.30 by a civil action brought by the attorney general or any person in the name of the state.

16.31 Sec. 6. Minnesota Statutes 2022, section 115.071, subdivision 4, is amended to read:

16.32 Subd. 4. **Injunctions.** Any violation of the provisions, rules, standards, orders, stipulation
16.33 agreements, variances, schedules of compliance, or permits specified in this chapter and

17.1 chapters 114C and 116 ~~shall constitute~~ constitutes a public nuisance and may be enjoined
17.2 as provided by law in an action, in the name of the state, brought by the attorney general or
17.3 any person injured by such violation. Injunctive relief under this subdivision may include
17.4 but is not limited to a requirement that a facility or person immediately cease operation or
17.5 activities until such time as the commissioner has reasonable assurance that renewed
17.6 operation or activities will not violate state pollution requirements, cause harm to human
17.7 health, or result in a serious violation of an applicable permit.

17.8 Sec. 7. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision to
17.9 read:

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

17.13 Sec. 8. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision to
17.14 read:

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

17.22 Sec. 9. Minnesota Statutes 2022, section 115A.02, is amended to read:

17.23 **115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.**

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

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

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

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

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

18.1 (5) orderly and deliberate development and financial security of waste facilities including
18.2 disposal facilities.

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

18.7 (1) waste reduction and reuse;

18.8 (2) waste recycling;

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

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

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

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

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

18.19 (1) waste reduction at the source;

18.20 (2) upcycling or donating for human consumption;

18.21 (3) diverting for consumption by animals or leaving crops unharvested;

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

18.24 (5) anaerobic digestion when the biogas is used as a salable product but the digestate is
18.25 disposed of or land application of surplus food and food waste.

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

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

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

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

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

19.5 (5) "food" means any raw, cooked, processed, or prepared substance, beverage, or
19.6 ingredient used or intended for human consumption;

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

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

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

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

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

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

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

19.24 Sec. 10. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision
19.25 to read:

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

20.1 **Sec. 11. [115A.1416] BOAT WRAP PRODUCT STEWARDSHIP PROGRAM.**

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

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

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

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

20.10 (e) "Producer" means:

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

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

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

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

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

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

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

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

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

20.29 **Subd. 3. Participation required to sell.** (a) On and after July 1, 2025, or, for boat wrap
20.30 brands not sold in or into this state before that date, no later than three months after a
20.31 producer's stewardship plan is approved by the commissioner under this section, no producer,

21.1 wholesaler, or retailer may sell or offer boat wrap for sale in or into this state unless the
21.2 producer participates in an approved stewardship plan through a stewardship organization.

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

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

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

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

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

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

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

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

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

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

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

22.3 (8) a description of:

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

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

22.8 (9) the annual performance goals established by the commissioner under subdivision
22.9 12;

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

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

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

22.18 Subd. 7. **Agency review and approval.** (a) Within 90 days after receiving a proposed
22.19 stewardship plan, the commissioner must determine whether the plan complies with
22.20 subdivision 5. If the commissioner approves a plan, the commissioner must notify the
22.21 applicant of the plan approval in writing. If the commissioner rejects a plan, the commissioner
22.22 must notify the applicant in writing of the reasons for rejection. An applicant whose plan
22.23 is rejected by the commissioner must submit a revised plan to the commissioner within 60
22.24 days after receiving notice of rejection. If a revised plan is rejected by the commissioner,
22.25 the commissioner may elect to write a plan that the applicant must implement.

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

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

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

23.4 Subd. 8. **Plan availability.** The commissioner must make a draft stewardship plan
23.5 available on the agency's website and at the agency's headquarters for public review and
23.6 comment at least 30 days before the commissioner's decision regarding plan approval. The
23.7 commissioner must make an approved stewardship plan available on the agency's website
23.8 and at the agency's headquarters.

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

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

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

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

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

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

23.32 (b) The commissioner must, in consultation with the stewardship organization, establish
23.33 annual performance goals regarding the percentage and weight of boat wrap collected and

24.1 recycled that the stewardship organization must incorporate into its stewardship plan and
24.2 meet annually. The goals must increase each year. By the end of the fifth year of the initial
24.3 product stewardship plan approved by the commissioner, no less than 50 percent of the total
24.4 weight of boat wrap sold in this state must be collected and recycled, and by the end of the
24.5 fifth year of the second product stewardship plan, no less than 80 percent of the total weight
24.6 of boat wrap sold in this state must be collected and recycled. The performance goals, whose
24.7 derivation must be described, must be based on:

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

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

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

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

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

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

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

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

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

24.32 Subd. 16. **Stewardship reports.** Beginning March 1, 2026, and each March 1 thereafter,
24.33 a stewardship organization operating under this section must submit an annual report to the

25.1 commissioner describing the program operations of the stewardship plan during the previous
25.2 calendar year. At a minimum, the report must contain:

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

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

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

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

25.11 (5) a comparison of program performance with the performance goals established by
25.12 the commissioner under subdivision 12 and, if applicable, a discussion of why the
25.13 performance goals were not met and proposed modifications to the collection program the
25.14 stewardship organization will implement to ensure that future performance goals will be
25.15 met;

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

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

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

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

25.24 Sec. 12. **[115A.412] WASTE COMPOSITION; INFORMATION REQUIRED.**

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

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

25.29 (2) industrial solid waste land disposal facilities;

25.30 (3) demolition debris land disposal facilities;

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

26.3 (5) other facilities identified by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

27.11 Sec. 13. Minnesota Statutes 2022, section 115A.5502, is amended to read:

27.12 **115A.5502 PACKAGING PRACTICES; PREFERENCES; GOALS.**

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

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

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

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

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

28.1 (5) packaging that contains no intentionally introduced toxic materials but does not
28.2 comply with clauses (1) to (4); and
28.3 (6) all other packaging.

28.4 Sec. 14. Minnesota Statutes 2022, section 115B.421, is amended to read:

28.5 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

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

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

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

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

28.28 Subd. 2. Local notification. If money in the closed landfill investment fund is spent or
28.29 transferred for purposes other than the purposes provided under sections 115B.39 to
28.30 115B.444, the commissioner must provide written notification to each county with a qualified
28.31 facility within 30 days of the transfer or expenditure that includes the amount, purpose, and
28.32 authority used to spend or transfer the money.

29.1 Sec. 15. Minnesota Statutes 2022, section 116.07, subdivision 9, is amended to read:

29.2 Subd. 9. **Orders; investigations.** ~~The agency shall have~~ commissioner has the following
29.3 powers and duties for ~~the enforcement of~~ enforcing any provision of this chapter and chapter
29.4 114C, relating to air contamination or waste:

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

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

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

29.19 (4) when appropriate, to require parties who enter into a negotiated agreement to settle
29.20 an enforcement matter with the agency to reimburse the agency according to this clause for
29.21 oversight costs that are incurred by the agency and associated with implementing the
29.22 negotiated agreement, including oversight costs exceeding \$25,000. Oversight costs may
29.23 include but are not limited to any costs associated with inspections, sampling, monitoring,
29.24 modeling, risk assessment, permit writing, engineering review, economic analysis and
29.25 review, and other record or document review. The agency's legal and litigation costs are
29.26 not covered by this clause. In addition to settlement agreements, the commissioner has
29.27 discretion as to whether to apply this clause in cases where the agency is using schedules
29.28 of compliance to bring a class of regulated parties into compliance. Oversight funds
29.29 reimbursed under this item are to be deposited in a settlement oversight reimbursement
29.30 account established in the environmental fund. The commissioner shall manage the account.
29.31 Earnings, such as interest, dividends, and any other earnings arising from assets of the
29.32 account, must be credited to the account. Funds remaining in the account at the end of a
29.33 fiscal year remain in the account. Money in the account is appropriated to the commissioner
29.34 for the purposes of the environmental fund.

30.1 Sec. 16. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
30.2 read:

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

30.6 Sec. 17. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
30.7 read:

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

30.15 Sec. 18. [116.0718] AIR POLLUTION FACILITIES; PRIORITIZATION;
30.16 COMPLIANCE PROTOCOLS.

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

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

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

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

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

30.25 (f) "Potential to emit" has the meaning given in Minnesota Rules, part 7005.0100, subpart
30.26 35a.

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

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

31.1 Subd. 2. **Prioritization.** (a) The commissioner must develop and establish a list of the
31.2 30 facilities whose potential to emit air toxics poses the greatest risks to the environment
31.3 and human health. In assessing risks, the commissioner must consider the most recent
31.4 available credible scientific information regarding environmental and health risks resulting
31.5 from exposure to air toxics, including but not limited to:

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

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

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

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

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

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

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

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

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

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

31.28 (i) sensitive receptors; and

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

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

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

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

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

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

32.9 (1) continuous emission monitoring systems;

32.10 (2) performance tests;

32.11 (3) ambient monitoring near the priority facility;

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

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

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

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

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

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

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

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

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

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

33.15 Sec. 19. Minnesota Statutes 2022, section 116.072, subdivision 2, is amended to read:

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

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

33.21 (1) the willfulness of the violation;

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

33.24 (3) the history of past violations;

33.25 (4) the number of violations;

33.26 (5) the economic benefit gained by the person by allowing or committing the violation;
 33.27 and

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

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

- 34.1 (1) similarity of the most recent previous violation and the violation to be penalized;
- 34.2 (2) time elapsed since the last violation;
- 34.3 (3) number of previous violations; and
- 34.4 (4) response of the person to the most recent previous violation identified.

34.5 Sec. 20. Minnesota Statutes 2022, section 116.072, subdivision 5, is amended to read:

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

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

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

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

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

34.28 Sec. 21. Minnesota Statutes 2022, section 116.11, is amended to read:

34.29 **116.11 EMERGENCY POWERS.**

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

35.1 the pollution of air, land, or water, the agency commissioner may by emergency order direct
 35.2 the immediate discontinuance or abatement of the pollution without notice and without a
 35.3 hearing or at the request of the agency commissioner, the attorney general may bring an
 35.4 action in the name of the state in the appropriate district court for a temporary restraining
 35.5 order to immediately abate or prevent the pollution. The agency commissioner's order or
 35.6 temporary restraining order ~~shall remain~~ is effective until notice, hearing, and determination
 35.7 pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order
 35.8 of the agency commissioner in these cases ~~shall be~~ is appealable in accordance with chapter
 35.9 14.

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

35.12 (1) falsification of records;

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

35.15 (3) chronic or substantial permit violations; or

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

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

35.21 (1) suspend or revoke a permit;

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

35.23 (3) require financial assurances;

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

35.25 (5) require additional agency oversight; or

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

35.27 Sec. 22. [116.2021] STATE SALT PURCHASE REPORT AND REDUCTION GOAL.

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

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

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

36.10 **Sec. 23. [116.2022] STATE NITROGEN FERTILIZER PURCHASE REPORT AND**
36.11 **REDUCTION GOAL.**

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

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

36.21 **Sec. 24. Minnesota Statutes 2022, section 116.92, is amended by adding a subdivision to**
36.22 **read:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37.25 (5) "specialty application mercury vapor lamp ballast" means a mercury vapor lamp
37.26 ballast:

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

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

38.1 (b) Effective January 1, 2025, a person may not sell, offer for sale, or distribute in the
38.2 state as a new manufactured product a screw- or bayonet-base type compact fluorescent
38.3 lamp, a mercury vapor lamp, or a mercury vapor lamp ballast, whether sold separately, in
38.4 a retrofit kit, or in a luminaire. Effective January 1, 2026, a person may not sell, offer for
38.5 sale, or distribute in the state as a new manufactured product a pin-base type compact
38.6 fluorescent lamp or a linear fluorescent lamp.

38.7 (c) This subdivision does not apply to:

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

38.10 (i) photocopying;

38.11 (ii) printing, directly or in preprocessing;

38.12 (iii) lithography;

38.13 (iv) film and video projection; or

38.14 (v) holography;

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

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

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

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

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

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

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

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

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

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

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

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

39.11 **Sec. 25. [116.996] LAWN AND SNOW REMOVAL EQUIPMENT**
39.12 **ELECTRIFICATION REBATE PROGRAM.**

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

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

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

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

39.20 (1) is at least 15 years old;

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

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

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

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

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

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

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

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

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

40.11 (2) \$1,500.

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

40.15 (1) \$50,000 for a married taxpayer filing a joint return; and

40.16 (2) \$25,000 for all other filers.

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

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

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

41.1 certificates on a first-come, first-served basis. The commissioner must reserve 40 percent
41.2 of the certificates for a married taxpayer filing a joint return with an adjusted gross income
41.3 of less than \$78,000 or any other filer with an adjusted gross income of less than \$41,000.
41.4 Any portion of the reserved amount under this paragraph that is not allocated by September
41.5 30 is available for allocation to other rebate certificate applications beginning October 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42.24 Sec. 26. Minnesota Statutes 2022, section 116D.02, subdivision 2, is amended to read:

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

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

- 43.1 (2) assure for all people of the state safe, healthful, productive, and aesthetically and
43.2 culturally pleasing surroundings;
- 43.3 (3) discourage ecologically unsound aspects of population, economic and technological
43.4 growth, and develop and implement a policy such that growth occurs only in an
43.5 environmentally acceptable manner;
- 43.6 (4) preserve important historic, cultural, and natural aspects of our national heritage,
43.7 and maintain, wherever practicable, an environment that supports diversity, and variety of
43.8 individual choice;
- 43.9 (5) encourage, through education, a better understanding of natural resources management
43.10 principles that will develop attitudes and styles of living that minimize environmental
43.11 degradation;
- 43.12 (6) develop and implement land use and environmental policies, plans, and standards
43.13 for the state as a whole and for major regions thereof through a coordinated program of
43.14 planning and land use control;
- 43.15 (7) define, designate, and protect environmentally sensitive areas;
- 43.16 (8) establish and maintain statewide environmental information systems sufficient to
43.17 gauge environmental conditions;
- 43.18 (9) practice thrift in the use of energy and maximize the use of energy efficient systems
43.19 ~~for the utilization of~~ producing, distributing, and using energy, including recovering and
43.20 reusing waste heat, and minimize the environmental impact from energy production and
43.21 use;
- 43.22 (10) preserve important existing natural habitats of rare and endangered species of plants,
43.23 wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation,
43.24 including necessary protective measures where appropriate;
- 43.25 (11) reduce wasteful practices which generate solid wastes;
- 43.26 (12) minimize wasteful and unnecessary depletion of nonrenewable resources;
- 43.27 (13) conserve natural resources and minimize environmental impact by encouraging
43.28 ~~extension of extended product lifetime, by lifetimes;~~ reducing the number of unnecessary
43.29 and wasteful materials practices; and by recycling materials, water, and energy to conserve
43.30 both materials and energy;
- 43.31 (14) improve management of renewable resources in a manner compatible with
43.32 environmental protection;

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

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

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

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

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

44.9 Sec. 27. Minnesota Statutes 2022, section 473.845, is amended by adding a subdivision
44.10 to read:

44.11 Subd. 3a. **Local notification.** If money in the metropolitan landfill contingency action
44.12 trust account is spent or transferred for purposes other than the purposes provided under
44.13 this section, the commissioner must provide written notification to each county with a facility
44.14 eligible for spending from the metropolitan landfill contingency action trust account within
44.15 30 days of the transfer or expenditure that includes the amount, purpose, and authority used
44.16 to spend or transfer the money.

44.17 Sec. 28. **SEWAGE SLUDGE FOR LAND APPLICATION ANALYZED FOR PFAS.**

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

44.23 Sec. 29. **CRITICAL MATERIALS RECOVERY ADVISORY TASK FORCE.**

44.24 Subdivision 1. **Definition.** For the purposes of this section, "critical materials" means
44.25 materials on the final 2023 Critical Materials List published by the United States Secretary
44.26 of Energy in the Federal Register on August 4, 2023, as amended, as required under section
44.27 7002 of the Energy Act of 2020.

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

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

- 45.1 (2) the commissioner of employment and economic development or the commissioner's
45.2 designee;
- 45.3 (3) an expert in the field of industrial metallurgy;
- 45.4 (4) one representative from the Solid Waste Administrators Association;
- 45.5 (5) one representative from a company that disassembles electronic waste;
- 45.6 (6) one representative from an energy advocacy organization;
- 45.7 (7) one representative from an organization that is primarily involved in environmental
45.8 justice issues;
- 45.9 (8) one representative from an industrial labor union;
- 45.10 (9) one representative from a labor union affiliated with the Building and Construction
45.11 Trades Council;
- 45.12 (10) one representative from a company that recovers critical materials from end-of-life
45.13 products;
- 45.14 (11) one representative from a manufacturer that uses critical materials as inputs;
- 45.15 (12) one representative of a Minnesota Tribal government, as defined in Minnesota
45.16 Statutes, section 10.65, subdivision 2; and
- 45.17 (13) one representative of a utility providing retail electric service to customers in
45.18 Minnesota.
- 45.19 (b) All members appointed under paragraph (a) are voting members of the task force,
45.20 except for the representative appointed under clause (9), who is a nonvoting member.
- 45.21 (c) A member appointed under paragraph (a) may not be a registered lobbyist.
- 45.22 Subd. 3. **Duties.** (a) The task force must advise the commissioner of the Pollution Control
45.23 Agency with respect to policy and program options designed to increase the recovery of
45.24 critical materials from end-of-life products by:
- 45.25 (1) developing a strategic road map for achieving domestic recovery of critical materials;
- 45.26 (2) investigating emerging technologies employed to recover critical materials from
45.27 electronic waste, components of renewable energy generating systems, and other end-of-life
45.28 products;
- 45.29 (3) evaluating the economic, environmental, and social costs, benefits, and impacts
45.30 associated with various methods of recovering critical materials from end-of-life products;

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

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

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

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

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

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

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

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

46.21 Sec. 30. **MINNESOTA POLLUTION CONTROL AGENCY; PFAS REMOVAL**
46.22 **REPORT.**

46.23 On or before January 15, 2025, the commissioner of the Pollution Control Agency must
46.24 submit a report to the chairs and ranking minority members of the legislative committees
46.25 with jurisdiction over environment and natural resources finance and policy and capital
46.26 investment. The report must provide recommendations for strategies the state may use to
46.27 require manufacturers using perfluoroalkyl and polyfluoroalkyl substances (PFAS) in their
46.28 products or as part of the manufacturing process to pay the cost of purchasing and installing
46.29 infrastructure designed to remove PFAS from influent waters at municipal wastewater
46.30 facilities statewide and the cost of treating and disposing of the PFAS. The report must
46.31 specify any legislation needed to implement the strategies and must incorporate options
46.32 from the report submitted by the PFAS manufacturers fee work group required under Laws
46.33 2023, chapter 60, article 3, section 30, in developing the recommendations. The

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

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

47.4 Sec. 31. **POSTCLOSURE CARE; SOLID WASTE DISPOSAL FACILITIES;**
47.5 **RULEMAKING.**

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

47.9 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,
47.10 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
47.11 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
47.12 14.388.

47.13 Sec. 32. **MANDATORY ENVIRONMENTAL IMPACT STATEMENT FOR LARGE**
47.14 **LIVESTOCK PROJECTS; RULEMAKING.**

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

47.20 (b) The board may use the good-cause exemption under Minnesota Statutes, section
47.21 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes,
47.22 section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

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

47.25 Sec. 33. **REPEALER.**

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

ARTICLE 3

NATURAL RESOURCES

48.1

48.2

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

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

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

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

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

48.16 (c) After a fiscal year, the commissioner of management and budget shall certify the
48.17 costs incurred for forestry during that year under appropriations for the improvement,
48.18 administration, and management of state forest trust fund lands and construction and
48.19 improvement of forest roads to enhance the forest value of the lands. The certificate must
48.20 specify the trust funds interested in the lands. After presentation to the Legislative Permanent
48.21 School Fund Commission or by June 30 each year, whichever is sooner, the commissioner
48.22 of natural resources shall supply the commissioner of management and budget with the
48.23 information needed for the certificate. The certificate shall include an analysis that compares
48.24 costs certified under this section with costs incurred on other public and private lands with
48.25 similar land assets.

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

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

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

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

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

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

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

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

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

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

49.24 (a) The following data that the Department of Natural Resources collects, receives, or
49.25 maintains through voluntary responses to questionnaires or surveys by forest industry
49.26 businesses are classified as private data on individuals, as defined in section 13.02,
49.27 subdivision 12, if the data are data on individuals or as nonpublic data, as defined in section
49.28 13.02, subdivision 9, if the data are data not on individuals:

49.29 (1) timber resource consumption;

49.30 (2) origin of timber resources;

49.31 (3) cost of delivered timber;

50.1 (4) forest industry product output; and

50.2 (5) production costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52.20 **84.871 EQUIPMENT MUFFLER REQUIREMENTS; PENALTIES.**

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

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

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

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

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

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

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

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

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

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

53.11 Subd. 4. **Penalties.** (a) A person who operates a snowmobile in violation of subdivision
53.12 1, paragraph (a) or (b), is guilty of a misdemeanor.

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

53.16 (1) \$250 for the first offense;

53.17 (2) \$500 for the second offense; and

53.18 (3) \$1,000 for the third and subsequent offenses.

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

53.22 (1) \$250 for the first offense;

53.23 (2) \$500 for the second offense; and

53.24 (3) \$1,000 for the third and subsequent offenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55.14 **88.82 MINNESOTA RELEAF PROGRAM.**

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

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

55.24 (1) 20 percent or more of the residents have income below the federal poverty thresholds;

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

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

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

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

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

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

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

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

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

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

56.18 Sec. 18. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
56.19 to read:

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

56.23 Sec. 19. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

56.24 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
56.25 animal in violation of the game and fish laws or section 343.21 is liable to the state for the
56.26 value of the wild animal as provided in this section. Species afforded protection include
56.27 members of the following groups as defined by statute or rule: game fish, game birds, big
56.28 game, small game, fur-bearing animals, minnows, and threatened and endangered animal
56.29 species. Other animal species may be added by rule of the commissioner as determined

57.1 after public meetings and notification of the chairs of the environment and natural resources
57.2 committees in the senate and house of representatives.

57.3 Sec. 20. Minnesota Statutes 2022, section 97A.341, subdivision 2, is amended to read:

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

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

57.13 Sec. 21. Minnesota Statutes 2022, section 97A.341, subdivision 3, is amended to read:

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

57.22 Sec. 22. Minnesota Statutes 2022, section 97A.345, is amended to read:

57.23 **97A.345 RESTITUTION VALUE OF WILD ANIMALS.**

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

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

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

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

58.3 Sec. 23. Minnesota Statutes 2022, section 97A.425, is amended by adding a subdivision
58.4 to read:

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

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

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

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

58.13 (3) finished taxidermy mounts.

58.14 Sec. 24. Minnesota Statutes 2022, section 97A.425, subdivision 4, is amended to read:

58.15 Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions
58.16 1 to ~~3~~ 3a, governing record keeping, reporting, and marking of specimens by taxidermists.

58.17 Sec. 25. Minnesota Statutes 2022, section 97A.475, subdivision 2, is amended to read:

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

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

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

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

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

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

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

58.27 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
58.28 season, \$34;

58.29 (8) to take moose, for a party of not more than six persons, \$356;

- 59.1 (9) for persons age 18 or over to take bear, \$44;
- 59.2 (10) to take elk, for a party of not more than two persons, \$287;
- 59.3 ~~(11) to take Canada geese during a special season, \$4;~~
- 59.4 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- 59.5 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- 59.6 ~~(14)~~ (13) to take prairie chickens, \$23;
- 59.7 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during
- 59.8 the regular firearms season, \$5;
- 59.9 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 59.10 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader
- 59.11 during the muzzleloader season, \$5;
- 59.12 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;
- 59.13 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 59.14 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period
- 59.15 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the
- 59.16 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
- 59.17 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
- 59.18 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
- 59.19 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
- 59.20 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition
- 59.21 account;
- 59.22 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 59.23 ~~(22)~~ (21) to take wolf, \$30;
- 59.24 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;
- 59.25 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 59.26 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 59.27 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 59.28 muzzleloader season, no fee.

60.1 Sec. 26. Minnesota Statutes 2022, section 97A.475, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

60.15 ~~(10)~~ (9) to take light geese during the light goose conservation order, \$2.50;

60.16 ~~(11)~~ (10) to take sandhill crane during the sandhill crane season, \$3;

60.17 ~~(12)~~ (11) for persons age 13 or over and under age 18 to take deer with firearms during
60.18 the regular firearms season in any open season option or time period, \$5;

60.19 ~~(13)~~ (12) for persons age 13 or over and under age 18 to take deer by archery, \$5;

60.20 ~~(14)~~ (13) for persons age 13 or over and under age 18 to take deer during the muzzleloader
60.21 season, \$5;

60.22 ~~(15)~~ (14) for persons age 13 or over and under 18 to take bear, \$5;

60.23 ~~(16)~~ (15) for persons age 18 or over to take small game for a consecutive 72-hour period
60.24 selected by the licensee, \$75, of which an amount equal to one-half of the fee for the
60.25 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
60.26 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
60.27 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
60.28 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
60.29 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife
60.30 acquisition account;

- 61.1 ~~(17)~~ (16) for persons age 16 or 17 to take small game, \$5;
- 61.2 ~~(18)~~ (17) to take wolf, \$250;
- 61.3 ~~(19)~~ (18) for persons age 12 and under to take turkey, no fee;
- 61.4 ~~(20)~~ (19) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 61.5 ~~(21)~~ (20) for persons age 10, 11, or 12 to take deer by archery, no fee;
- 61.6 ~~(22)~~ (21) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 61.7 muzzleloader season, no fee; and
- 61.8 ~~(23)~~ (22) for persons age 10, 11, or 12 to take bear, no fee.
- 61.9 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph
- 61.10 (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this
- 61.11 surcharge.

61.12 Sec. 27. Minnesota Statutes 2022, section 97A.505, subdivision 8, is amended to read:

61.13 Subd. 8. **Importing Cervidae carcasses.** (a) Importing Cervidae carcasses procured by

61.14 any means into Minnesota is prohibited except for:

61.15 (1) cut and wrapped meat;

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

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

61.18 (4) if cleaned of all brain tissue, antlers attached to skull caps ~~that are cleaned of all brain~~

61.19 tissue; or whole skulls; and

61.20 (5) finished taxidermy mounts.

61.21 (b) Cervidae carcasses originating from outside Minnesota may be transported on a

61.22 direct route through the state by nonresidents.

61.23 (c) Heads from cervids with or without the cape and neck attached that originate from

61.24 outside Minnesota may be transported into Minnesota only if they are delivered to a licensed

61.25 taxidermist within 48 hours of entering Minnesota.

62.1 Sec. 28. Minnesota Statutes 2022, section 97A.512, is amended to read:

62.2 **97A.512 SALE OF INEDIBLE PORTIONS OF BIG GAME ANIMALS,**
62.3 **FUR-BEARING ANIMALS, FISH, AND GAME BIRDS OTHER THAN**
62.4 **MIGRATORY WATERFOWL.**

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

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

62.12 Sec. 29. Minnesota Statutes 2022, section 97B.001, is amended by adding a subdivision
62.13 to read:

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

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

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

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

62.21 (c) This subdivision does not apply to:

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

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

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

62.27 Sec. 30. Minnesota Statutes 2022, section 97B.022, subdivision 2, is amended to read:

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

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

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

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

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

63.17 Sec. 31. Minnesota Statutes 2022, section 97B.022, subdivision 3, is amended to read:

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

63.25 Sec. 32. Minnesota Statutes 2023 Supplement, section 97B.071, is amended to read:

63.26 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
63.27 **ORANGE OR BLAZE PINK.**

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

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

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

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

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

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

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

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

64.18 Sec. 33. Minnesota Statutes 2022, section 97B.516, is amended to read:

64.19 **97B.516 PLAN FOR ELK MANAGEMENT.**

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

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

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

64.24 (3) affords optimum recreational opportunities.

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

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

65.6 Sec. 34. Minnesota Statutes 2022, section 97C.001, subdivision 2, is amended to read:

65.7 Subd. 2. **Public notice and meeting comment.** (a) Before the commissioner designates,
65.8 or vacates or extends the designation of, experimental waters, ~~a public meeting must be~~
65.9 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
65.10 change must be provided in the county where the largest portion of the waters is located, a
65.11 virtual or in-person meeting must be held, and opportunity to submit public comment must
65.12 be offered.

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

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

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

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

65.27 ~~(c) Before the public meeting, notice of the meeting must be published in a news release~~
65.28 ~~issued by the commissioner and in a newspaper of general circulation in the area where the~~
65.29 ~~proposed experimental waters are located. The notice must be published at least once between~~
65.30 ~~30 and 60 days before the meeting, and at least once between seven and 30 days before the~~
65.31 ~~meeting.~~ A virtual or in-person meeting must be held before September 20 where public
65.32 comment must be accepted. An in-person meeting, where public comment must be accepted,
65.33 must be held in the county where the largest portion of the waters is located if:

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

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

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

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

66.15 Sec. 35. Minnesota Statutes 2022, section 97C.005, subdivision 2, is amended to read:

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

66.22 (b) ~~For waters previously designated as experimental waters, a proposed change in status~~
66.23 ~~to special management waters must be announced before the public meeting by notice~~
66.24 ~~published in a news release issued by the commissioner and in a newspaper of general~~
66.25 ~~circulation in the area where the waters are located. The notice must be published at least~~
66.26 ~~once between 30 and 60 days before the public meeting, and at least once between seven~~
66.27 ~~and 30 days before the meeting.~~ If a water proposed to be designated is a lake with a water
66.28 area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a
66.29 public meeting must also be held in the seven-county metropolitan area unless a virtual
66.30 meeting is held and notice of the meeting is published in a newspaper of general circulation
66.31 in the seven-county metropolitan area.

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

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

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

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

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

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

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

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

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

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

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

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

68.8 Sec. 36. **[97C.202] WATER-QUALITY MONITORING AT STATE FISH**
68.9 **HATCHERIES.**

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

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

68.20 Sec. 37. Minnesota Statutes 2022, section 97C.395, as amended by Laws 2023, chapter
68.21 60, article 4, section 70, is amended to read:

68.22 **97C.395 OPEN SEASONS FOR ANGLING.**

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

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

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

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

69.1 ~~(4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
 69.2 ~~splake on all lakes located entirely within the Boundary Waters Canoe Area, from January~~
 69.3 ~~1 through March 31;~~

69.4 ~~(5)~~ (2) for brown trout, brook trout, lake trout, rainbow trout, and splake, between January
 69.5 1 through October 31 as prescribed by the commissioner by rule except as provided in
 69.6 section 97C.415, subdivision 2; and

69.7 ~~(6)~~ (3) for salmon, as prescribed by the commissioner by rule.

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

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

69.13 Sec. 38. Minnesota Statutes 2022, section 97C.411, is amended to read:

69.14 **97C.411 STURGEON AND PADDLEFISH.**

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

69.19 Sec. 39. Minnesota Statutes 2022, section 103F.211, subdivision 1, is amended to read:

69.20 Subdivision 1. **Adoption.** The commissioner shall adopt model standards and criteria
 69.21 for the subdivision, use, and development of shoreland in municipalities and areas outside
 69.22 of a municipality. The authority to adopt model standards and criteria is exempt from section
 69.23 14.125 and does not expire. The standards and criteria must include:

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

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

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

69.27 (4) designation of types of land uses;

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

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

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

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

70.2 Sec. 40. Minnesota Statutes 2022, section 103G.005, subdivision 15, is amended to read:

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

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

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

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

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

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

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

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

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

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

70.20 (10) natural and altered watercourses designated by the commissioner as trout streams;
70.21 and

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

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

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

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

70.27 (3) their inclusion in or exclusion from the public waters inventory required under section
70.28 103G.201.

71.1 Sec. 41. Minnesota Statutes 2023 Supplement, section 103G.301, subdivision 2, is amended
71.2 to read:

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

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

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

71.19 Sec. 42. Minnesota Statutes 2022, section 103G.315, subdivision 15, is amended to read:

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

71.23 Sec. 43. **CORN PLOT TRANSITION.**

71.24 (a) Notwithstanding Minnesota Statutes, section 84.9736, a person may plant corn under
71.25 an agreement with the commissioner of natural resources entered into before January 1,
71.26 2025. Beginning January 1, 2025, the commissioner of natural resources may not enter into
71.27 agreements allowing the commercial production of corn on lands administered by the
71.28 commissioner.

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

72.1 Sec. 44. **REPORT ON RECREATIONAL USE OF SCHOOL TRUST LANDS.**

72.2 **Subdivision 1. Office of School Trust Lands.** The school trust lands director must
72.3 conduct a study of the recreational use of school trust lands in the state. The study must be
72.4 used to determine the amount of money to be allocated to the permanent school fund for
72.5 fees paid to the state for outdoor recreation purposes. The commissioner of natural resources
72.6 must assist the director by providing existing outdoor recreation use data. The director may
72.7 contract for additional survey data to complete the study. The director may seek expertise
72.8 from outdoor recreation industry leaders when preparing the study. The study must include
72.9 the following:

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

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

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

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

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

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

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

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

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

73.4 Sec. 45. CONFORMING CHANGES TO RULE; OHV USE AND FOREST
73.5 CLASSIFICATIONS.

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

73.9 Sec. 46. STATE PARK LICENSE PLATE DESIGN CONTEST.

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

73.13 Sec. 47. RUSTY PATCHED BUMBLE BEE ENDANGERED SPECIES
73.14 DESIGNATION; RULEMAKING.

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

73.17 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
73.18 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
73.19 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
73.20 14.388.

73.21 Sec. 48. REPEALER.

73.22 (a) Minnesota Statutes 2022, section 84.926, subdivision 1, is repealed.

73.23 (b) Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws
73.24 2005, First Special Session chapter 1, article 2, section 152, Laws 2007, chapter 57, article
73.25 1, section 155, is repealed.

73.26 (c) Minnesota Rules, part 6100.0500, subpart 8d, is repealed.

73.27 (d) Minnesota Statutes 2022, sections 84.033, subdivision 3; and 97B.802, are repealed.

73.28 EFFECTIVE DATE. Paragraphs (a), (b), and (c) are effective August 1, 2026.

ARTICLE 4

BOARD OF WATER AND SOIL RESOURCES

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

Subd. 12. **Authority to issue penalty orders.** (a) ~~Except as provided under subdivision 12a,~~ The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties of up to \$10,000 per violation for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

(b) Administrative penalties issued by the board under paragraph (a) ~~or subdivision 12a,~~ may be appealed according to section 116.072, if the recipient of the penalty requests a hearing by notifying the commissioner in writing within 30 days after receipt of the order. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the board. If a hearing is not requested within the 30-day period, the order becomes a final order not subject to further review.

(c) Administrative penalty orders issued under paragraph (a) ~~or subdivision 12a,~~ may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the order.

(d) If the board determines that sufficient steps have been taken to fully resolve noncompliance, all or part of a penalty issued under this subdivision may be forgiven.

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

Subd. 12a. **Authority to issue penalty orders; counties and watershed districts.** (a) A county or watershed district with jurisdiction ~~or the Board of Water and Soil Resources~~ may issue an order requiring violations of the water resources riparian protection requirements under sections 103F.415, 103F.421, and 103F.48 to be corrected and administratively assessing monetary penalties up to ~~\$500~~ \$10,000 for noncompliance commencing on day one of the 11th month after the noncompliance notice was issued. The proceeds collected from an administrative penalty order issued under this section must be remitted to the county or watershed district with jurisdiction over the noncompliant site, or otherwise remitted to the Board of Water and Soil Resources.

(b) Before exercising this authority, the Board of Water and Soil Resources must adopt a plan containing procedures for the issuance of administrative penalty orders by local governments and the board as authorized in this subdivision and subdivision 12. This plan, and any subsequent amendments, ~~will become~~ is effective 30 days after being published in

75.1 the State Register. ~~The initial plan must be published in the State Register no later than July~~
75.2 ~~1, 2017.~~

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

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

75.6 **103B.104 LAWNS TO LEGUMES PROGRAM.**

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

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

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

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

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

75.20 (d) Data on individuals who apply for or receive financial or technical assistance to plant
75.21 residential landscapes or community spaces under the program are classified as private data
75.22 on individuals, as defined by section 13.02, subdivision 12. Section 13.05, subdivision 11,
75.23 applies to an agreement between the board and a private person to implement the program.

75.24 Sec. 4. Minnesota Statutes 2023 Supplement, section 103F.06, is amended by adding a
75.25 subdivision to read:

75.26 Subd. 7. **Grant requirements.** In addition to the applicable grants management
75.27 requirements under sections 16B.97 to 16B.991, as a condition of receiving financial
75.28 assistance to purchase soil health equipment under this section, a farmer must commit to:

75.29 (1) if not certified under sections 17.9891 to 17.993, achieving certification no later than
75.30 24 months after the grant agreement is fully executed;

75.31 (2) not leasing or renting the equipment to another for economic gain; and

76.1 (3) if selling the equipment, selling it for no more than the farmer's documented share
76.2 of the total purchase price.

76.3 Sec. 5. Minnesota Statutes 2022, section 103F.48, subdivision 7, is amended to read:

76.4 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
76.5 a landowner is not in compliance with this section, the district must notify the county or
76.6 watershed district with jurisdiction over the noncompliant site and the board. The county
76.7 or watershed district with jurisdiction or the board must provide the landowner with a list
76.8 of corrective actions needed to come into compliance and a practical timeline to meet the
76.9 requirements in this section. The county or watershed district with jurisdiction must provide
76.10 a copy of the corrective action notice to the board.

76.11 (b) A county or watershed district exercising jurisdiction under this subdivision and the
76.12 enforcement authority granted in section 103B.101, subdivision 12a, shall affirm their
76.13 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
76.14 compliance provisions of this section and section 103B.101, subdivision 12a, by notice to
76.15 the board prior to March 31, 2017. A county or watershed district must provide notice to
76.16 the board at least 60 days prior to the effective date of a subsequent decision on their
76.17 jurisdiction.

76.18 (c) If the landowner does not comply with the list of actions and timeline provided, the
76.19 county or watershed district may enforce this section under the authority granted in section
76.20 103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official
76.21 control of the county. Before exercising administrative penalty authority, a county or
76.22 watershed district must adopt a plan consistent with the plan adopted by the board containing
76.23 procedures for the issuance of administrative penalty orders and may issue orders beginning
76.24 November 1, 2017. If a county or watershed district with jurisdiction over the noncompliant
76.25 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
76.26 board must enforce this section under the authority granted in section 103B.101, subdivision
76.27 ~~12a~~ 12.

76.28 (d) If the county, watershed district, or board determines that sufficient steps have been
76.29 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

76.30 (e) An order issued under paragraph (c) may be appealed to the board as provided under
76.31 subdivision 9.

76.32 (f) A corrective action is not required for conditions resulting from a flood or other act
76.33 of nature.

77.1 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
77.2 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
77.3 has obtained a signed statement from the property owner stating that the permission for the
77.4 work has been granted by the unit of government authorized to approve the work in this
77.5 section or that a buffer or water quality practice is not required as validated by the soil and
77.6 water conservation district. Removal or willful degradation of a riparian buffer or water
77.7 quality practice, wholly or partially, by an agent or operator is a separate and independent
77.8 offense and may be subject to the corrective actions and penalties in this subdivision.

77.9 Sec. 6. [103F.49] DRAIN TILE SELLER'S DISCLOSURE REQUIRED.

77.10 Subdivision 1. Definition. For purposes of this section, "drain tile" means a system of
77.11 tile, corrugated plastic tubing, pipe, or other conduit installed beneath the ground surface
77.12 to collect and convey water.

77.13 Subd. 2. Disclosure required. (a) Before signing an agreement to sell or transfer real
77.14 property classified for purposes of taxation under section 273.13 as class 2a or 2b, the seller
77.15 must disclose in writing to the buyer the status and location of all known drain tile on the
77.16 property by delivering to the buyer:

77.17 (1) a statement by the seller that the seller does not know of any drain tile on the property;
77.18 or

77.19 (2) a disclosure statement indicating the legal description and county and, to the extent
77.20 practicable, a map drawn from available information and accurate to scale identifying the
77.21 location of drain tile on the property, including tile diameter and all outlets and control
77.22 structures, and the drainage water flow path for the first mile downstream of the drain tile.

77.23 (b) At the time of closing the sale, the disclosure statement information, name and mailing
77.24 address of the buyer, and the quartile, section, township, and range in which drain tile is
77.25 located must be provided on a drain tile disclosure certificate signed by the seller or a person
77.26 authorized to act on behalf of the seller.

77.27 (c) A drain tile certificate need not be provided if the seller does not know of any drain
77.28 tile on the property and the deed or other instrument of conveyance contains the statement:
77.29 "The Seller certifies that the Seller does not know of any drain tile on the described real
77.30 property."

77.31 (d) If a deed is given pursuant to a contract for deed, the drain tile disclosure certificate
77.32 required by this subdivision must be signed by the buyer or a person authorized to act on
77.33 behalf of the buyer. If the buyer knows of no drain tile on the property, a drain tile disclosure

78.1 certificate is not required if the following statement appears on the deed, followed by the
78.2 signature of the grantee or, if there is more than one grantee, the signature of at least one
78.3 of the grantees: "The Grantee certifies that the Grantee does not know of any drain tile on
78.4 the described real property." The statement and signature of the grantee may be on the front
78.5 or back of the deed or on an attached sheet, and an acknowledgment of the statement by
78.6 the grantee is not required for the deed to be recordable.

78.7 (e) If the seller fails to provide a required drain tile disclosure certificate, the buyer, or
78.8 a person authorized to act on behalf of the buyer, may sign a drain tile disclosure certificate
78.9 based on the information provided on the disclosure statement required by this section or
78.10 based on other available information.

78.11 (f) A county recorder or registrar of titles may not record a deed or other instrument of
78.12 conveyance dated after January 1, 2026, for which a certificate of value is required under
78.13 section 272.115, or any deed or other instrument of conveyance dated after January 1, 2026,
78.14 from a governmental body exempt from the payment of state deed tax, unless the deed or
78.15 other instrument of conveyance contains the statement made in accordance with paragraph
78.16 (c) or (d) or is accompanied by the drain tile disclosure certificate containing all the
78.17 information required by paragraph (b) or (d).

78.18 (g) The county recorder or registrar of titles must not accept a certificate unless it contains
78.19 all required information. The county recorder or registrar of titles must note on each deed
78.20 or other instrument of conveyance accompanied by a drain tile disclosure certificate that
78.21 the drain tile disclosure certificate was received. The notation must include the statement
78.22 "No drain tile on property" if the disclosure certificate states that there is no drain tile on
78.23 the property.

78.24 (h) The drain tile disclosure certificate must not be filed or recorded in the records
78.25 maintained by the county recorder or registrar of titles. After noting "No drain tile on
78.26 property" on the deed or other instrument of conveyance, the county recorder or registrar
78.27 of titles must destroy or return to the buyer the drain tile disclosure certificate.

78.28 (i) The county recorder or registrar of titles must collect from the buyer or the person
78.29 seeking to record a deed or other instrument of conveyance a fee of \$50 for receipt of a
78.30 completed drain tile disclosure certificate. By the tenth day of each month, the county
78.31 recorder or registrar of titles must transmit the drain tile disclosure certificates to the Board
78.32 of Water and Soil Resources. By the tenth day after the end of each calendar quarter, the
78.33 county recorder or registrar of titles must transmit to the Board of Water and Soil Resources
78.34 \$42.50 of the fee for each drain disclosure certificate received during the quarter. The board

79.1 must maintain the drain tile disclosure certificate for at least six years. The board may store
79.2 the certificate as an electronic image. A copy of that image is as valid as the original.

79.3 (j) The Board of Water and Soil Resources, in consultation with county recorders, must
79.4 prescribe the form for a drain tile disclosure certificate and provide drain tile disclosure
79.5 certificate forms to county recorders, registrars of titles, and other interested persons.

79.6 (k) Failure to comply with a requirement of this section does not impair:

79.7 (1) the validity of a deed or other instrument of conveyance as between the parties to
79.8 the deed or instrument or as to any other person who otherwise would be bound by the deed
79.9 or instrument; or

79.10 (2) the record, as notice, of any deed or other instrument of conveyance accepted for
79.11 filing or recording contrary to the provisions of this subdivision.

79.12 Subd. 3. **Liability for failure to disclose.** Unless the buyer and seller agree to the
79.13 contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence
79.14 or known status of drain tile at the time of sale and knew or had reason to know of the
79.15 existence or known status of the drain tile is liable to the buyer for costs incurred to repair
79.16 the drain tile and reasonable attorney fees for collection of costs from the seller, if the action
79.17 is commenced within six years after the date the buyer closed the purchase of the real
79.18 property where the drain tile is located.

79.19 **EFFECTIVE DATE.** This section is effective July 1, 2025.

79.20 Sec. 7. **SOIL HEALTH APPROPRIATIONS; REPORT.**

79.21 By January 15, 2026, the Board of Water and Soil Resources must submit a report to
79.22 the chairs and ranking minority members of the legislative committees and divisions with
79.23 jurisdiction over environment and natural resources on the expenditure of money appropriated
79.24 for soil health activities under Laws 2023, chapter 60, article 1, section 4, paragraph (k).

79.25 **ARTICLE 5**

79.26 **PACKAGING WASTE AND COST REDUCTION ACT**

79.27 Section 1. **[115A.144] SHORT TITLE.**

79.28 Sections 115A.144 to 115A.1462 may be cited as the "Packaging Waste and Cost
79.29 Reduction Act."

80.1 Sec. 2. [115A.1441] DEFINITIONS.

80.2 Subdivision 1. Scope. For the purposes of sections 115A.144 to 115A.1462, the terms
80.3 in this section have the meanings given.

80.4 Subd. 2. Advisory board. "Advisory board" or "board" means the Producer
80.5 Responsibility Advisory Board established under section 115A.1444.

80.6 Subd. 3. Brand. "Brand" means a name, symbol, word, or mark that identifies a product
80.7 and attributes the product and its components, including packaging, to the brand owner.

80.8 Subd. 4. Brand owner. "Brand owner" means a person that owns or licenses a brand or
80.9 that otherwise has rights to market a product under the brand, whether or not the brand's
80.10 trademark is registered.

80.11 Subd. 5. Collection rate. "Collection rate" means the amount of a covered material by
80.12 covered materials type collected by service providers and transported for recycling or
80.13 composting divided by the total amount of the type of a covered material by covered materials
80.14 type sold or distributed into the state by the relevant unit of measurement established in
80.15 section 115A.1451.

80.16 Subd. 6. Compostable material. "Compostable material" means a covered material
80.17 that:

80.18 (1) meets, and is labeled to reflect that it meets, the American Society for Testing and
80.19 Materials Standard Specification for Labeling of Plastics Designed to be Aerobically
80.20 Composted in Municipal or Industrial Facilities (D6400) or its successor;

80.21 (2) meets, and is labeled to reflect that it meets, the American Society for Testing and
80.22 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and
80.23 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
80.24 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

80.25 (3) is comprised of only wood without any coatings or additives; or

80.26 (4) is comprised of only paper without any coatings or additives.

80.27 Subd. 7. Composting. "Composting" means the controlled microbial degradation of
80.28 source-separated compostable materials to yield a humus-like product.

80.29 Subd. 8. Composting rate. "Composting rate" means the amount of compostable covered
80.30 material that is managed through composting, divided by the total amount of compostable
80.31 covered material sold or distributed into the state by the relevant unit of measurement
80.32 established in section 115A.1451.

81.1 Subd. 9. **Covered material.** "Covered material" means packaging and paper products
81.2 introduced into the state. Covered material does not include exempt materials.

81.3 Subd. 10. **Covered materials type.** "Covered materials type" means a singular and
81.4 specific type of covered material that can be categorized based on distinguishing chemical
81.5 or physical properties, including properties that allow for a covered materials type to be
81.6 aggregated into a commonly defined discrete commodity category for purposes of reuse,
81.7 recycling, or composting, and based on similar uses in the form of a product or package.

81.8 Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the
81.9 most recent fiscal year:

81.10 (1) introduced less than one ton of covered material into this state; or

81.11 (2) earned global gross revenues of less than \$2,000,000.

81.12 Subd. 12. **Drop-off collection site.** "Drop-off collection site" means a physical location
81.13 where covered materials are accepted from the public and that is open a minimum of 12
81.14 hours weekly throughout the year.

81.15 Subd. 13. **Environmental impact.** "Environmental impact" means the impact of a
81.16 covered material on human health and the environment from extraction and processing of
81.17 the raw materials composing the material through manufacturing; distribution; use; recovery
81.18 for reuse, recycling, or composting; and final disposal.

81.19 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of
81.20 materials, that:

81.21 (1) are packaging for infant formula, as defined in United States Code, title 21, section
81.22 321(z);

81.23 (2) are packaging for medical food, as defined in United States Code, title 21, section
81.24 360ee(b)(3);

81.25 (3) are packaging for a fortified oral nutritional supplement used by persons who require
81.26 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs
81.27 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,
81.28 as those terms are defined by the International Classification of Diseases, Tenth Revision;

81.29 (4) are packaging for medical devices or drugs, as defined in the federal Food, Drug,
81.30 and Cosmetic Act, United States Code, title 21, sections 321(g), 321(h), and 353(b)(1), as
81.31 amended;

82.1 (5) are packaging for products regulated as animal biologics, including vaccines, bacterins,
82.2 antisera, diagnostic kits, and other products of biological origin, under the federal
82.3 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq., as amended;

82.4 (6) are packaging for products regulated under the federal Insecticide, Fungicide, and
82.5 Rodenticide Act, United States Code, title 7, section 136 et seq., as amended;

82.6 (7) are paper products used for a print publication with a circulation of less than 20,000
82.7 that primarily includes content derived from primary sources related to news and current
82.8 events; or

82.9 (8) are exempt materials, as determined by the commissioner under section 115A.1453,
82.10 subdivision 6.

82.11 Subd. 15. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

82.12 Subd. 16. **Independent auditor.** "Independent auditor" means an independent and
82.13 actively licensed certified public accountant that is:

82.14 (1) retained by a producer responsibility organization;

82.15 (2) not otherwise employed by or affiliated with a producer responsibility organization;

82.16 and

82.17 (3) qualified to conduct an audit under state law.

82.18 Subd. 17. **Infrastructure investment.** "Infrastructure investment" means an investment
82.19 by a producer responsibility organization that funds:

82.20 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,
82.21 or composting;

82.22 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of
82.23 covered materials; or

82.24 (3) the expansion or strengthening of demand for and use of covered materials by
82.25 responsible markets in the state or region.

82.26 Subd. 18. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship
82.27 a product within or into this state.

82.28 Subd. 19. **Living wage.** "Living wage" means the minimum hourly wage necessary to
82.29 allow a person working 40 hours per week to afford basic needs.

83.1 Subd. 20. **Needs assessment.** "Needs assessment" means an assessment conducted
83.2 according to section 115A.1450. Except where the context requires otherwise, needs
83.3 assessment means the most recently completed needs assessment.

83.4 Subd. 21. **Nondisclosure agreement.** "Nondisclosure agreement" means an agreement
83.5 that requires the parties to the agreement to treat private and nonpublic data submitted to
83.6 facilitate the completion of a needs assessment according to section 115A.06, subdivision
83.7 13.

83.8 Subd. 22. **Packaging.** "Packaging" has the meaning given in section 115A.03 and
83.9 includes food packaging. Packaging does not include exempt materials.

83.10 Subd. 23. **Paper product.** "Paper product" means a product made primarily from wood
83.11 pulp or other cellulosic fibers, except that paper product does not include bound books or
83.12 products that recycling or composting facilities will not accept because of the unsafe or
83.13 unsanitary nature of the paper product.

83.14 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means
83.15 the portion of a product composed of postconsumer material, expressed as a percentage of
83.16 the total weight of the product.

83.17 Subd. 25. **Producer.** (a) "Producer" means the following person responsible for
83.18 compliance with requirements under sections 115A.144 to 115A.1462 for a covered material
83.19 sold, offered for sale, or distributed in or into this state:

83.20 (1) for items sold in or with packaging at a physical retail location in this state:

83.21 (i) if the item is sold in or with packaging under the brand of the item manufacturer or
83.22 is sold in packaging that lacks identification of a brand, the producer is the person that
83.23 manufactures the item;

83.24 (ii) if there is no person to which item (i) applies, the producer is the person that is
83.25 licensed to manufacture and sell or offer for sale to consumers in this state an item with
83.26 packaging under the brand or trademark of another manufacturer or person;

83.27 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
83.28 of the item;

83.29 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
83.30 producer is the person who is the importer of record for the item into the United States for
83.31 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;

83.32 or

84.1 (v) if there is no person described in items (i) to (iv), the producer is the person that first
84.2 distributes the item in or into this state;

84.3 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote
84.4 sale, or distribution:

84.5 (i) for packaging used to directly protect or contain the item, the producer of the packaging
84.6 is the same as the producer identified under clause (1); and

84.7 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is
84.8 the person that packages the item to be shipped to the consumer;

84.9 (3) for packaging that is a covered material and is not included in clauses (1) and (2),
84.10 the producer of the packaging is the person that first distributes the item in or into this state;

84.11 (4) for paper products that are magazines, catalogs, telephone directories, or similar
84.12 publications, the producer is the publisher;

84.13 (5) for paper products not described in clause (4):

84.14 (i) if the paper product is sold under the manufacturer's own brand, the producer is the
84.15 person that manufactures the paper product;

84.16 (ii) if there is no person to which item (i) applies, the producer is the person that is the
84.17 owner or licensee of a brand or trademark under which the paper product is used in a
84.18 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or
84.19 not the trademark is registered in this state;

84.20 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
84.21 of the paper product;

84.22 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
84.23 producer is the person that imports the paper product into the United States for use in a
84.24 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;
84.25 or

84.26 (v) if there is no person described in items (i) to (iv), the producer is the person that first
84.27 distributes the paper product in or into this state; and

84.28 (6) a person is the producer of a covered material sold, offered for sale, or distributed
84.29 in or into this state, as defined in clauses (1) to (5), except:

84.30 (i) where another person has mutually signed an agreement with a producer as defined
84.31 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
84.32 and the person has joined a registered producer responsibility organization as the responsible

85.1 producer for that covered material under sections 115A.144 to 115A.1462. In the event that
85.2 another person is assigned responsibility as the producer under this subdivision, the producer
85.3 under clauses (1) to (5) must provide written certification of that contractual agreement to
85.4 the producer responsibility organization; and

85.5 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part
85.6 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a
85.7 commercial presence within the state.

85.8 (b) "Producer" does not include:

85.9 (1) government agencies, municipalities, or other political subdivisions of the state;

85.10 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
85.11 organizations; or

85.12 (3) de minimis producers.

85.13 Subd. 26. **Producer responsibility organization.** "Producer responsibility organization"
85.14 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal
85.15 Internal Revenue Code and that is created by a group of producers to implement activities
85.16 under sections 115A.144 to 115A.1462.

85.17 Subd. 27. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that
85.18 recycling does not include reuse or composting.

85.19 Subd. 28. **Recycling rate.** "Recycling rate" means the amount of covered material, in
85.20 aggregate or by individual covered materials type, managed through recycling in a calendar
85.21 year divided by the total amount of covered materials sold or distributed into the state by
85.22 the relevant unit of measurement established in section 115A.1451.

85.23 Subd. 29. **Refill.** "Refill" means the continued use of a covered material by a consumer
85.24 through a system that is:

85.25 (1) intentionally designed and marketed for repeated filling of a covered material to
85.26 reduce demand for new production of the covered material;

85.27 (2) supported by adequate logistics and infrastructure to provide convenient access for
85.28 consumers; and

85.29 (3) compliant with all applicable state and local statutes, rules, ordinances, and other
85.30 laws governing health and safety.

85.31 Subd. 30. **Responsible market.** "Responsible market" means a materials market that:

86.1 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of
86.2 contaminants in a manner that protects the environment and minimizes risks to public health
86.3 and worker health and safety;

86.4 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and
86.5 other laws governing environmental, health, safety, and financial responsibility;

86.6 (3) possesses all requisite licenses and permits required by government agencies;

86.7 (4) if the market operates in the state, manages waste according to the waste management
86.8 goal and priority order of waste management practices stated in section 115A.02; and

86.9 (5) minimizes adverse impacts to environmental justice areas.

86.10 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material,
86.11 in aggregate or by individual covered materials type, collected for reuse by the producer or
86.12 service provider in a calendar year divided by the total amount of reusable covered materials
86.13 sold or distributed into the state by the relevant unit of measurement established in section
86.14 115A.1451.

86.15 Subd. 32. **Reusable.** "Reusable" means capable of reuse.

86.16 Subd. 33. **Reuse.** "Reuse" means the return of a covered material to the marketplace and
86.17 the continued use of the covered material by a producer or service provider when the covered
86.18 material is:

86.19 (1) intentionally designed and marketed to be used multiple times for its original intended
86.20 purpose without a change in form;

86.21 (2) designed for durability and maintenance to extend its useful life and reduce demand
86.22 for new production of the covered material;

86.23 (3) supported by adequate logistics and infrastructure at a retail location, by a service
86.24 provider, or on behalf of or by a producer, that provides convenient access for consumers;
86.25 and

86.26 (4) compliant with all applicable state and local statutes, rules, ordinances, and other
86.27 laws governing health and safety.

86.28 Subd. 34. **Reuse rate.** "Reuse rate" means the share of units of a covered material sold
86.29 or distributed into the state in a calendar year that are deemed reusable by the commissioner
86.30 according to section 115A.1451.

86.31 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,
86.32 sorts, processes, or otherwise prepares covered materials for reuse, recycling, or composting.

87.1 A political subdivision that provides or that contracts or otherwise arranges with another
87.2 party to provide reuse, collection, recycling, or composting services for covered materials
87.3 within its jurisdiction may be a service provider regardless of whether it provided, contracted
87.4 for, or otherwise arranged for similar services before the approval of the applicable
87.5 stewardship plan.

87.6 Subd. 36. **Third-party certification.** "Third-party certification" means certification by
87.7 an accredited independent organization that a standard or process required by sections
87.8 115A.144 to 115A.1462, or a stewardship plan approved under sections 115A.144 to
87.9 115A.1462, has been achieved.

87.10 Subd. 37. **Toxic substance.** "Toxic substance" means hazardous waste; a problem
87.11 material; a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,
87.12 or 325F.172 to 325F.179; or a chemical of high concern identified under section 116.9402.

87.13 Subd. 38. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"
87.14 has the meaning given in section 115A.03, except that waste reduction or source reduction
87.15 includes refill, but does not include reuse.

87.16 Sec. 3. **[115A.1442] ESTABLISHMENT OF PROGRAM.**

87.17 Producers must implement and finance a statewide program for packaging and paper
87.18 products in accordance with sections 115A.144 to 115A.1462 that encourages packaging
87.19 redesign to reduce the environmental impacts and human health impacts and that reduces
87.20 generation of covered materials waste through waste reduction, reuse, recycling, and
87.21 composting and by providing for negotiation and execution of agreements to collect,
87.22 transport, and process used covered materials for reuse, recycling, and composting.

87.23 Sec. 4. **[115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY**
87.24 **ORGANIZATIONS.**

87.25 Subdivision 1. **Annual registration.** (a) By January 1, 2025, and annually thereafter,
87.26 producers must appoint a producer responsibility organization and the organization must
87.27 register with the commissioner by submitting the following:

87.28 (1) contact information for a person responsible for implementing an approved
87.29 stewardship plan;

87.30 (2) a list of all member producers that will operate under the stewardship plan
87.31 administered by the producer responsibility organization and, for each producer, a list of
87.32 all brands of the producer's covered materials introduced in this state;

88.1 (3) copies of written agreements with each producer stating that each producer agrees
88.2 to operate under an approved stewardship plan administered by the producer responsibility
88.3 organization;

88.4 (4) a list of current board members and the executive director if different than the person
88.5 responsible for implementing approved stewardship plans; and

88.6 (5) payment of the annual fee required under subdivision 2.

88.7 (b) If more than a single producer responsibility organization is established, the producers
88.8 and producer responsibility organizations must establish a coordinating body and process
88.9 to prevent redundancy of service contracts among service providers and to ensure the efficient
88.10 delivery of waste management services. The stewardship plans of all producer responsibility
88.11 organizations must be integrated into a single stewardship plan that covers all requirements
88.12 of sections 115A.144 to 115A.1462 and encompasses all producers when submitted to the
88.13 commissioner for approval. The annual reports of all producer responsibility organizations
88.14 must be integrated into a single annual report that covers all requirements of sections
88.15 115A.144 to 115A.1462 and encompasses all producers when submitted to the commissioner.

88.16 Subd. 2. **Registration fee.** (a) As part of its annual registration with the commissioner,
88.17 a producer responsibility organization must submit to the commissioner an annual fee for
88.18 the following year, as determined by the commissioner. Beginning October 1, 2028, and
88.19 annually thereafter, the commissioner must notify registered producer responsibility
88.20 organizations in writing of the amount of the fee for the following year. If there is more
88.21 than one registered producer responsibility organization, the coordinating body described
88.22 in subdivision 1, paragraph (b), must equitably apportion payment of the annual fee between
88.23 all registered producer responsibility organizations. The annual fee must be set at an amount
88.24 anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs
88.25 required to perform the commissioner's duties as described in section 115A.1445 and to
88.26 otherwise administer, implement, and enforce sections 115A.144 to 115A.1462.

88.27 (b) The commissioner must reconcile the fees paid by a producer responsibility
88.28 organization under this subdivision with the actual costs incurred by the agency on an annual
88.29 basis, by means of credits or refunds to or additional payments required of a producer
88.30 responsibility organization, as applicable.

88.31 (c) Fees collected by the commissioner under this section are appropriated to the
88.32 commissioner for the purposes of sections 115A.144 to 115A.1462.

88.33 Subd. 3. **Initial producer responsibility organization registration; implementation**
88.34 fee. (a) Notwithstanding the other provisions of this section, the commissioner may not

89.1 allow registration of more than one producer responsibility organization under this section
89.2 before the first stewardship plan approved by the commissioner expires. If more than one
89.3 producer responsibility organization applies to register under this section before the first
89.4 stewardship plan is approved by the commissioner, the commissioner must select the producer
89.5 responsibility organization that will represent producers until the first stewardship plan
89.6 expires and must return the registration fee paid by applicants who are not selected. When
89.7 selecting a producer responsibility organization, the commissioner must consider whether
89.8 the producer responsibility organization:

89.9 (1) has a governing board consisting of producers that represent a diversity of covered
89.10 materials introduced in the state; and

89.11 (2) demonstrates adequate financial responsibility and financial controls to ensure proper
89.12 management of funds.

89.13 (b) By October 1, 2025, and annually until the first stewardship plan is approved, the
89.14 commissioner must provide written notice to the initial producer responsibility organization
89.15 registered under this section of the commissioner's estimate of the cost of conducting the
89.16 initial needs assessment and the commissioner's costs to administer sections 115A.144 to
89.17 115A.1462 during the period prior to plan approval. The producer responsibility organization
89.18 must remit payment in full for these costs to the commissioner within 45 days of receipt of
89.19 this notice. The producer responsibility organization may charge each member producer to
89.20 cover the cost of its implementation fee according to each producer's unit-, weight-, volume-,
89.21 or sales-based market share or by another method it determines to be an equitable
89.22 determination of each producer's payment obligation.

89.23 Subd. 4. **Requirement for additional producer responsibility organizations.** The
89.24 commissioner may allow registration of more than one producer responsibility organization
89.25 if:

89.26 (1) producers of a covered materials type or a specific covered material appoint a producer
89.27 responsibility organization; or

89.28 (2) producers organize under additional producer responsibility organizations that meet
89.29 the criteria established in subdivision 3, paragraph (a).

89.30 Sec. 5. **[115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY**
89.31 **ADVISORY BOARD.**

89.32 Subdivision 1. **Establishment.** The Producer Responsibility Advisory Board is established
89.33 to review all programs conducted by producer responsibility organizations under sections

90.1 115A.144 to 115A.1462 and to advise the commissioner and producer responsibility
90.2 organizations regarding the implementation of sections 115A.144 to 115A.1462.

90.3 Subd. 2. **Membership.** (a) The membership of the advisory board consists of persons
90.4 appointed by the commissioner by January 1, 2025, as follows:

90.5 (1) two members representing manufacturers of covered materials or a statewide or
90.6 national trade association representing those manufacturers;

90.7 (2) two members representing recycling facilities that manage covered materials;

90.8 (3) one member representing a waste hauler or a statewide association representing waste
90.9 haulers;

90.10 (4) one member representing retailers of covered materials or a statewide trade association
90.11 representing those retailers;

90.12 (5) one member representing a statewide nonprofit environmental organization;

90.13 (6) one member representing a community-based nonprofit environmental justice
90.14 organization;

90.15 (7) one member representing a waste facility that receives and sorts covered materials
90.16 and transfers them to another facility for reuse, recycling, or composting;

90.17 (8) one member representing a waste facility that receives compostable materials for
90.18 composting or a statewide trade association that represents such facilities;

90.19 (9) two members representing an entity that develops or offers for sale covered materials
90.20 that are designed for reuse and maintained through a reuse system or infrastructure or a
90.21 statewide or national trade association that represents such entities;

90.22 (10) three members representing organizations of political subdivisions;

90.23 (11) two members representing other stakeholders or additional members of interests
90.24 represented under clauses (1) to (10) as determined by the commissioner; and

90.25 (12) one member representing the commissioner.

90.26 (b) In making appointments under paragraph (a), the commissioner:

90.27 (1) may not appoint members who are state legislators or registered lobbyists;

90.28 (2) may not appoint members who are employees of a producer required to be members
90.29 of a producer responsibility organization in this state under sections 115A.144 to 115A.1462;
90.30 and

91.1 (3) must endeavor to appoint members from all regions of the state.

91.2 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision
91.3 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members
91.4 serve for a term of four years, except that the initial term for nine of the initial appointees
91.5 must be two years so that membership terms are staggered. Members may be reappointed
91.6 but may not serve more than eight consecutive years. Removing members and filling of
91.7 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,
91.8 chapter 15 does not apply to the board.

91.9 Subd. 4. **Compensation.** Members of the board must be compensated according to
91.10 section 15.059, subdivision 3.

91.11 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If
91.12 there is a vacancy in the membership of the board, a majority of the remaining voting
91.13 members of the board constitutes a quorum.

91.14 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those
91.15 present and voting. All members of the advisory board, except the member appointed under
91.16 subdivision 2, paragraph (a), clause (12), are voting members of the board.

91.17 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may
91.18 meet more frequently upon ten days' written notice at the request of the chair or a majority
91.19 of its members.

91.20 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

91.21 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board
91.22 must elect a chair and vice-chair from among its members.

91.23 Subd. 10. **Administrative and operating support.** The commissioner must provide
91.24 administrative and operating support to the advisory board and may contract with a third-party
91.25 facilitator to assist in administering the activities of the advisory board, including establishing
91.26 a website or landing page on the agency website.

91.27 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board
91.28 in developing policies and procedures governing the disclosure of actual or perceived
91.29 conflicts of interest that advisory board members may have as a result of their employment
91.30 or financial holdings of themselves or of family members. Each advisory board member is
91.31 responsible for reviewing the conflict of interest policies and procedures. An advisory board
91.32 member must disclose any instance of actual or perceived conflicts of interest at each meeting

92.1 of the advisory board at which recommendations regarding stewardship plans, programs,
92.2 operations, or activities are made by the advisory board.

92.3 **Sec. 6. [115A.1445] COMMISSIONER RESPONSIBILITIES.**

92.4 The commissioner must:

92.5 (1) appoint the initial membership of the advisory board by January 1, 2025, according
92.6 to section 115A.1444;

92.7 (2) provide administrative and operating support to the advisory board, as required by
92.8 section 115A.1444, subdivision 10;

92.9 (3) complete an initial needs assessment by December 31, 2026, and update the needs
92.10 assessment every five years thereafter, according to section 115A.1450;

92.11 (4) approve stewardship plans and amendments to stewardship plans according to section
92.12 115A.1451;

92.13 (5) provide the lists of covered materials that are recyclable or compostable and exempt
92.14 materials developed by the commissioner under section 115A.1453 to all producer
92.15 responsibility organizations by March 1, 2027;

92.16 (6) post on the agency's website:

92.17 (i) the most recent registration materials submitted by producer responsibility
92.18 organizations, including all information submitted under section 115A.1443, subdivision
92.19 1;

92.20 (ii) the most recent needs assessment;

92.21 (iii) any stewardship plan or amendment submitted by a producer responsibility
92.22 organization under section 115A.1451 that is in draft form during the public comment
92.23 period;

92.24 (iv) the most recent lists of recyclable or compostable covered materials and of exempt
92.25 materials developed by the commissioner under section 115A.1453;

92.26 (v) the most recent list of exempt materials approved by the commissioner under section
92.27 115A.1453;

92.28 (vi) links to producer responsibility organization websites;

92.29 (vii) comments of the public, advisory board, and producer responsibility organizations
92.30 on the documents listed in items (ii), (iii), (iv), and (viii), and the responses of the
92.31 commissioner to those comments; and

- 93.1 (viii) links to adopted rules implementing sections 115A.144 to 115A.1462;
- 93.2 (7) provide producer responsibility organizations with information regarding Minnesota
93.3 and federal laws that prohibit toxic substances in covered materials;
- 93.4 (8) require and approve independent auditors to perform an annual financial audit of
93.5 program operations of each producer responsibility organization; and
- 93.6 (9) consider and respond in writing to all written comments received from the advisory
93.7 board.

93.8 **Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**
93.9 **RESPONSIBILITIES.**

93.10 The Producer Responsibility Advisory Board must:

- 93.11 (1) convene its initial meeting by March 1, 2025;
- 93.12 (2) consult with the commissioner regarding the scope of the needs assessment and to
93.13 provide written comments on needs assessments, according to section 115A.1450, subdivision
93.14 2;
- 93.15 (3) advise on the development of stewardship plans and amendments to stewardship
93.16 plans under section 115A.1451;
- 93.17 (4) submit comments to producer responsibility organizations and to the commissioner
93.18 on any matter relevant to the administration of sections 115A.144 to 115A.1462; and
- 93.19 (5) provide written comments to the commissioner during any rulemaking process
93.20 undertaken by the commissioner under section 115A.1459.

93.21 **Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**
93.22 **RESPONSIBILITIES.**

93.23 A producer responsibility organization must:

- 93.24 (1) annually register with the commissioner, according to section 115A.1443;
- 93.25 (2) submit a stewardship plan to the commissioner by March 1, 2028, and every five
93.26 years thereafter, according to section 115A.1451;
- 93.27 (3) implement stewardship plans approved by the commissioner under section 115A.1451
93.28 and to comply with the requirements of sections 115A.144 to 115A.1462;
- 93.29 (4) forward upon receipt from the commissioner the lists of covered materials that are
93.30 recyclable or compostable and exempt materials developed by the commissioner under

94.1 section 115A.1453 to all service providers that participate in a stewardship plan administered
94.2 by the producer responsibility organization;

94.3 (5) collect producer fees according to section 115A.1454;

94.4 (6) submit the reports required by section 115A.1456;

94.5 (7) ensure that producers operating under a stewardship plan administered by the producer
94.6 responsibility organization comply with the requirements of the stewardship plan and with
94.7 sections 115A.144 to 115A.1462;

94.8 (8) expel a producer from the producer responsibility organization if efforts to return
94.9 the producer to compliance with the plan or with the requirements of sections 115A.144 to
94.10 115A.1462 are unsuccessful. The producer responsibility organization must notify the
94.11 commissioner when a producer has been expelled under this clause;

94.12 (9) consider and respond in writing to comments received from the advisory board,
94.13 including justifications for not incorporating any recommendations;

94.14 (10) provide producers with information regarding state and federal laws that prohibit
94.15 substances in covered materials, including sections 115A.965, 116.943, 325F.075, and
94.16 325F.172 to 325F.179 and all laws prohibiting toxic substances in covered materials;

94.17 (11) maintain a website according to section 115A.1457;

94.18 (12) notify the commissioner within 30 days if a change is made to the contact information
94.19 for a person responsible for implementing the stewardship plan, a change to the board
94.20 members, or a change to the executive director; and

94.21 (13) assist service providers in identifying and using responsible markets.

94.22 **Sec. 9. [115A.1448] PRODUCER RESPONSIBILITIES.**

94.23 Subdivision 1. **Registration required; prohibition of sale.** (a) After January 1, 2025,
94.24 a producer must be a member of a producer responsibility organization registered in this
94.25 state.

94.26 (b) After January 1, 2029, no producer may introduce covered materials, either separately
94.27 or when used to package another product, unless the producer operates under a written
94.28 agreement with a producer responsibility organization to operate under an approved
94.29 stewardship plan.

94.30 (c) After January 1, 2032, no producer may introduce covered materials into the state
94.31 unless the covered materials are:

95.1 (1) collected under a program in a stewardship plan approved by the commissioner under
95.2 section 115A.1451, subdivision 4;

95.3 (2) reusable, included in a reuse system that meets the reuse rate and return rate required
95.4 under section 115A.1451, subdivision 7, and included in an approved stewardship plan;

95.5 (3) capable of waste reduction and are in a system for waste reduction included in an
95.6 approved stewardship plan;

95.7 (4) included on the list established under section 115A.1453, subdivision 1; or

95.8 (5) included on the list established under section 115A.1453, subdivision 2.

95.9 Subd. 2. **Duties.** A producer must:

95.10 (1) implement the requirements of the stewardship plan under which the producer operates
95.11 and to comply with the requirements of sections 115A.144 to 115A.1462; and

95.12 (2) pay producer fees according to section 115A.1454.

95.13 **Sec. 10. [115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

95.14 A service provider participating in an approved stewardship plan must:

95.15 (1) provide for the collection and management of covered materials generated in the
95.16 state pursuant to contractual agreements with a producer responsibility organization or
95.17 arrangements with other service providers that are entered into under an approved stewardship
95.18 plan; and

95.19 (2) if the service provider is a political subdivision, provide at least a one-year advance
95.20 notice to the producer responsibility organization if the political subdivision plans to cease
95.21 acting as a service provider.

95.22 **Sec. 11. [115A.1450] NEEDS ASSESSMENT.**

95.23 Subdivision 1. **Needs assessment required.** By December 31, 2026, and every five
95.24 years thereafter, the commissioner must complete a statewide needs assessment according
95.25 to this section.

95.26 Subd. 2. **Input from interested parties.** In conducting a needs assessment, the
95.27 commissioner must:

95.28 (1) initiate a consultation process to obtain recommendations from the advisory board,
95.29 political subdivisions, service providers, producer responsibility organizations, and other

96.1 interested parties regarding the type and scope of information that should be collected and
96.2 analyzed in the statewide needs assessment required by this section;

96.3 (2) contract with a third party who is not a producer or a producer responsibility
96.4 organization to conduct the needs assessment; and

96.5 (3) prior to finalizing the needs assessment, make the draft needs assessment available
96.6 for comment by the advisory board, producer responsibility organizations, and the public.
96.7 The commissioner must respond in writing to the comments and recommendations of the
96.8 advisory board and producer responsibility organizations.

96.9 Subd. 3. Content of needs assessment. A needs assessment must include at a minimum:

96.10 (1) an evaluation of the performance of:

96.11 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered
96.12 materials type, as applicable, including collection rates, recycling rates, composting rates,
96.13 reuse rates, and return rates for each covered materials type;

96.14 (ii) the stewardship plan with respect to the recycling rate, composting rate, reuse rate,
96.15 and return rate for all covered materials; and

96.16 (iii) the extent to which postconsumer recycled content is incorporated into each covered
96.17 materials type, as applicable;

96.18 (2) an evaluation of a representative sample of management of covered materials with
96.19 mixed municipal solid waste, as source-separated recyclable materials, and as
96.20 source-separated compostable materials as received by waste management, recycling, and
96.21 composting facilities in the state, and relevant findings from any publicly available waste
96.22 stream evaluations conducted within the previous year, to evaluate the amount and portion
96.23 of covered materials being disposed of that would otherwise be recyclable or compostable;

96.24 (3) proposals for a range of potential performance targets to meet statewide requirements
96.25 as applicable to each covered materials type to be accomplished within a five-year time
96.26 frame in multiple units of measurement, including but not limited to unit-based, weight-based,
96.27 and volume-based, for each of the following:

96.28 (i) waste reduction;

96.29 (ii) reuse rates and return rates;

96.30 (iii) recycling rates;

96.31 (iv) composting rates; and

- 97.1 (v) postconsumer recycled content;
- 97.2 (4) an evaluation of the following factors for each covered material collected for recycling
97.3 or composting:
- 97.4 (i) current availability of recycling collection services;
- 97.5 (ii) recycling collection and processing infrastructure;
- 97.6 (iii) capacity and technology for sorting covered materials;
- 97.7 (iv) availability of responsible end markets;
- 97.8 (v) the presence and amount of processing residuals, contamination, and toxic substances;
- 97.9 (vi) quantity of material estimated to be available and recoverable;
- 97.10 (vii) projected future conditions for clauses (i) to (vi); and
- 97.11 (viii) other criteria or factors determined by the commissioner;
- 97.12 (5) recommended collection methods, by covered materials type, to maximize collection
97.13 efficiency and feedstock quality;
- 97.14 (6) proposed plans and metrics for how to measure progress in achieving performance
97.15 targets and statewide requirements;
- 97.16 (7) an evaluation of options for third-party certification of activities to meet obligations
97.17 of sections 115A.144 to 115A.1462;
- 97.18 (8) an inventory of the current system, including:
- 97.19 (i) infrastructure, capacity, performance, funding level, and method and sources of
97.20 financing for the existing waste reduction, reuse, collection, transportation, processing,
97.21 recycling, and composting systems for covered materials operating in the state; and
- 97.22 (ii) availability and cost of waste reduction, reuse, recycling, and composting services
97.23 for covered materials at single-family residences, multifamily residences, commercial
97.24 facilities, industrial facilities, institutional facilities, and public places, including identification
97.25 of disparities in the availability of these services in environmental justice areas compared
97.26 with other areas and proposals for reducing or eliminating those disparities;
- 97.27 (9) an evaluation of investments needed to:
- 97.28 (i) increase waste reduction, reuse, recycling, and composting rates of covered materials
97.29 in order to achieve performance targets proposed in clause (3);

- 98.1 (ii) maintain or improve operations of existing infrastructure, taking into account the
98.2 waste reduction, reuse, recycling, and composting of covered materials;
- 98.3 (iii) expand the availability and accessibility of recycling collection services for recyclable
98.4 covered materials to all residents of the state at an equivalent level of service and convenience
98.5 as collection services for mixed municipal solid waste; and
- 98.6 (iv) establish and expand the availability and accessibility of reuse services for reusable
98.7 covered materials;
- 98.8 (10) proposed formulas reimbursing service providers, based on factors identified in
98.9 section 115A.1455, subdivision 4;
- 98.10 (11) an assessment of the viability and robustness of markets for recyclable covered
98.11 materials and the degree to which these markets can be considered responsible markets;
- 98.12 (12) an assessment of the level and causes of contamination of source-separated recyclable
98.13 materials, source-separated compostable materials and collected reusables, and the impacts
98.14 of contamination on service providers, including the cost to manage this contamination;
- 98.15 (13) an assessment of toxic substances intentionally added to covered materials, their
98.16 potential environmental impacts and human health impacts, and whether this limits one or
98.17 more covered materials types from being used as a marketable feedstock;
- 98.18 (14) an assessment of current best practices to increase public awareness, educate, and
98.19 complete outreach activities accounting for culturally responsive materials and methods
98.20 and an evaluation of the impact of these practices on:
- 98.21 (i) using product labels as a means of informing consumers about environmentally sound
98.22 use and management of covered materials;
- 98.23 (ii) increasing public awareness of how to use and manage covered materials in an
98.24 environmentally sound manner and how to access waste reduction, reuse, recycling, and
98.25 composting services; and
- 98.26 (iii) encouraging behavior change to increase participation in waste reduction, reuse,
98.27 recycling, and composting programs;
- 98.28 (15) an assessment of each covered material's:
- 98.29 (i) generation of hazardous waste and greenhouse gas emissions; and
- 98.30 (ii) impacts on environmental justice and public health;

99.1 (16) identification of the covered materials with the most significant environmental
99.2 impact; and

99.3 (17) other items identified by the commissioner that would aid the creation of the
99.4 stewardship plan, its administration, and the enforcement of sections 115A.144 to 115A.1462.

99.5 Subd. 4. **Needs assessment as baseline.** When determining the extent to which any
99.6 statewide requirement or performance target under sections 115A.144 to 115A.1462 has
99.7 been achieved, information contained in a needs assessment must serve as the baseline for
99.8 that determination, when applicable.

99.9 Subd. 5. **Participation required.** A service provider or other person with data or
99.10 information necessary to complete a needs assessment must provide the data or information
99.11 to the commissioner in a timely fashion upon request. A service provider or other person
99.12 who does not want to be identified with information submitted to the commissioner under
99.13 this subdivision may request to proceed under a nondisclosure agreement. Once a request
99.14 is made, the requestor, the commissioner, and all third parties participating in the completion
99.15 of the needs assessment in whatever capacity must enter into a nondisclosure agreement.
99.16 Once these parties have entered into a nondisclosure agreement, the requestor must submit
99.17 the necessary data or information to the contractor selected by the commissioner. The
99.18 contractor must aggregate and anonymize the data or information received from all parties
99.19 proceeding under a nondisclosure agreement under this subdivision and must then submit
99.20 the aggregated anonymized information to the commissioner or to the party or parties
99.21 contracted to complete the needs assessment.

99.22 Sec. 12. **[115A.1451] STEWARDSHIP PLAN.**

99.23 Subdivision 1. **Stewardship plan required.** By March 1, 2028, and every five years
99.24 thereafter, a producer responsibility organization must submit a stewardship plan to the
99.25 commissioner that describes the proposed operation by the organization of programs to
99.26 fulfill the requirements of sections 115A.144 to 115A.1462 and that incorporates the findings
99.27 and results of needs assessments. Once approved, a stewardship plan remains in effect for
99.28 five years, as amended, or until a subsequent stewardship plan is approved.

99.29 Subd. 2. **Advisory board review of draft plan and amendments.** A producer
99.30 responsibility organization must submit a draft stewardship plan or draft amendment to the
99.31 advisory board at least 60 days before submitting the draft plan or draft amendment to the
99.32 commissioner to allow the advisory board to submit comments and must address advisory
99.33 board comments and recommendations before submitting the draft plan or draft amendment
99.34 to the commissioner.

100.1 Subd. 3. Content of stewardship plans. A proposed stewardship plan must include at
100.2 least the following:

100.3 (1) performance targets applicable to each covered materials type to be accomplished
100.4 within a five-year period, established in subdivision 5, paragraph (a);

100.5 (2) a description of the methods of collection to be used for each covered materials type
100.6 and how they will meet the statewide requirement established in subdivision 7;

100.7 (3) a description of the methods of collection to be used for each covered materials type
100.8 managed through a reuse system, including infrastructure, convenience metrics, and
100.9 measurement, and how they will meet the statewide requirement established in subdivision
100.10 7;

100.11 (4) a description of the methods to be used for each covered materials type for waste
100.12 reduction, including infrastructure, convenience metrics, and measurement methods for
100.13 refill, and how they will meet the statewide requirement established in subdivision 7;

100.14 (5) proposals for exemptions from performance targets and statewide requirements for
100.15 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable
100.16 due to federal or state health and safety requirements. The producer responsibility
100.17 organization must identify the specific requirements and the impact of covered materials;

100.18 (6) a plan for how the producer responsibility organization will measure recycling, waste
100.19 reduction, and reuse according to subdivision 6 and a description of how the organization
100.20 will measure composting and inclusion of postconsumer recycled content;

100.21 (7) third-party certifications as required by the commissioner or voluntarily undertaken;

100.22 (8) a budget and identification of funding needs for each of the five calendar years
100.23 covered by the plan, including:

100.24 (i) producer fees and a description of the process used to calculate the fees, including
100.25 an explanation of how the fees meet the requirements of section 115A.1454; and

100.26 (ii) a plan for infrastructure investments, including a description of how the process to
100.27 offer and select opportunities will be conducted in an open, competitive, and fair manner;
100.28 how it will address gaps in the system not met by service providers; and the financial and
100.29 legal instruments to be used;

100.30 (9) an explanation of how the program will be fully paid for by producers, without any
100.31 fee, charge, surcharge, or other cost to members of the public, businesses, service providers,
100.32 the state or any political subdivision, or any other person who is not a producer. For purposes

101.1 of this requirement, a deposit made in connection with a product's refill, reuse, or recycling
101.2 that can be redeemed by a consumer is not a fee, charge, surcharge, or other cost;

101.3 (10) a description of activities to be undertaken during the next five calendar years,
101.4 which must at a minimum describe how the producer responsibility organization, acting on
101.5 behalf of producers, will:

101.6 (i) minimize the environmental impacts and human health impacts of covered materials;

101.7 (ii) incorporate as program objectives the improved design of covered materials according
101.8 to section 115A.1454, subdivision 1, clause (2);

101.9 (iii) expand and increase the convenience of waste reduction, reuse, collection, recycling,
101.10 and composting services in conformance with the waste management hierarchy under section
101.11 115A.02;

101.12 (iv) ensure statewide coverage of collection services for covered materials on the
101.13 recyclable or compostable list established under section 115A.1453, subdivision 1, at no
101.14 cost to all single-family and multifamily residences and political subdivisions that arrange
101.15 for the collection of recyclable materials from public places, at the equivalent level of service
101.16 and convenience as collection services for mixed municipal solid waste; and

101.17 (v) ensure that postconsumer recycled materials are delivered to responsible markets;

101.18 (11) a description of how the program uses and interacts with existing collection, waste
101.19 reduction, reuse, recycling, and composting efforts and service providers and how the
101.20 producer responsibility organization will reimburse service providers for the cost of:

101.21 (i) collecting covered materials generated from all single-family residences, multifamily
101.22 residences, and public places in the state; and

101.23 (ii) managing covered materials generated from all single-family residences; multifamily
101.24 residences; public places; and commercial, industrial, and institutional facilities in the state;

101.25 (12) a description of how, for each covered material, the plan will be designed to minimize
101.26 environmental impacts;

101.27 (13) a description of how the producer responsibility organization will ensure that all
101.28 persons engaged in reuse, recycling, composting, and management of mixed municipal solid
101.29 waste are made aware of bid opportunities under section 115A.1455;

101.30 (14) reimbursement formulas and schedules of reimbursement rates for service providers
101.31 that elect to participate in the program and a description of how the formulas and schedules
101.32 were developed according to section 115A.1455;

- 102.1 (15) terms and conditions for service agreements, including:
- 102.2 (i) an agreement that the producer responsibility organization will treat nonpublic data
- 102.3 submitted by service providers electing to participate in the program as nonpublic data;
- 102.4 (ii) a requirement that service providers accept all covered materials on the compostable
- 102.5 materials list established by the commissioner under section 115A.1453; and
- 102.6 (iii) performance standards for service providers that include a requirement that service
- 102.7 providers sorting commingled recyclable materials meet minimum material standards and
- 102.8 bale quality standards, minimum capture rates, and maximum processing residual rates and
- 102.9 demonstrate materials have been sent to a responsible market;
- 102.10 (16) a process to resolve disputes that arise between the producer responsibility
- 102.11 organization and a service provider regarding the determination and payment of the
- 102.12 reasonable cost of services provided under an approved stewardship plan;
- 102.13 (17) a description of how the producer responsibility organization will provide technical
- 102.14 assistance to:
- 102.15 (i) service providers in order to deliver covered materials to responsible markets;
- 102.16 (ii) producers regarding toxic substances in covered materials and actions producers can
- 102.17 take to reduce intentionally added toxic substances in covered materials through proof of
- 102.18 testing or an analytical and scientifically demonstrated methodology; and
- 102.19 (iii) producers to make changes in product design that reduce the environmental impact
- 102.20 of covered materials or that increase the recoverability or marketability of covered materials
- 102.21 for reuse, recycling, or composting;
- 102.22 (18) a description of how the producer responsibility organization will increase public
- 102.23 awareness, educate, and complete outreach activities accounting for culturally responsive
- 102.24 materials and methods and evaluate the efficacy of these efforts, including:
- 102.25 (i) assist producers in improving product labels as a means of informing consumers
- 102.26 about refilling, reusing, recycling, composting, and other environmentally sound methods
- 102.27 of managing covered materials;
- 102.28 (ii) increase public awareness of how to use and manage covered materials in an
- 102.29 environmentally sound manner and how to access waste reduction, reuse, recycling, and
- 102.30 composting services; and
- 102.31 (iii) encourage behavior change to increase participation in waste reduction, reuse,
- 102.32 recycling, and composting programs;

103.1 (19) a summary of consultations held with the advisory board and other stakeholders to
103.2 provide input to the stewardship plan, a list of recommendations that were incorporated into
103.3 the stewardship plan as a result, and a list of rejected recommendations and the reasons for
103.4 rejection; and

103.5 (20) strategies to incorporate findings from any relevant studies required by the
103.6 legislature.

103.7 **Subd. 4. Plan and amendment review and approval procedure.** (a) The commissioner
103.8 must review and approve, deny, or request additional information for a draft stewardship
103.9 plan or a draft plan amendment no later than 120 days after the date the commissioner
103.10 receives it from a producer responsibility organization. The commissioner must post the
103.11 draft plan or draft amendment on the agency's website and allow public comment for no
103.12 less than 45 days before approving, denying, or requesting additional information on the
103.13 draft plan or draft amendment.

103.14 (b) If the commissioner denies or requests additional information for a draft plan or draft
103.15 amendment, the commissioner must provide the producer responsibility organization with
103.16 the reasons, in writing, that the plan or plan amendment does not meet the plan requirements
103.17 of subdivision 3. The producer responsibility organization has 60 days from the date that
103.18 the rejection or request for additional information is received to submit to the commissioner
103.19 any additional information necessary for the approval of the draft plan or draft amendment.
103.20 The commissioner must review and approve or disapprove the revised draft plan or draft
103.21 amendment no later than 60 days after the date the commissioner receives it.

103.22 (c) A producer responsibility organization may resubmit a draft plan or draft amendment
103.23 to the commissioner on not more than two occasions. If, after the second resubmission, the
103.24 commissioner determines that the draft plan or draft amendment does not meet the plan
103.25 requirements of sections 115A.144 to 115A.1462, the commissioner must modify the draft
103.26 plan or draft amendment as necessary for it to meet the requirements of sections 115A.144
103.27 to 115A.1462 and approve it.

103.28 (d) Upon recommendation by the advisory board, or upon the commissioner's own
103.29 initiative, the commissioner may require an amendment to a stewardship plan if the
103.30 commissioner determines that an amendment is necessary to ensure that the producer
103.31 responsibility organization maintains compliance with sections 115A.144 to 115A.1462.

103.32 **Subd. 5. Performance targets.** (a) The producer responsibility organization must propose
103.33 performance targets based on the needs assessment that meet the statewide requirements in
103.34 subdivision 7 that must be included in a stewardship plan approved under this section.

104.1 Performance targets must include targets for reuse rates, return rates, recycling rates,
104.2 composting rates, and postconsumer recycled content by covered materials type that are to
104.3 be achieved by the end of the stewardship plan's term. The producer responsibility
104.4 organization must select the unit that is most appropriate to measure each performance
104.5 target as informed by the needs assessment.

104.6 (b) The commissioner may require that a producer responsibility organization obtain
104.7 third-party certification of any activity or achievement of any standard required by sections
104.8 115A.144 to 115A.1462. The commissioner must provide a producer responsibility
104.9 organization with notice of at least one year prior to requiring use of third-party certification
104.10 under this paragraph.

104.11 (c) The performance targets proposed under this subdivision must demonstrate continuous
104.12 improvement in reducing the environmental and human health impacts of covered materials
104.13 over time.

104.14 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of
104.15 determining whether recycling performance targets are being met, except as modified by
104.16 the commissioner, a stewardship plan must stipulate that the amount of recycled material
104.17 must be measured at the point at which material leaves a recycling facility and must account
104.18 for:

104.19 (1) levels of estimated contamination documented by the facility;

104.20 (2) any exclusions for fuel or energy capture; and

104.21 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179
104.22 and all other laws pertaining to toxic substances in covered materials.

104.23 (b) For purposes of determining whether waste reduction performance targets are being
104.24 met, a stewardship plan must ensure that the amount of waste reduction of covered materials
104.25 is measured in a manner that can determine the extent to which the amount of material used
104.26 for a covered material is eliminated beyond what is necessary to efficiently deliver a product
104.27 without damage or spoilage or other means of covered material redesign to reduce overall
104.28 use and environmental impacts.

104.29 (c) For purposes of determining whether reuse targets are being met, a stewardship plan
104.30 must provide for the measurement of the amount of reusable covered materials to be at the
104.31 point at which reusable covered materials meet the following criteria as demonstrated by
104.32 the producer and approved by the commissioner:

105.1 (1) whether the average minimum number of cycles of reuses within a recognized reuse
105.2 system has been met based on the number of times an item must be reused for it to have
105.3 lower environmental impacts than the single-use version of the item; and

105.4 (2) whether the demonstrated or research-based anticipated return rate of the covered
105.5 material to the reuse system has been met.

105.6 (d) For other targets, the producer responsibility organization must propose a calculation
105.7 point for review and approval as part of the stewardship plan based on findings from the
105.8 needs assessment.

105.9 Subd. 7. Statewide requirements. (a) The producer responsibility organization must
105.10 ensure the following requirements are met collectively by its members by the end of the
105.11 year indicated:

105.12 (1) by 2033:

105.13 (i) the combined recycling rate and composting rate must be no less than 65 percent of
105.14 covered materials by weight sold or distributed;

105.15 (ii) the reuse rate is ten percent of the number of units of packaging sold or distributed
105.16 into the state, with a return rate of no less than 90 percent;

105.17 (iii) the weight of covered materials introduced must be waste reduced by 15 percent,
105.18 compared to levels identified in the initial needs assessment; and

105.19 (iv) all covered materials introduced must contain at least ten percent postconsumer
105.20 recycled content, with all covered materials containing an overall average of at least 30
105.21 percent, as applicable, excluding compostable materials that cannot include postconsumer
105.22 recycled content because of unique chemical or physical properties or health and safety
105.23 requirements that prohibit introduction of postconsumer recycled content; and

105.24 (2) by 2038:

105.25 (i) the combined recycling rate and composting rate must be no less than 75 percent of
105.26 covered materials by weight sold or distributed into the state;

105.27 (ii) the reuse rate is 20 percent of the number of units of packaging sold or distributed
105.28 into the state, with a return rate of no less than 95 percent;

105.29 (iii) the weight of covered materials introduced must be waste reduced by 25 percent,
105.30 compared to levels identified in the initial needs estimate; and

105.31 (iv) all covered materials introduced must contain at least 30 percent postconsumer
105.32 recycled content, with all covered products containing an overall average of at least 50

106.1 percent, as applicable, excluding compostable materials that cannot include postconsumer
 106.2 recycled content because of unique chemical or physical properties or health and safety
 106.3 requirements that prohibit introduction of postconsumer recycled content.

106.4 (b) The commissioner may adjust any requirement established in paragraph (a) by no
 106.5 more than five percent after submitting the proposed adjustment to the advisory board and
 106.6 considering the board's recommendations before making the adjustment.

106.7 (c) After 2038, the commissioner may establish additional statewide requirements for:

106.8 (1) the amount of covered materials that must be recycled or composted;

106.9 (2) the number of units of packaging sold or distributed into the state that must be reusable
 106.10 and the return rate that must be met when returned to an established reuse system;

106.11 (3) the weight of covered materials introduced that must be waste reduced; and

106.12 (4) the percent of postconsumer recycled content that must be used in covered materials
 106.13 introduced.

106.14 The statewide requirements established under this paragraph must not be less than those
 106.15 listed in paragraph (a), clause (2).

106.16 **Sec. 13. [115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**
 106.17 **MATERIALS LISTS; EXEMPT MATERIALS LIST.**

106.18 Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a
 106.19 list of covered materials determined to be recyclable or compostable statewide through
 106.20 systems where covered materials are commingled into a recyclables stream and a separate
 106.21 compostables stream. These covered materials must be collected at the equivalent level of
 106.22 service and convenience as collection services for mixed municipal solid waste.

106.23 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner
 106.24 must complete a list of covered materials determined to be recyclable or compostable and
 106.25 collected statewide through systems other than the system required for covered materials
 106.26 on the list established in subdivision 1.

106.27 Subd. 3. **Input from interested parties.** The commissioner must consult with the
 106.28 advisory board, producer responsibility organizations, service providers, political
 106.29 subdivisions, and other interested parties to develop or amend the recyclable or compostable
 106.30 covered materials lists.

106.31 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner
 106.32 may consider the following criteria:

- 107.1 (1) current availability of recycling collection services;
- 107.2 (2) recycling collection and processing infrastructure;
- 107.3 (3) capacity and technology for sorting covered materials;
- 107.4 (4) availability of responsible end markets;
- 107.5 (5) presence and amount of processing residuals, contamination, and toxic substances;
- 107.6 (6) quantity of material estimated to be available and recoverable;
- 107.7 (7) projected future conditions for clauses (1) to (6);
- 107.8 (8) if collected for recycling, the covered material type and form must be one that is
- 107.9 regularly sorted and aggregated into defined streams for recycling processes or the packaging
- 107.10 format must be specified in a relevant Institution of Scrap Recycling Industries specification;
- 107.11 and
- 107.12 (9) other criteria or factors determined by the commissioner.

107.13 Subd. 5. **Collection requirements.** (a) A producer responsibility organization must

107.14 collect covered materials included in a list established under subdivision 1, on a statewide

107.15 basis, as follows:

107.16 (1) for residents that have curbside mixed municipal solid waste collection, provide

107.17 collection of covered materials at the same frequency and on the same day as mixed

107.18 municipal solid waste collection;

107.19 (2) provide collection of covered materials at each recycling or mixed municipal solid

107.20 waste drop-off site that is open to the public, including but not limited to canister sites,

107.21 transfer stations, and disposal facilities;

107.22 (3) provide a durable container dedicated to the collection of covered materials to every

107.23 residential unit served according to this paragraph; and

107.24 (4) in addition to the requirements of clauses (1) to (3), the producer responsibility

107.25 organization may collect or contract for the collection of covered materials from the public

107.26 by other means, including but not limited to other drop off locations or mobile collections.

107.27 (b) A producer responsibility organization must collect covered materials included in a

107.28 list established under subdivision 2, on a statewide basis, as follows:

107.29 (1) the producer responsibility organization must provide:

107.30 (i) for each county with a population of 10,000 or less, at least two permanent drop-off

107.31 collection sites;

108.1 (ii) for each county with a population greater than 10,000 but less than or equal to
108.2 100,000, at least two permanent drop-off collection sites and at least one additional permanent
108.3 drop-off collection site for each additional 10,000 in population above a population of
108.4 10,000;

108.5 (iii) for each county with a population greater than 100,000, at least 11 permanent
108.6 drop-off collection sites and at least one additional permanent year-round drop-off collection
108.7 site for each additional 50,000 in population above a population of 100,000; and

108.8 (iv) a permanent drop-off collection site located within ten miles of at least 95 percent
108.9 of state residents;

108.10 (2) the producer responsibility organization may propose an alternative to the
108.11 requirements of paragraph (b), clause (1), as part of a stewardship plan if the producer
108.12 responsibility organization demonstrates that the alternative will provide an equivalent or
108.13 greater level of service and convenience; and

108.14 (3) the producer responsibility organization may use the following additional collection
108.15 methods:

108.16 (i) curbside collection of source-separated covered materials;

108.17 (ii) curbside collection that is less frequent than collection of mixed municipal solid
108.18 waste;

108.19 (iii) mobile collection;

108.20 (iv) collection events;

108.21 (v) custom collection programs based on the use and generation of the covered material
108.22 being managed in a custom program; and

108.23 (vi) collection in the same manner provided for the covered materials in the list under
108.24 subdivision 1.

108.25 **Subd. 6. Exempt materials list.** (a) A producer may request the commissioner, on a
108.26 form prescribed by the commissioner, to classify as an exempt material one or more types
108.27 of packaging. The commissioner must submit the request to the advisory board for review
108.28 and comment before approving or denying the request.

108.29 (b) The commissioner may approve the request only if the commissioner determines
108.30 that a specific federal or state health and safety requirement prevents the packaging from
108.31 being waste reduced or made reusable, recyclable, or compostable.

109.1 (c) The commissioner must review and approve, deny, or request additional information
109.2 for a request for classification of packaging as an exempt material no later than 120 days
109.3 after the date the commissioner receives the request from a producer.

109.4 (d) The commissioner must post on the agency website a list of materials exempted
109.5 under this subdivision.

109.6 (e) An exemption granted under this section is valid for two years, after which a producer
109.7 must reapply according to this subdivision.

109.8 Subd. 7. **Amendment.** The commissioner may amend a list completed under this section
109.9 at any time and must provide amended lists to producer responsibility organizations as soon
109.10 as possible after adopting an amendment. Producer responsibility organizations must provide
109.11 amended lists to service providers as soon as possible after receiving the amendment and
109.12 incorporate changes in relevant service provider agreements and operations within a year.

109.13 Sec. 14. **[115A.1454] PRODUCER FEES.**

109.14 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect
109.15 a fee from each producer that must:

109.16 (1) be based on the total amount of covered materials each producer introduces in the
109.17 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of
109.18 measurement;

109.19 (2) incentivize using materials and design attributes that reduce the environmental impacts
109.20 and human health impacts, as determined by the commissioner, of covered materials by the
109.21 following methods:

109.22 (i) eliminating intentionally added toxic substances in covered materials;

109.23 (ii) reducing the amount of packaging per individual covered material that is necessary
109.24 to efficiently deliver a product without damage or spoilage without reducing its ability to
109.25 be recycled or reducing the amount of paper used to manufacture individual paper products;

109.26 (iii) increasing covered materials managed in a reuse system;

109.27 (iv) increasing the proportion of postconsumer material in covered materials;

109.28 (v) enhancing recyclability or compostability of a covered material; and

109.29 (vi) increasing the amount of inputs derived from renewable and sustainable sources;

110.1 (3) discourage using materials and design attributes in a producer's covered materials
110.2 whose environmental impacts and human health impacts, as determined by the commissioner,
110.3 can be reduced by the methods listed under clause (2);

110.4 (4) prioritize reuse by charging covered materials that are managed through a reuse
110.5 system only once, upon initial entry into the marketplace, and by applying the lowest fee
110.6 to these covered materials; and

110.7 (5) generate revenue sufficient to pay in full:

110.8 (i) the annual registration fee required under section 115A.1443;

110.9 (ii) financial obligations to complete activities described in an approved stewardship
110.10 plan and to reimburse service providers under agreements in section 115A.1455;

110.11 (iii) the operating costs of the producer responsibility organization; and

110.12 (iv) for the establishment and maintenance of a financial reserve that is sufficient to
110.13 operate the program in a fiscally prudent and responsible manner.

110.14 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount
110.15 needed to pay the costs described in subdivision 1, clause (5), must be used to improve or
110.16 enhance program outcomes or to reduce producer fees according to provisions of an approved
110.17 stewardship plan.

110.18 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for
110.19 lobbying, as defined in section 3.084, subdivision 1.

110.20 Sec. 15. **[115A.1455] SERVICE PROVIDER AGREEMENTS; REIMBURSEMENT**
110.21 **RATES.**

110.22 Subdivision 1. **Service provider agreements and reimbursement required.** The terms
110.23 and conditions of the provision of waste reduction, reuse, collection, recycling, or composting
110.24 services under an approved stewardship plan must be established under a service agreement
110.25 between a producer responsibility organization and a service provider. In addition to the
110.26 terms and conditions established in an approved stewardship plan, each agreement must:

110.27 (1) establish strong labor standards and work safety practices, including but not limited
110.28 to safety programs, health benefits, and living wages;

110.29 (2) require the service provider to meet established performance standards;

110.30 (3) prohibit the service provider from charging a fee to any person for the services
110.31 provided under the service agreement; and

111.1 (4) establish clear and reasonable timelines for reimbursement that are no less than
111.2 monthly.

111.3 Subd. 2. **Collection of recyclables.** If a household does not have access to collection
111.4 services at the equivalent level of service and convenience as collection services for mixed
111.5 municipal solid waste for covered materials on a list established under section 115A.1453,
111.6 subdivision 1, the producer responsibility organization must ensure that collection service
111.7 is available to the household through a service provider.

111.8 Subd. 3. **Bidding processes.** (a) For procurement of services for management of covered
111.9 materials and for infrastructure investments included under an approved stewardship plan,
111.10 a producer responsibility organization must use the competitive bidding processes established
111.11 in section 16C.28, subdivision 1, and publicly post bid opportunities when entering into
111.12 agreements with service providers that are not political subdivisions, except that preference
111.13 must be given to existing facilities, providers of services, and accounts in the state for waste
111.14 reduction, reuse, collection, recycling, and composting of covered materials.

111.15 (b) No producer or producer responsibility organization may own or partially own
111.16 infrastructure unless, after a bidding process described in paragraph (a), no service provider
111.17 bids on the contract, in which case the producer responsibility organization may make
111.18 infrastructure investments identified under an approved stewardship plan to implement the
111.19 requirements in sections 115A.144 to 115A.1462.

111.20 Subd. 4. **Reimbursement rates.** (a) Each service agreement must include reimbursement
111.21 rates for services that are based on formulas that:

111.22 (1) incorporate relevant cost information identified by the needs assessment;

111.23 (2) reflect conditions that affect waste reduction, reuse, collection, recycling, and
111.24 composting costs in the region or jurisdiction in which the services are provided, including
111.25 but not limited to:

111.26 (i) the number and size of households;

111.27 (ii) population density;

111.28 (iii) collections methods employed;

111.29 (iv) distance to consolidation or transfer facilities, reuse, recycling, or composting
111.30 facilities, or to responsible markets; and

111.31 (v) other factors that may contribute to regional or jurisdictional cost differences;

112.1 (3) reflect administrative costs of service providers, including education, public awareness
112.2 campaigns, and outreach program costs as applicable;

112.3 (4) reflect planned capital improvements to facilities and equipment costs;

112.4 (5) reflect the cost of managing contamination present in source-separated recyclable
112.5 materials and source-separated compostable materials, including disposal of contamination
112.6 and residuals;

112.7 (6) reflect the proportion of covered compostable materials within all source-separated
112.8 compostable materials collected or managed through composting; and

112.9 (7) reflect the cost of managing contamination and cleaning or sanitation needed for
112.10 reuse systems.

112.11 (b) Each service agreement with a service provider that is also a political subdivision
112.12 must include reimbursement rates that use a rate established in a contract between a political
112.13 subdivision and one or more service providers in place of paragraph (a), clauses (1) and
112.14 (2).

112.15 Subd. 5. **Local government authority.** (a) Nothing in sections 115A.144 to 115A.1462
112.16 shall be construed to require a political subdivision to agree to operate under a stewardship
112.17 plan or enter into a service agreement with a producer responsibility organization.

112.18 (b) Nothing in sections 115A.144 to 115A.1462 restricts the authority of a political
112.19 subdivision to provide waste management services to residents, to contract with any entity
112.20 to provide waste management services, or to exercise its authority granted under section
112.21 115A.94. A producer responsibility organization may not conduct activities that would
112.22 conflict, compete, or otherwise interfere with a political subdivision exercising its authority
112.23 under section 115A.94 to organize collection of solid waste, including materials collected
112.24 for recycling or composting, or to extend, renew, or otherwise manage any contracts entered
112.25 into as a result of exercising such authority or otherwise resulting from a competitive
112.26 procurement process.

112.27 Subd. 6. **Dispute.** There must be a dispute resolution process using third-party mediators
112.28 to resolve disputes related to reimbursements and service agreements.

112.29 Sec. 16. **[115A.1456] REPORTING.**

112.30 Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1,
112.31 2031, and each May 1 thereafter, a producer responsibility organization must submit a

- 113.1 written report to the commissioner that contains, at a minimum, the following information
113.2 for the previous calendar year:
- 113.3 (1) the amount of covered materials introduced by each covered materials type, reported
113.4 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);
- 113.5 (2) progress toward the performance targets reported in the same units used to establish
113.6 producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide
113.7 and for each county, including:
- 113.8 (i) the amount of covered materials successfully waste reduced, reused, recycled, and
113.9 composted by covered materials type and the strategies or collection method used; and
- 113.10 (ii) information about third-party certifications obtained;
- 113.11 (3) the total cost to implement the program and a detailed description of program
113.12 expenditures, including:
- 113.13 (i) the total amount of producer fees collected in the current calendar year; and
- 113.14 (ii) a description of infrastructure investments made during the previous year;
- 113.15 (4) a copy of a financial audit of program operations conducted by an independent auditor
113.16 approved by the commissioner;
- 113.17 (5) a description of program performance problems that emerged in specific locations
113.18 and efforts taken or proposed by the producer responsibility organization to address them;
- 113.19 (6) a discussion of technical assistance provided to producers regarding toxic substances
113.20 in covered materials and actions taken by producers to reduce intentionally added toxic
113.21 substances in covered materials beyond compliance with prohibitions already established
113.22 in law through proof of testing or an analytical and scientifically demonstrated methodology;
- 113.23 (7) a description of public awareness, education, and outreach activities undertaken,
113.24 including any evaluations conducted of their efficacy, plans for next calendar year's activities,
113.25 and an evaluation of the process established by the producer responsibility organization to
113.26 answer questions from consumers regarding collection, recycling, composting, waste
113.27 reduction, and reuse activities;
- 113.28 (8) a summary of consultations held with the advisory board and how any feedback was
113.29 incorporated into the report as a result of the consultations, together with a list of rejected
113.30 recommendations and the reasons for rejection;
- 113.31 (9) a list of any producers found to be out of compliance with sections 115A.144 to
113.32 115A.1462, and actions taken by the producer responsibility organization to return the

114.1 producer to compliance, and notification of any producers that are no longer participating
114.2 in the producer responsibility organization or have been expelled due to their lack of
114.3 compliance;

114.4 (10) any proposed amendments to the stewardship plan to improve program performance
114.5 or reduce costs, including changes to producer fees, infrastructure investments, or
114.6 reimbursement formula and rates; and

114.7 (11) any information requested by the commissioner to assist with determining
114.8 compliance with sections 115A.144 to 115A.1462.

114.9 (b) Every fourth year after a stewardship plan is approved by the commissioner, a
114.10 performance audit of the program must be completed. The performance audit must conform
114.11 to audit standards established by the United States Government Accountability Office; the
114.12 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally
114.13 recognized organization approved by the commissioner.

114.14 Subd. 2. **Report following unmet target.** A producer responsibility organization that
114.15 fails to meet a performance target approved in a stewardship plan must, within 90 days of
114.16 filing an annual report under this section, file with the commissioner an explanation of the
114.17 factors contributing to the failure and propose an amendment to the stewardship plan
114.18 specifying changes in operations that the producer responsibility organization will make
114.19 that are designed to achieve the following year's targets. An amendment filed under this
114.20 subdivision must be reviewed by the advisory board and reviewed and approved by the
114.21 commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

114.22 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,
114.23 the commissioner must submit a report to the governor and to the chairs and ranking minority
114.24 members of the legislative committees with jurisdiction over solid waste. The report must
114.25 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during
114.26 the previous five years, a summary of the needs assessment, a link to reports filed under
114.27 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the
114.28 program, a list of efforts undertaken by the commissioner to enforce and secure compliance
114.29 with sections 115A.144 to 115A.1462, and any other information the commissioner deems
114.30 to be relevant.

114.31 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility
114.32 organizations with data necessary to complete the reports required by this section upon
114.33 request.

115.1 Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**

115.2 **WEBSITES.**

115.3 A producer responsibility organization must maintain a website that uses best practices
115.4 for accessibility that contains, at a minimum:

115.5 (1) information regarding a process that members of the public can use to contact the
115.6 producer responsibility organization with questions;

115.7 (2) a directory of all service providers operating under the stewardship plan administered
115.8 by the producer responsibility organization, grouped by location or political subdivision,
115.9 and information about how to request service;

115.10 (3) registration materials submitted to the commissioner under section 115A.1443;

115.11 (4) the draft and approved stewardship plan and any draft and approved amendments;

115.12 (5) information on how to manage covered materials included on the lists established
115.13 by the commissioner under section 115A.1453;

115.14 (6) information on reuse systems and waste reduction systems operating according to
115.15 sections 115A.144 to 115A.1462;

115.16 (7) the most recent list of exempt materials approved by the commissioner under section
115.17 115A.1453;

115.18 (8) the most recent needs assessment and all past needs assessments;

115.19 (9) annual reports filed by the producer responsibility organization;

115.20 (10) a link to administrative rules implementing sections 115A.144 to 115A.1462;

115.21 (11) comments of the advisory board on the documents listed in clauses (4) and (8), and
115.22 the responses of the producer responsibility organization to those comments;

115.23 (12) the names of producers and brands that are not in compliance with section
115.24 115A.1448;

115.25 (13) a list, that is updated at least monthly, of all member producers that will operate
115.26 under the stewardship plan administered by the producer responsibility organization and,
115.27 for each producer, a list of all brands of the producer's covered materials introduced in the
115.28 state; and

115.29 (14) education materials on waste reduction, reuse, recycling, and composting for
115.30 producers and the general public.

116.1 Sec. 18. [115A.1458] ANTICOMPETITIVE CONDUCT.

116.2 A producer responsibility organization that arranges collection, recycling, composting,
116.3 waste reduction, or reuse services under sections 115A.144 to 115A.1462 may engage in
116.4 anticompetitive conduct to the extent necessary to plan and implement collection, recycling,
116.5 composting, waste reduction, or reuse systems to meet the obligations under sections
116.6 115A.144 to 115A.1462, and is immune from liability under state laws relating to antitrust,
116.7 restraint of trade, and unfair trade practices.

116.8 Sec. 19. [115A.1459] RULEMAKING.

116.9 The commissioner may adopt rules to implement sections 115A.144 to 115A.1462. The
116.10 18-month time limit under section 14.125 does not apply to the commissioner's rulemaking
116.11 authority under this section.

116.12 Sec. 20. [115A.1460] PROVIDING INFORMATION.

116.13 Upon request of the commissioner for purposes of determining compliance with sections
116.14 115A.144 to 115A.1462, or for purposes of implementing sections 115A.144 to 115A.1462,
116.15 a person must furnish to the commissioner any information that the person has or may
116.16 reasonably obtain.

116.17 Sec. 21. [115A.1461] DEPOSIT RETURN SYSTEM.

116.18 It is the intent of the legislature that if a bottle deposit return system is enacted in the
116.19 future, it will be harmonized with sections 115A.144 to 115A.1462 in a manner that ensures
116.20 that:

116.21 (1) materials covered in that system are exempt from sections 115A.144 to 115A.1462
116.22 or related financial obligations are reduced;

116.23 (2) colocation of drop-off facilities and alternative collection sites is maximized;

116.24 (3) education and outreach is integrated between the two programs; and

116.25 (4) waste reduction and reuse strategies are prioritized between the two programs.

116.26 Sec. 22. [115A.1462] ENFORCEMENT.

116.27 (a) The commissioner must enforce sections 115A.144 to 115A.1462 as provided under
116.28 this section and sections 115.071 and 116.072. The commissioner may revoke a registration
116.29 of a producer responsibility organization or producer found to have violated sections
116.30 115A.144 to 115A.1462.

117.1 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and
117.2 except as otherwise provided in paragraph (c), a person that violates or fails to perform a
117.3 duty imposed by sections 115A.144 to 115A.1462 or any rule adopted thereunder is liable
117.4 for a civil penalty not to exceed \$25,000 per day of violation.

117.5 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a
117.6 producer responsibility organization or producer that violates a provision of or fails to
117.7 perform a duty imposed by sections 115A.144 to 115A.1462, a rule adopted thereunder, or
117.8 requirements of a stewardship plan approved by the commissioner, is liable for a civil
117.9 penalty not to exceed \$25,000 per day of violation. For a second violation occurring within
117.10 five years after the approval of a stewardship plan, a producer responsibility organization
117.11 or producer is liable for a civil penalty not to exceed \$50,000 per day of violation. For a
117.12 third or subsequent violation occurring within five years after the approval of a stewardship
117.13 plan, a producer responsibility organization or producer is liable for a civil penalty not to
117.14 exceed \$100,000 per day of violation.

117.15 **Sec. 23. WORKPLACE CONDITIONS AND EQUITY STUDY.**

117.16 (a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract
117.17 with a third party that is not a producer or a producer responsibility organization to conduct
117.18 a study of the recycling, composting, and reuse facilities operating in the state. The study
117.19 must analyze, at a minimum, information about:

117.20 (1) working conditions, wage and benefit levels, and employment levels of minorities
117.21 and women at those facilities;

117.22 (2) barriers to ownership of recycling, composting, and reuse operations faced by women
117.23 and minorities;

117.24 (3) the degree to which residents of multifamily buildings have less convenient access
117.25 to recycling, composting, and reuse opportunities than those living in single-family homes;

117.26 (4) the degree to which environmental justice areas have access to fewer recycling,
117.27 composting, and reuse opportunities compared to other parts of the state;

117.28 (5) the degree to which programs to increase access, convenience, and education are
117.29 successful in raising reuse, recycling, and composting rates in areas where participation in
117.30 these activities is low;

117.31 (6) strategies to increase participation in reuse, recycling, and composting; and

118.1 (7) the degree to which residents and workers in environmental justice areas are impacted
118.2 by emissions, toxic substances, and other pollutants from solid waste facilities in comparison
118.3 to other areas of the state and provide recommendations to mitigate those impacts.

118.4 (b) The initial producer responsibility organization registered by the commissioner under
118.5 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
118.6 the study through its annual registration fee and recommended actions identified in the study
118.7 must be considered as part of future stewardship plans as required under Minnesota Statutes,
118.8 section 115A.1451, including adjustments to service provider agreements and reimbursements
118.9 as established under Minnesota Statutes, section 115A.1455.

118.10 **Sec. 24. COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

118.11 (a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation
118.12 with the commissioners of health and natural resources, must contract with a third party
118.13 that is not a producer or a producer responsibility organization to conduct a study to identify
118.14 the contribution of covered products to litter and water pollution in Minnesota. The report
118.15 must at a minimum:

118.16 (1) analyze historical and current environmental and human health impacts of littered
118.17 covered materials and their associated toxic substances in the environment;

118.18 (2) estimate the cost of cleanup and prevention; and

118.19 (3) provide recommendations for how to reduce and mitigate the impacts of litter in the
118.20 state.

118.21 (b) The contracted third party must consult with units of local government, the
118.22 commissioners of health and natural resources, and environmental justice organizations.

118.23 (c) The initial producer responsibility organization registered by the commissioner under
118.24 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
118.25 the study through its annual registration fee and recommended actions identified in the study
118.26 must be considered as part of future stewardship plans, as required under Minnesota Statutes,
118.27 section 115A.1451.

ARTICLE 6

FERAL SWINE AND FUR FARMS

119.1

119.2

119.3 Section 1. Minnesota Statutes 2023 Supplement, section 17.457, as amended by Laws
119.4 2024, chapter 85, section 8, is amended to read:

119.5

17.457 RESTRICTED SPECIES.

119.6

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

119.7

(b) "Commissioner" means the commissioner of agriculture or the commissioner's

119.8

designee.

119.9

(c) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

119.10

~~(e)~~ (d) "Restricted species" means ~~Eurasian wild pigs and their hybrids (*Sus scrofa*~~

119.11

~~subspecies and *Sus scrofa* hybrids)~~ pigs, boars, peccaries, and all other members of the

119.12

Suidae family and the Tayassuidae family, excluding domestic hogs (*S. scrofa domesticus*).

119.13

~~(d)~~ (e) "Release" means an intentional introduction or persistent accidental escape of a

119.14

restricted species or domestic hog from the control of the owner or responsible party. Release

119.15

does not mean an accidental escape of restricted species or domestic hogs due to a

119.16

transportation accident or an act of God.

119.17

Subd. 2. ~~Importation; possession; release of~~ **Restricted species permit required.** It

119.18

is unlawful for a person to import, possess, propagate, or transport, or release a restricted

119.19

species, unless the person has a permit as described in subdivision 3.

119.20

Subd. 2a. **Release of restricted species or domestic hogs prohibited.** (a) It is unlawful

119.21

for a person to release restricted species or domestic hogs.

119.22

(b) In addition to the penalties in subdivision 6, a person who violates paragraph (a)

119.23

must do the following at the person's expense and by the date and time specified by the

119.24

commissioner:

119.25

(1) register their premises with the Board of Animal Health;

119.26

(2) implement the confinement standards and record-keeping requirements developed

119.27

by the Board of Animal Health; and

119.28

(3) reimburse the commissioner for costs incurred to annually inspect the registered

119.29

premises and verify compliance with clause (2).

119.30

Subd. 3. **Permits.** The commissioner may issue permits for the transportation, possession,

119.31

purchase, or importation of restricted species only for scientific, research, or educational;

120.1 ~~or commercial~~ purposes. A permit issued under this subdivision may be revoked by the
120.2 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
120.3 act or omission, including accidental escapes.

120.4 Subd. 4. **Notice of release of restricted species or domestic hogs.** In the event of a
120.5 release of a restricted species or domestic hog, the owner must notify within 24 hours a
120.6 conservation officer and the Board of Animal Health and is responsible for the recovery of
120.7 the species. ~~The commissioner may capture or destroy the released animal at the owner's~~
120.8 ~~expense.~~ If the owner does not provide notification or fails to recover the animal within 72
120.9 hours of providing notification, the released animal is considered feral swine under section
120.10 97A.56, is no longer the personal property of the owner, and may be captured or destroyed
120.11 at the former owner's expense by a peace officer or by the commissioner of natural resources
120.12 under section 97A.045, subdivision 1, paragraph (b), or other authority.

120.13 Subd. 5. **Enforcement.** (a) This section may be enforced by a peace officer, an
120.14 enforcement officer under sections 97A.205 and 97A.211, and, except as provided in
120.15 paragraph (b), by the commissioner under sections 17.982 to 17.983.

120.16 (b) For the first violation of this section, the commissioner may impose an administrative
120.17 penalty of no more than \$1,000. For a second violation, the commissioner may impose an
120.18 administrative penalty of no more than \$1,500. For a third or succeeding violation, the
120.19 commissioner may impose an administrative penalty of no more than \$3,000 for each
120.20 violation.

120.21 Subd. 6. **Penalty Penalties.** (a) A person who violates subdivision 2, 2a, 4, or 7 is guilty
120.22 of a misdemeanor.

120.23 (b) A person who violates subdivision 2a, paragraph (a), is liable to the state for costs
120.24 associated with a release. The attorney general may enforce this paragraph on behalf of any
120.25 state agency affected.

120.26 Subd. 7. **Identification requirements.** A restricted species in the possession of a person
120.27 must be marked in a permanent fashion to identify ownership. The restricted species must
120.28 be marked as soon as practicable after birth or purchase.

120.29 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
120.30 natural resources, shall develop criteria for approved containment measures for restricted
120.31 species.

120.32 Subd. 9. **Bond; security.** A person who possesses restricted species must provide proof
120.33 of insurance or file a security bond with the commissioner in an amount determined by the

121.1 commissioner to pay for the potential costs and damages that would be caused by the release
121.2 of a restricted species.

121.3 Subd. 10. **Fee.** The commissioner may impose a fee for permits in an amount sufficient
121.4 to cover the costs of issuing the permits and for facility inspections. The fee may not exceed
121.5 \$50. Fee receipts must be deposited in the general fund.

121.6 Sec. 2. Minnesota Statutes 2022, section 97A.105, is amended to read:

121.7 **97A.105 GAME ~~AND FUR~~ FARMS.**

121.8 Subdivision 1. **License requirements.** (a) A person may breed and propagate ~~fur-bearing~~
121.9 ~~animals,~~ game birds, bear, or mute swans only on privately owned or leased land and after
121.10 obtaining a license. Any of the permitted animals on a game farm may be sold to other
121.11 licensed game farms. "Privately owned or leased land" includes waters that are shallow or
121.12 marshy, are not actually navigable, and are not of substantial beneficial public use. Before
121.13 an application for a license is considered, the applicant must enclose the area to sufficiently
121.14 confine the animals to be raised in a manner approved by the commissioner. A license may
121.15 be granted only if the commissioner finds the application is made in good faith with intention
121.16 to actually carry on the business described in the application and the commissioner determines
121.17 that the facilities are adequate for the business.

121.18 (b) A person may purchase live game birds or their eggs without a license if the birds
121.19 or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed
121.20 for consumption within one year after they were purchased or hatched. This paragraph does
121.21 not apply to the purchase of migratory waterfowl or their eggs.

121.22 (c) A person may not introduce mute swans into the wild without a permit issued by the
121.23 commissioner.

121.24 Subd. 2. **Transfer of license.** (a) A game ~~or fur~~ farm license is transferable with the
121.25 transfer of all or a portion of the title or leasehold of the land if:

121.26 (1) the land transferred complies with the license requirements;

121.27 (2) the land is used for the purposes of the license; and

121.28 (3) a verified written report of the existing and intended land use is made to the
121.29 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
121.30 transferring the corresponding title or leasehold in the enclosed land.

122.1 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
122.2 partner or associate in the ownership or operation of a game ~~or fur~~ farm must obtain a
122.3 separate license.

122.4 Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species
122.5 identified in the license, that are within the enclosure are the property of the game ~~and fur~~
122.6 farm licensee.

122.7 Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed ~~fur or~~ game
122.8 farm is not valid unless the animals are delivered to the purchaser or they are identified and
122.9 kept separately.

122.10 (b) Live animals sold through auction or through a broker are considered to be sold by
122.11 the game farm licensee.

122.12 (c) The sale agreement or contract must be in writing. The licensee must notify a
122.13 purchaser of the death of an animal within 30 days and of the number of increase before
122.14 July 20 of each year.

122.15 Subd. 5. **Sale of ~~pelts~~ products.** The commissioner shall prescribe:

122.16 (1) the manner that ~~pelts and~~ products of wild animals raised on ~~fur or~~ game farms may
122.17 be sold or transported; and

122.18 (2) the tags or seals to be affixed to the ~~pelts and~~ products.

122.19 ~~Subd. 6. **Fox and mink.** Fox and mink may not be bought or sold for breeding or~~
122.20 ~~propagating unless they have been pen-bred for at least two generations.~~

122.21 ~~Subd. 7. **Transporting live beaver.** Live beaver may not be transported without a permit~~
122.22 ~~from the commissioner.~~

122.23 Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects
122.24 all wild animals on the game ~~or fur~~ farm to confiscation.

122.25 Subd. 9. **Rules.** The commissioner may adopt rules for:

122.26 (1) ~~the issuance of~~ issuing game farm licenses;

122.27 (2) ~~the inspection of~~ inspecting game farm facilities;

122.28 (3) ~~the acquisition and disposal~~ acquiring and disposing of game farm animals; and

122.29 (4) record keeping and reporting by game farm licensees, including transactions handled
122.30 by auction or broker.

123.1 Sec. 3. [97A.106] FUR FARMS.

123.2 Subdivision 1. License requirements. A person may breed and propagate fur-bearing
123.3 animals only on privately owned or leased land and after obtaining a license. Any of the
123.4 permitted animals on a fur farm may be sold to other licensed fur farms. "Privately owned
123.5 or leased land" includes waters that are shallow or marshy, are not actually navigable, and
123.6 are not of substantial beneficial public use. Before an application for a license is considered,
123.7 the applicant must enclose the area to sufficiently confine the animals to be raised in a
123.8 manner approved by the commissioner. A license may be granted only if the commissioner
123.9 finds the application is made in good faith with intention to actually carry on the business
123.10 described in the application and the commissioner determines that the facilities are adequate
123.11 for the business.

123.12 Subd. 2. Transfer of license. (a) A fur farm license is transferable with the transfer of
123.13 all or a portion of the title or leasehold of the land if:

123.14 (1) the land transferred complies with the license requirements;

123.15 (2) the land is used for the purposes of the license; and

123.16 (3) a verified written report of the existing and intended land use is made to the
123.17 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
123.18 transferring the corresponding title or leasehold in the enclosed land.

123.19 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
123.20 partner or associate in the ownership or operation of a fur farm must obtain a separate
123.21 license.

123.22 Subd. 3. License fee. For each fur farm, the owner must, on or before January 1, pay to
123.23 the commissioner an annual fee of \$250.

123.24 Subd. 4. Fur farm account. The fur farm account is established in the game and fish
123.25 fund. Fees collected under this section and interest attributable to money in the account
123.26 must be deposited in the account. Money in the account, including interest earned, is
123.27 appropriated to the commissioner for administration and enforcement of this section.

123.28 Subd. 5. Ownership of wild animals. All wild animals and their offspring, of the species
123.29 identified in the license, that are within the enclosure are the property of the fur farm licensee.

123.30 Subd. 6. Containment and disease control. The commissioner, in consultation with
123.31 the Board of Animal Health and the commissioners of agriculture and health, must develop:

123.32 (1) containment and disposal requirements for farmed fur-bearers; and

124.1 (2) farmed fur-bearer disease testing and reporting requirements.

124.2 Subd. 7. **Sale of live animals.** (a) A sale of live animals from a licensed fur farm is not
124.3 valid unless the animals are delivered to the purchaser or they are identified and kept
124.4 separately.

124.5 (b) Live animals sold through auction or through a broker are considered to be sold by
124.6 the fur farm licensee.

124.7 (c) The sale agreement or contract must be in writing. The licensee must notify a
124.8 purchaser of the death of an animal within 30 days and of the number of increase before
124.9 July 20 of each year.

124.10 Subd. 8. **Sale of pelts and products.** The commissioner must prescribe:

124.11 (1) the manner that pelts and products of wild animals raised on fur farms may be sold
124.12 or transported; and

124.13 (2) the tags or seals to be affixed to the pelts and products.

124.14 Subd. 9. **Fox and mink.** Fox and mink may not be bought or sold for breeding or
124.15 propagating unless they have been pen-bred for at least two generations.

124.16 Subd. 10. **Transporting live beaver.** Live beaver may not be transported without a
124.17 permit from the commissioner.

124.18 Subd. 11. **Penalty.** A licensee that does not comply with a provision of this section
124.19 subjects all wild animals on the fur farm to confiscation.

124.20 Subd. 12. **Rules.** The commissioner may adopt rules for:

124.21 (1) issuing fur farm licenses;

124.22 (2) inspecting fur farm facilities;

124.23 (3) acquiring fur farm animals; and

124.24 (4) record keeping and reporting by fur farm licensees, including transactions handled
124.25 by auction or broker.

124.26 Sec. 4. Minnesota Statutes 2022, section 97A.56, subdivision 1, is amended to read:

124.27 Subdivision 1. **Definition.** ~~For purposes of this section,~~ (a) The definitions in this
124.28 subdivision apply to this section.

124.29 (b) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

125.1 (c) "Feral swine" means ~~a member~~ an animal of the ~~genus and species *Sus scrofa*~~ family
125.2 Suidae or Tayassuidae that lives in the wild; or has lived in the wild during any part of the
125.3 animal's lifetime. Feral swine includes released domestic hogs, unless the owner satisfies
125.4 the notification requirements of section 17.457, subdivision 4, and recovers the released
125.5 domestic hogs within 72 hours of notification.

125.6 (d) "Release" has the meaning given under section 17.457, subdivision 1.

125.7 Sec. 5. Minnesota Statutes 2022, section 97A.56, subdivision 2, is amended to read:

125.8 Subd. 2. **Prohibited actions; penalty.** (a) Unless authorized by permit under section
125.9 17.457, subdivision 3, a person may not possess or release feral swine ~~or swine that were~~
125.10 feral during any part of the swine's lifetime or otherwise allow feral swine to run at large.

125.11 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner
125.12 for feral swine control or eradication. It is not a violation of this section if a person shoots
125.13 a feral swine and reports the taking to the commissioner within 24 hours. All feral swine
125.14 taken in this manner must be surrendered to the commissioner.

125.15 (c) A person who violates this subdivision is guilty of a misdemeanor.

125.16 (d) A person who violates this subdivision is liable for the actual costs incurred by the
125.17 state for the possession or release of the feral swine.

125.18 (e) A person who violates this subdivision is liable for the damages caused by the
125.19 possession or release of the feral swine.

125.20 Sec. 6. Minnesota Statutes 2022, section 97A.56, is amended by adding a subdivision to
125.21 read:

125.22 Subd. 4. **Domestic hogs and feral swine response protocols.** The commissioner, in
125.23 cooperation with the commissioner of agriculture and the Board of Animal Health, must
125.24 develop protocols for responding to the release of domestic hogs and feral swine, including
125.25 reporting requirements, interagency communications, and other actions necessary to resolve
125.26 the release.

125.27 Sec. 7. **OUTREACH REQUIRED.**

125.28 The commissioners of agriculture and natural resources and the Board of Animal Health
125.29 must jointly develop, and jointly or separately promote and provide to the public, current
125.30 and consistent outreach materials concerning:

125.31 (1) swine containment methods;

- 126.1 (2) sources of technical and financial assistance for small or hobby farms;
126.2 (3) the importance of preventing the establishment of feral hog populations;
126.3 (4) penalties for the accidental or intentional release of swine;
126.4 (5) effective and lawful methods of feral hog control; and
126.5 (6) other topics as identified by the commissioners and the board.

126.6 Sec. 8. **REPEALER.**

126.7 Minnesota Statutes 2022, section 17.353, is repealed.

126.8 **ARTICLE 7**

126.9 **MISCELLANEOUS**

126.10 Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision
126.11 to read:

126.12 Subd. 18a. **Pesticide-treated seed.** "Pesticide-treated seed" means seed that has a
126.13 pesticide directly applied to the seed before planting and is classified by the United States
126.14 Environmental Protection Agency as a treated article under Code of Federal Regulations,
126.15 title 40, section 152.25(a), and exempt from regulation under FIFRA.

126.16 Sec. 2. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to
126.17 read:

126.18 Subd. 20a. **Nitrogen inhibitor.** "Nitrogen inhibitor" means a compound that inhibits
126.19 the urease or nitrification of nitrogen fertilizer.

126.20 Sec. 3. Minnesota Statutes 2022, section 21.81, is amended by adding a subdivision to
126.21 read:

126.22 Subd. 35. **Systemic pesticide.** "Systemic pesticide" means a pesticide designed to be
126.23 absorbed by plants and translocated throughout plant tissue. Systemic pesticide includes:

126.24 (1) acetamiprid, dinotefuran, clothianidin, thiamethoxam, imidacloprid, nitenpyram,
126.25 thiacloprid, fipronil, flupyradifurone, sulfoxaflor, cyantraniliprole, or chlorantraniliprole;
126.26 and

126.27 (2) any other pesticide determined by the commissioner to be a systemic pesticide,
126.28 including any chemical belonging to the neonicotinoid or anthranilic diamide class.

127.1 Sec. 4. Minnesota Statutes 2023 Supplement, section 21.86, subdivision 2, is amended to
127.2 read:

127.3 Subd. 2. **Miscellaneous violations.** No person may:

127.4 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
127.5 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
127.6 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
127.7 misleading impression as to kind, variety, history, quality, or origin of the seed;

127.8 (b) hinder or obstruct in any way any authorized person in the performance of duties
127.9 under sections 21.80 to 21.92;

127.10 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
127.11 any lot of seed held under a stop sale order or attached tags, except with express permission
127.12 of the enforcing officer for the purpose specified;

127.13 (d) use the word "type" in any labeling in connection with the name of any agricultural
127.14 seed variety;

127.15 (e) use the word "trace" as a substitute for any statement which is required;

127.16 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
127.17 weed seeds in excess of the limits for that seed;

127.18 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
127.19 without permission of the patent or certificate holder of the intellectual property associated
127.20 with the variety of seed; ~~or~~

127.21 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid
127.22 pesticide; or

127.23 (i) beginning January 1, 2026, advertise, sell, or offer for sale any vegetable seed, flower
127.24 seed, wildflower seed, grass seed, shrub seed, tree seed, or other seed that is not advertised,
127.25 sold, or offered for sale as agricultural seed, if the seed is treated with neonicotinoid pesticide.

127.26 Sec. 5. Minnesota Statutes 2023 Supplement, section 41A.30, subdivision 1, is amended
127.27 to read:

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

127.30 (b) "Aircraft" has the meaning given in section 296A.01, subdivision 3.

127.31 (c) "Aviation gasoline" has the meaning given in section 296A.01, subdivision 7.

128.1 (d) "Commissioner" means the commissioner of agriculture.

128.2 (e) "Jet fuel" has the meaning given in section 296A.01, subdivision 8.

128.3 (f) "Qualified clean hydrogen" has the meaning given in United States Code, title 26,
128.4 section 45V(c)(2).

128.5 ~~(f)~~ (g) "Qualifying taxpayer" means a taxpayer, as defined in section 290.01, subdivision
128.6 6, that is engaged in the business of:

128.7 (1) producing sustainable aviation fuel; or

128.8 (2) blending sustainable aviation fuel with aviation gasoline or jet fuel.

128.9 ~~(g)~~ (h) "Sustainable aviation fuel" means liquid fuel that:

128.10 (1) is derived from biomass, as defined in section 41A.15, subdivision 2e; is derived
128.11 from gaseous carbon oxides derived from biomass or direct air capture; or is derived from
128.12 qualified clean hydrogen;

128.13 (2) is not derived from palm fatty acid distillates; and

128.14 (3) achieves at least a 50 percent life cycle greenhouse gas emissions reduction in
128.15 comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel as
128.16 determined by a test that shows:

128.17 (i) that the fuel production pathway achieves at least a 50 percent life cycle greenhouse
128.18 gas emissions reduction in comparison with petroleum-based aviation gasoline, aviation
128.19 turbine fuel, and jet fuel utilizing the most recent version of Argonne National Laboratory's
128.20 Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies (GREET) model
128.21 that accounts for reduced emissions throughout the fuel production process; or

128.22 (ii) that the fuel production pathway achieves at least a 50 percent reduction of the
128.23 aggregate attributional core life cycle emissions and the positive induced land use change
128.24 values under the life cycle methodology for sustainable aviation fuels adopted by the
128.25 International Civil Aviation Organization with the agreement of the United States.

128.26 Sec. 6. Minnesota Statutes 2023 Supplement, section 41A.30, subdivision 3, is amended
128.27 to read:

128.28 Subd. 3. **Credit certificates.** (a) A business must apply to the commissioner to be eligible
128.29 for a credit certificate as a qualifying taxpayer within two months after the close of its
128.30 taxable year for all sustainable aviation fuel sold under subdivision 2, paragraph (a), in the

129.1 taxable year. The application must be in the form and be made under the procedures specified
129.2 by the commissioner and must include:

129.3 (1) evidence of production or blending in Minnesota required under subdivision 2,
129.4 paragraph (a), clause (1); and

129.5 (2) a purchaser's certification that the sustainable aviation fuel is for use as fuel in an
129.6 aircraft departing from an airport in Minnesota, as required under subdivision 2, paragraph
129.7 (a), clause (2).

129.8 (b) If the sustainable aviation fuel for which the business is applying for a credit certificate
129.9 was derived from biomass or from gaseous carbon oxides derived from biomass, the business
129.10 also must demonstrate that the biomass was:

129.11 (1) grown on agricultural land that had previously been cropped or hayed in five or more
129.12 of the previous ten years; and

129.13 (2) bound by contract to be processed into sustainable aviation fuel.

129.14 The business must demonstrate compliance with this paragraph by completing and submitting
129.15 to the commissioner a form developed by the Board of Water and Soil Resources.

129.16 ~~(b)~~ (c) Within 30 days of receiving an application for certification under this subdivision,
129.17 the commissioner must:

129.18 (1) issue a credit certificate under paragraph ~~(e)~~ (d);

129.19 (2) request additional information from the business; or

129.20 (3) reject the application for certification.

129.21 If the commissioner requests additional information from the business, the commissioner
129.22 must either issue a credit certificate or reject the application within 30 days of receiving the
129.23 additional information. If a business fails to submit the additional information within 30
129.24 days or if the commissioner neither issues a credit certificate within 30 days of receiving
129.25 the original application or within 30 days of receiving the additional information requested,
129.26 whichever is later, the application is deemed rejected.

129.27 ~~(e)~~ (d) A credit certificate must state:

129.28 (1) the fiscal year for which the credit certificate is issued;

129.29 (2) the amount of the tax credit; and

129.30 (3) the taxable year for which the taxpayer may claim the tax credit under section
129.31 290.0688.

130.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 116P.09, subdivision 6, is amended
130.2 to read:

130.3 Subd. 6. **Conflict of interest.** (a) A commission member, a technical advisory committee
130.4 member, a peer reviewer, or an employee of the commission may not participate in or vote
130.5 on a decision of the commission, advisory committee, or peer review relating to an
130.6 organization in which the member, peer reviewer, or employee has either a direct or indirect
130.7 personal financial interest. While serving on the commission or technical advisory committee
130.8 or as a peer reviewer or while an employee of the commission, a person must avoid any
130.9 potential conflict of interest.

130.10 (b) A commission member may not vote on a motion regarding the purchase of land
130.11 under section 116P.18 or the final recommendations of the commission required under
130.12 section 116P.05, subdivision 2, paragraph (a), if the motion relates to an organization in
130.13 which the member has a direct personal financial interest. If a commission member is
130.14 prohibited from voting under this paragraph, the number of affirmative votes required under
130.15 section 116P.05, subdivision 2, paragraph (a), or section 116P.18 is reduced by the number
130.16 of members ineligible to vote under this paragraph.

130.17 Sec. 8. Minnesota Statutes 2023 Supplement, section 116P.18, is amended to read:

130.18 **116P.18 LANDS IN PUBLIC DOMAIN.**

130.19 Money appropriated from the trust fund must not be used to purchase any land in fee
130.20 title or a permanent conservation easement if the land in question is fully or partially owned
130.21 by the state or a political subdivision of the state or was acquired fully or partially with state
130.22 money, unless:

130.23 (1) the purchase creates additional direct benefit to the protection, conservation,
130.24 preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural
130.25 resources; and

130.26 (2) the purchase is approved, prior to the acquisition, by an affirmative vote of at least
130.27 11 members of the commission, except as provided under section 116P.09, subdivision 6,
130.28 paragraph (b).

130.29 Sec. 9. **[473.355] COMMUNITY TREE-PLANTING GRANTS.**

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

131.1 Subd. 2. Grants. (a) The Metropolitan Council must establish a grant program to provide
131.2 grants to cities, counties, townships, and implementing agencies for the following purposes:

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

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

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

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

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

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

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

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

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

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

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

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

131.23 (b) The Metropolitan Council may not prioritize projects based on criteria other than
131.24 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.