

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 3887**

(SENATE AUTHORS: HAWJ)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11641	Introduction and first reading
		Referred to Environment, Climate, and Legacy
04/29/2024		Comm report: To pass as amended and re-refer to Finance
		Joint rule 2.03, referred to Rules and Administration

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment and natural

1.3 resources; modifying prior appropriations; providing for and modifying disposition

1.4 of certain receipts; modifying and establishing duties, authorities, and prohibitions

1.5 regarding environment and natural resources; modifying and creating environment

1.6 and natural resources programs; modifying and creating grant programs; modifying

1.7 remedies, penalties, and enforcement; modifying requirements for recreation

1.8 vehicles; modifying state trail, state forest, and state park provisions; modifying

1.9 forestry provisions; modifying game and fish provisions; modifying water law;

1.10 modifying environmental review and permitting requirements; authorizing sales,

1.11 conveyances, and leases of certain state lands; establishing a Packaging Waste and

1.12 Cost Reduction program; modifying and providing for fees; making technical

1.13 changes; requiring reports; authorizing rulemaking; amending Minnesota Statutes

1.14 2022, sections 84.788, subdivisions 5a, 6; 85.015, subdivision 1b; 93.25,

1.15 subdivisions 1, 2; 94.343, subdivision 8a; 94.3495, by adding a subdivision;

1.16 97A.475, subdivisions 2, 3; 115.071, subdivisions 1, 4, by adding subdivisions;

1.17 116.07, subdivision 9, by adding subdivisions; 116.11; 116.92, by adding a

1.18 subdivision; Minnesota Statutes 2023 Supplement, sections 115.03, subdivision

1.19 1; 325E.3892, subdivision 2; Laws 2023, chapter 60, article 1, section 3, subdivision

1.20 3; article 3, section 35; article 8, section 6, subdivision 9; proposing coding for

1.21 new law in Minnesota Statutes, chapters 84; 86B; 93; 115A; 116; 282; repealing

1.22 Minnesota Statutes 2022, sections 85.012, subdivisions 27b, 58; 97B.802; 138.662,

1.23 subdivision 33.

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

1.25 **ARTICLE 1**

1.26 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

1.28 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.29 and for the purposes specified in this article. The appropriations are from the general fund,

1.30 or another named fund, and are available for the fiscal years indicated for each purpose.

1.31 The figures "2024" and "2025" used in this article mean that the appropriations listed under



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

3.2 \$1,025,000 the second year is from the  
3.3 environmental fund to construct and operate  
3.4 a mobile emissions regulatory monitoring  
3.5 trailer. This appropriation is available until  
3.6 June 30, 2027. The base in fiscal year 2026  
3.7 and thereafter is \$535,000.

3.8 **Subd. 5. Researching Climate Adaptation and**  
3.9 **Resilience Study**

3.10 \$750,000 the second year is for the  
3.11 Researching Climate Adaptation and  
3.12 Resilience Costs for Minnesota Study. This is  
3.13 a onetime appropriation and is available until  
3.14 June 30, 2026.

3.15 **Subd. 6. Composting Grants for Multifamily**  
3.16 **Buildings**

3.17 (a) \$2,000,000 the second year is to make  
3.18 grants for pilot projects that encourage  
3.19 composting by residents of multifamily  
3.20 buildings. Notwithstanding Minnesota  
3.21 Statutes, section 16B.98, subdivision 14, the  
3.22 commissioner may use up to five percent of  
3.23 this appropriation for administrative costs.  
3.24 This is a onetime appropriation and is  
3.25 available until June 30, 2027.

3.26 (b) Eligible applicants include: (1) a political  
3.27 subdivision; (2) an owner of a multifamily  
3.28 building; or (3) an organization that is exempt  
3.29 from taxation under section 501(c)(3) of the  
3.30 Internal Revenue Code.

3.31 (c) The commissioner must submit a report  
3.32 on the grants awarded under this subdivision  
3.33 to the chairs and ranking minority members  
3.34 of the senate and house of representatives  
3.35 committees with primary jurisdiction over

4.1 environment policy and finance. The report  
4.2 must contain, at a minimum, a list of grantees,  
4.3 the amount of each grant awarded, the  
4.4 activities undertaken with grant funds, and, if  
4.5 possible, the results of the grant with respect  
4.6 to encouraging composting in multifamily  
4.7 buildings. The report is due by October 1,  
4.8 2027.

4.9 **Subd. 7. Electronic Recycling Study**

4.10 \$150,000 the second year is for a contract with  
4.11 an independent third party to conduct a study  
4.12 that examines the barriers to electronics  
4.13 recycling and recommends ways those barriers  
4.14 may be overcome. Notwithstanding Minnesota  
4.15 Statutes, section 16B.98, subdivision 14, the  
4.16 commissioner may use up to two percent of  
4.17 this appropriation for administrative costs.  
4.18 This is a onetime appropriation.

4.19 **Subd. 8. Critical Materials Recovery Advisory**  
4.20 **Task Force**

4.21 \$319,000 the second year is from the  
4.22 environmental fund for the costs of the Critical  
4.23 Materials Recovery Advisory Task Force. This  
4.24 is a onetime appropriation.

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

4.26 \$88,000 the second year is from the  
4.27 environmental fund for the annual reporting  
4.28 requirements of the purchase of deicing salt  
4.29 by state agencies under Minnesota Statutes,  
4.30 section 116.2021.

4.31 **Subd. 10. Boat Wrap Product Stewardship**  
4.32 **Program**

4.33 \$219,000 the second year is from the  
4.34 environmental fund for the cost of



6.1 Subd. 2. Legal Costs

6.2 (a) \$1,000,000 the second year is for legal  
6.3 costs. This is a onetime appropriation and is  
6.4 available until June 30, 2025.

6.5 (b) The commissioner of natural resources  
6.6 must work with the commissioners of  
6.7 management and budget, the Pollution Control  
6.8 Agency, and other cabinet departments that  
6.9 incur significant litigation-related costs to  
6.10 develop recommendations for a statewide  
6.11 funding strategy to address escalating  
6.12 litigation-related costs across cabinet agencies.  
6.13 That strategy should consider the  
6.14 unpredictable and outsized effects that major  
6.15 litigation can have on an individual agency's  
6.16 budget. The commissioners must submit a  
6.17 report of the recommendations to the relevant  
6.18 committee chairs by December 15, 2024.

6.19 Subd. 3. Public Safety Costs

6.20 \$200,000 the second year is for public safety  
6.21 costs. This is a onetime appropriation.

6.22 Subd. 4. Electronic Licensing System

6.23 \$2,600,000 the second year is to support the  
6.24 development and implementation of a modern  
6.25 electronic licensing system. Of this amount,  
6.26 \$330,000 is from the water recreation account;  
6.27 \$80,000 is from the snowmobile account;  
6.28 \$204,000 is from the all-terrain vehicle  
6.29 account; \$7,000 is from the off-highway  
6.30 motorcycle account; \$4,000 is from the  
6.31 off-road vehicle account; and \$1,975,000 is  
6.32 from the game and fish fund. This is a onetime  
6.33 appropriation and is available until June 30,  
6.34 2026.

7.1 **Subd. 5. Compensation for Conservation Officers**

7.2 (a) \$300,000 the second year is to maintain  
7.3 current law enforcement service levels. Of this  
7.4 amount, \$30,000 is from the water recreation  
7.5 account; \$15,000 is from the all-terrain vehicle  
7.6 account; and \$255,000 is from the game and  
7.7 fish fund.

7.8 (b) The base for fiscal year 2026 and thereafter  
7.9 is \$1,080,000, and of this amount, \$108,000  
7.10 is from the water recreation account; \$54,000  
7.11 is from the all-terrain vehicle account; and  
7.12 \$918,000 is from the game and fish fund.

7.13 **Subd. 6. Keep it Clean Grants**

7.14 \$1,418,000 the second year is for grants to  
7.15 local units of government and  
7.16 nongovernmental organizations to implement  
7.17 local programs to prevent water pollution due  
7.18 to garbage and human waste left on the ice of  
7.19 state waters during winter-use activities.

7.20 Notwithstanding Minnesota Statutes, section  
7.21 16B.98, subdivision 14, the commissioner may  
7.22 use up to five percent of this appropriation for  
7.23 administrative costs. This is a onetime  
7.24 appropriation and is available until June 30,  
7.25 2027.

7.26 **Subd. 7. Unsafe Ice Search and Rescue**  
7.27 **Reimbursement**

7.28 \$200,000 the second year is to reimburse  
7.29 county sheriffs and other local law  
7.30 enforcement agencies for search and rescue  
7.31 operations related to recreational activities on  
7.32 unsafe ice under Minnesota Statutes, section  
7.33 86B.1065. Activities eligible for  
7.34 reimbursement under this appropriation must  
7.35 be of an unusual and nonrecurring nature that

8.1 are over and above the county sheriff or other  
8.2 agency's regular operating budget and include  
8.3 but are not limited to rental of private  
8.4 equipment and employment of personnel hired  
8.5 expressly for the search and rescue operation.  
8.6 Reimbursement under this appropriation is  
8.7 limited to 50 percent of the reimbursable costs  
8.8 subject to a maximum state payment of \$5,000  
8.9 per agency for each search and rescue  
8.10 operation. This is a onetime appropriation and  
8.11 is available until June 30, 2027.

8.12 **Subd. 8. International Wolf Center**

8.13 \$1,332,000 the second year is for maintenance,  
8.14 repair, energy efficiency improvements,  
8.15 heating and ventilation system replacement,  
8.16 and visitor enhancements to the building  
8.17 currently leased to the International Wolf  
8.18 Center in Ely, Minnesota. This is a onetime  
8.19 appropriation and is available until June 30,  
8.20 2027.

8.21 **Subd. 9. Outdoor School For All Minnesota**  
8.22 **Students**

8.23 (a) \$2,000,000 the second year is for the  
8.24 outdoor school for all Minnesota students  
8.25 program under Minnesota Statutes, section  
8.26 84.9766. Notwithstanding Minnesota Statutes,  
8.27 section 16B.98, subdivision 14, the  
8.28 commissioner may use up to five percent of  
8.29 this appropriation for administrative costs.  
8.30 This is a onetime appropriation and is  
8.31 available until June 30, 2026.

8.32 (b) By January 1, 2027, the commissioner of  
8.33 natural resources must submit a report on the  
8.34 outdoor school for all Minnesota students  
8.35 program to the chairs and ranking minority



9.1 members of the legislative committees with  
9.2 jurisdiction over education and environment  
9.3 policy and finance. The report must include  
9.4 information on the awarded grants and any  
9.5 measures that grantees have used to address  
9.6 accessibility of outdoor educational  
9.7 opportunities for underserved students and  
9.8 students with disabilities.

9.9 **Subd. 10. Condemnation of Certain Land in**  
9.10 **Mille Lacs County**

9.11 \$750,000 the second year is to initiate  
9.12 condemnation proceedings of the lands  
9.13 described in article 2, section 38. The  
9.14 commissioner may use this appropriation for  
9.15 project costs, including but not limited to  
9.16 valuation expenses, legal fees, closing costs,  
9.17 and transactional staff costs. This is a onetime  
9.18 appropriation and is available until June 30,  
9.19 2027.

9.20 **Subd. 11. Outreach and Education**

9.21 \$1,400,000 the second year is to create new  
9.22 or expand existing outreach and education  
9.23 programs for nonnative English-speaking  
9.24 communities. Of this amount, \$200,000 is for  
9.25 the commissioner of the Pollution Control  
9.26 Agency and \$200,000 is for the Board of  
9.27 Water and Soil Resources for this purpose. Of  
9.28 the \$1,000,000 for the commissioner of natural  
9.29 resources, \$200,000 is for a competitive grant  
9.30 program for nonprofit organizations to connect  
9.31 youth in underserved communities in  
9.32 metropolitan area environmental justice areas  
9.33 with outdoor experiences, and \$800,000 is for  
9.34 the Fishing in the Neighborhood program for  
9.35 outreach to new and underserved audiences.

10.1 This appropriation may be used for community  
10.2 outreach consultants for reaching new  
10.3 audiences. This is a onetime appropriation and  
10.4 is available until June 30, 2028.

10.5 **Subd. 12. Nonlethal Beaver Management Grants**

10.6 \$500,000 the second year is from the heritage  
10.7 enhancement account in the game and fish  
10.8 fund for a nonlethal beaver management grant  
10.9 program in the metropolitan area.

10.10 Notwithstanding Minnesota Statutes, section  
10.11 16B.98, subdivision 14, the commissioner may  
10.12 use up to five percent of this appropriation for  
10.13 administrative costs. This is a onetime  
10.14 appropriation and is available until June 30,  
10.15 2026.

10.16 **Subd. 13. Report on Recreational Use of**  
10.17 **Permanent School Land**

10.18 \$417,000 the second year is transferred from  
10.19 the forest suspense account to the permanent  
10.20 school fund and is appropriated from the  
10.21 permanent school fund for the Office of  
10.22 School Trust Lands for conducting the study  
10.23 of the recreational use of school trust lands.  
10.24 This is a onetime transfer.

10.25 **Subd. 14. Nonpetroleum Gas Regulatory**  
10.26 **Framework**

10.27 (a) \$768,000 the first year is from the minerals  
10.28 management account in the natural resources  
10.29 fund for the Gas Production Technical  
10.30 Advisory Committee. This is a onetime  
10.31 appropriation and is available until June 30,  
10.32 2027.

10.33 (b) \$2,406,000 the second year is from the  
10.34 minerals management account in the natural  
10.35 resources fund to adopt a regulatory

11.1 framework for gas and oil production in  
11.2 Minnesota and for rulemaking. This is a  
11.3 onetime appropriation and is available until  
11.4 June 30, 2028.

11.5 **Subd. 15. Legislative Report on Geologic Carbon**  
11.6 **Sequestration**

11.7 \$301,000 the second year is from the minerals  
11.8 management account in the natural resources  
11.9 fund to develop a geologic carbon  
11.10 sequestration report and chair the Geologic  
11.11 Carbon Sequestration Technical Advisory  
11.12 Committee. This is a onetime appropriation  
11.13 and is available until June 30, 2027.

11.14 **Subd. 16. All-Terrain Vehicle Grant-in-Aid**  
11.15 **Program**

11.16 \$1,500,000 the second year is from the  
11.17 all-terrain vehicle account in the natural  
11.18 resources fund for the grant-in-aid program  
11.19 under Minnesota Statutes, section 84.927,  
11.20 subdivision 2, clause (4). This is a onetime  
11.21 appropriation.

11.22 **Subd. 17. Prospector Loop ATV Trail System**

11.23 \$1,200,000 the second year is from the  
11.24 all-terrain vehicle account in the natural  
11.25 resources fund for a grant to St. Louis County  
11.26 to construct and maintain the Prospector Loop  
11.27 all-terrain vehicle trail system. This is a  
11.28 onetime appropriation.

11.29 **Subd. 18. Off-Highway Motorcycle Trail**  
11.30 **Ambassador Program**

11.31 (a) \$20,000 the second year is from the  
11.32 off-highway motorcycle account in the natural  
11.33 resources fund for grants to qualifying  
11.34 off-highway motorcycle organizations to assist  
11.35 in providing safety and environmental

- 12.1 education and monitoring trails on public lands
- 12.2 according to Minnesota Statutes, section
- 12.3 84.9011. Grants awarded under this
- 12.4 subdivision must be issued through a formal
- 12.5 agreement with the organization.
- 12.6 (b) By December 15 each year, an
- 12.7 organization receiving a grant under this
- 12.8 subdivision must report to the commissioner
- 12.9 with details on how the money was expended
- 12.10 and what outcomes were achieved.
- 12.11 **Subd. 19. Outdoor Recreation Opportunities for**
- 12.12 **Underserved Communities**
- 12.13 \$200,000 the second year is from the natural
- 12.14 resources fund for projects and activities that
- 12.15 connect diverse and underserved Minnesotans
- 12.16 through expanding cultural environmental
- 12.17 experiences, exploration of their environment,
- 12.18 and outdoor recreational activities. This
- 12.19 appropriation is from revenue deposited in the
- 12.20 natural resources fund under Minnesota
- 12.21 Statutes, section 297A.94, paragraph (j). This
- 12.22 is a onetime appropriation and is added to the
- 12.23 appropriation in Laws 2023, chapter 60, article
- 12.24 1, section 3, subdivision 5, paragraph (m).
- 12.25 **Subd. 20. Aggregate Resource Inventory**
- 12.26 \$150,000 the second year is from the heritage
- 12.27 enhancement account in the game and fish
- 12.28 fund for the aggregate resource mapping
- 12.29 program to update Information Circular 46,
- 12.30 Aggregate Resources Inventory of the
- 12.31 Seven-County Metropolitan Area, Minnesota
- 12.32 (Minnesota Geological Survey 2000), with
- 12.33 particular emphasis on projected needs and
- 12.34 the estimated time until the aggregate resource
- 12.35 is exhausted and to perform duties under

13.1 Minnesota Statutes, section 84.94. This is a  
 13.2 onetime appropriation.

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

13.4 Sec. 4. **BOARD OF WATER AND SOIL**  
 13.5 **RESOURCES**

13.6 Subdivision 1. **Total Appropriation** \$ -0- \$ **2,300,000**

13.7 The amounts that may be spent for each  
 13.8 purpose are specified in the following  
 13.9 subdivisions.

13.10 Subd. 2. **Manure Management Grants**

13.11 \$2,000,000 the second year is for manure  
 13.12 management grants. Notwithstanding  
 13.13 Minnesota Statutes, section 16B.98,  
 13.14 subdivision 14, the board may use up to five  
 13.15 percent of this appropriation for administrative  
 13.16 costs. This is a onetime appropriation and is  
 13.17 available until June 30, 2026.

13.18 Subd. 3. **Red River of the North; Adaptive**  
 13.19 **Phosphorus Management**

13.20 (a) \$300,000 the second year is for a grant to  
 13.21 the Red River Basin Commission to facilitate  
 13.22 development of a feasibility assessment of  
 13.23 adaptive phosphorus management for the Red  
 13.24 River of the North. The commission may  
 13.25 contract with outside experts or academic  
 13.26 institutions in developing the assessment. The  
 13.27 assessment: (1) must address applicable  
 13.28 water-quality targets for phosphorus loading;  
 13.29 (2) must include an allocation of phosphorus  
 13.30 between point and nonpoint sources; (3) must  
 13.31 identify cost-effective nutrient reduction  
 13.32 implementation strategies; and (4) may include  
 13.33 other state water-quality goals and objectives.

14.1 This is a onetime appropriation and is  
 14.2 available until June 30, 2026.

14.3 (b) In developing the assessment, the Red  
 14.4 River Basin Commission must use available  
 14.5 data and analysis to the extent feasible and  
 14.6 incorporate input from an advisory group that  
 14.7 includes representatives of agriculture, soil  
 14.8 and water conservation districts, watershed  
 14.9 districts, municipalities, and other Minnesota  
 14.10 organizations represented on the board of  
 14.11 directors of the Red River Basin Commission.

14.12 The Red River Basin Commission may also  
 14.13 work with representatives from relevant  
 14.14 organizations from North Dakota, South  
 14.15 Dakota, and Manitoba.

14.16 (c) By June 30, 2026, the Red River Basin  
 14.17 Commission must submit the final assessment  
 14.18 to the chairs and ranking minority members  
 14.19 of the legislative committees with jurisdiction  
 14.20 over agriculture and environment policy and  
 14.21 finance.

14.22	Sec. 5. <b><u>METROPOLITAN COUNCIL</u></b>	<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$</u></b>	<b><u>500,000</u></b>
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14.23 \$500,000 the second year is from the natural  
 14.24 resources fund for new fishing piers to  
 14.25 increase fishing opportunities on lakes in the  
 14.26 metropolitan parks system. The council shall  
 14.27 solicit applications from member park systems  
 14.28 for proposals under this section. This is a  
 14.29 onetime appropriation and is from revenue  
 14.30 deposited in the natural resources fund under  
 14.31 Minnesota Statutes, section 297A.94,  
 14.32 paragraph (h), clause (3). This appropriation  
 14.33 is available until June 30, 2026.

15.1 Sec. 6. Laws 2023, chapter 60, article 1, section 3, subdivision 3, is amended to read:

15.2 **Subd. 3. Ecological and Water Resources** 48,738,000 45,797,000

15.3 Appropriations by Fund

15.4		2024	2025
15.5	General	27,083,000	26,142,000
15.6	Natural Resources	13,831,000	13,831,000
15.7	Game and Fish	7,824,000	5,824,000

15.8 (a) \$4,222,000 the first year and \$4,222,000  
 15.9 the second year are from the invasive species  
 15.10 account in the natural resources fund and  
 15.11 \$2,831,000 the first year and \$2,831,000 the  
 15.12 second year are from the general fund for  
 15.13 management, public awareness, assessment  
 15.14 and monitoring research, and water access  
 15.15 inspection to prevent the spread of invasive  
 15.16 species; management of invasive plants in  
 15.17 public waters; and management of terrestrial  
 15.18 invasive species on state-administered lands.

15.19 (b) \$6,056,000 the first year and \$6,056,000  
 15.20 the second year are from the water  
 15.21 management account in the natural resources  
 15.22 fund for only the purposes specified in  
 15.23 Minnesota Statutes, section 103G.27,  
 15.24 subdivision 2.

15.25 (c) \$124,000 the first year and \$124,000 the  
 15.26 second year are for a grant to the Mississippi  
 15.27 Headwaters Board for up to 50 percent of the  
 15.28 cost of implementing the comprehensive plan  
 15.29 for the upper Mississippi within areas under  
 15.30 the board's jurisdiction. By December 15,  
 15.31 2025, the board must submit a report to the  
 15.32 chairs and ranking minority members of the  
 15.33 legislative committees and divisions with  
 15.34 jurisdiction over environment and natural  
 15.35 resources on the activities funded under this

16.1 paragraph and the progress made in  
16.2 implementing the comprehensive plan.

16.3 (d) \$10,000 the first year and \$10,000 the  
16.4 second year are for payment to the Leech Lake  
16.5 Band of Chippewa Indians to implement the  
16.6 band's portion of the comprehensive plan for  
16.7 the upper Mississippi River.

16.8 (e) \$300,000 the first year and \$300,000 the  
16.9 second year are for grants for up to 50 percent  
16.10 of the cost of implementing the Red River  
16.11 mediation agreement. The base for this  
16.12 appropriation in fiscal year 2026 and beyond  
16.13 is \$264,000.

16.14 (f) \$2,598,000 the first year and \$2,598,000  
16.15 the second year are from the heritage  
16.16 enhancement account in the game and fish  
16.17 fund for only the purposes specified in  
16.18 Minnesota Statutes, section 297A.94,  
16.19 paragraph (h), clause (1).

16.20 (g) \$1,150,000 the first year and \$1,150,000  
16.21 the second year are from the nongame wildlife  
16.22 management account in the natural resources  
16.23 fund for nongame wildlife management.

16.24 Notwithstanding Minnesota Statutes, section  
16.25 290.431, \$100,000 the first year and \$100,000  
16.26 the second year may be used for nongame  
16.27 wildlife information, education, and  
16.28 promotion.

16.29 (h) Notwithstanding Minnesota Statutes,  
16.30 section 84.943, \$48,000 the first year and  
16.31 \$48,000 the second year from the critical  
16.32 habitat private sector matching account may  
16.33 be used to publicize the critical habitat license  
16.34 plate match program.



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

17.3 (1) financial reimbursement and technical  
17.4 support to soil and water conservation districts  
17.5 or other local units of government for  
17.6 groundwater-level monitoring;

17.7 (2) surface water monitoring and analysis,  
17.8 including installing monitoring gauges;

17.9 (3) groundwater analysis to assist with  
17.10 water-appropriation permitting decisions;

17.11 (4) permit application review incorporating  
17.12 surface water and groundwater technical  
17.13 analysis;

17.14 (5) precipitation data and analysis to improve  
17.15 irrigation use;

17.16 (6) information technology, including  
17.17 electronic permitting and integrated data  
17.18 systems; and

17.19 (7) compliance and monitoring.

17.20 (j) Notwithstanding Minnesota Statutes,  
17.21 section 297A.94, paragraph (k), \$2,410,000  
17.22 the first year and \$410,000 the second year  
17.23 are from the heritage enhancement account in  
17.24 the game and fish fund and \$500,000 the first  
17.25 year and \$500,000 the second year are from  
17.26 the general fund for grants to the Minnesota  
17.27 Aquatic Invasive Species Research Center at  
17.28 the University of Minnesota to prioritize,  
17.29 support, and develop research-based solutions  
17.30 that can reduce the effects of aquatic invasive  
17.31 species in Minnesota by preventing spread,  
17.32 controlling populations, and managing  
17.33 ecosystems and to advance knowledge to

18.1 inspire action by others. This appropriation is  
18.2 available until June 30, 2028.

18.3 (k) \$268,000 the first year and \$268,000 the  
18.4 second year are for increased capacity for  
18.5 broadband utility licensing for state lands and  
18.6 public waters. This is a onetime appropriation  
18.7 and is available until June 30, 2028.

18.8 (l) \$998,000 the first year and \$568,000 the  
18.9 second year are for protecting and restoring  
18.10 carbon storage in state-administered peatlands  
18.11 by reviewing and updating the state's peatland  
18.12 inventory, piloting a restoration project, and  
18.13 piloting trust fund buyouts. This is a onetime  
18.14 appropriation and is available until June 30,  
18.15 2028.

18.16 (m) \$250,000 the first year is for a grant to the  
18.17 Minnesota Lakes and Rivers Advocates to  
18.18 work with civic leaders to purchase, install,  
18.19 and operate waterless cleaning stations for  
18.20 watercraft; conduct aquatic invasive species  
18.21 education; and implement education upgrades  
18.22 at public accesses to prevent invasive starry  
18.23 stonewort spread beyond the lakes already  
18.24 infested. This is a onetime appropriation and  
18.25 is available until June 30, 2025.

18.26 (n) \$1,720,000 the first year is to prevent and  
18.27 manage invasive carp. This includes activities  
18.28 related to the Mississippi River Lock and Dam  
18.29 and stakeholder engagement. Up to \$325,000  
18.30 may be used for a grant to the Board of  
18.31 Regents of the University of Minnesota to  
18.32 study the Mississippi River Lock Dam 5  
18.33 spillway and provide preliminary design to  
18.34 optimize management to reduce invasive carp  
18.35 passage.

19.1 (o) Up to \$6,000,000 the first year is available  
19.2 for transfer from the critical habitat private  
19.3 sector matching account to the reinvest in  
19.4 Minnesota fund to expand Grey Cloud Island  
19.5 Scientific and Natural Area and for other  
19.6 scientific and natural area acquisition,  
19.7 restoration, and enhancement according to  
19.8 Minnesota Statutes, section 84.943,  
19.9 subdivision 5b.

19.10 (p) \$40,000 the first year is for a grant to the  
19.11 Stearns Coalition of Lake Associations to  
19.12 manage aquatic invasive species. The  
19.13 unencumbered balance of the general fund  
19.14 appropriation in Laws 2021, First Special  
19.15 Session chapter 6, article 1, section 3,  
19.16 subdivision 3, paragraph (a), for the grant to  
19.17 the Stearns Coalition of Lake Associations,  
19.18 estimated to be \$40,000, is canceled no later  
19.19 than June 29, 2023.

19.20 (q) \$200,000 the first year is for a grant to the  
19.21 Board of Regents of the University of  
19.22 Minnesota for the University of Minnesota  
19.23 Water Council to develop a scope of work,  
19.24 timeline, and budget for a plan to promote and  
19.25 protect clean water in Minnesota for the next  
19.26 50 years according to this act.

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

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

20.1 **ARTICLE 2**

20.2 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

20.3 Section 1. Minnesota Statutes 2022, section 84.788, subdivision 5a, is amended to read:

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

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

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

20.10 Sec. 2. Minnesota Statutes 2022, section 84.788, subdivision 6, is amended to read:

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

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

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

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

20.21 Sec. 3. **[84.9766] OUTDOOR SCHOOL FOR ALL MINNESOTA STUDENTS;**  
20.22 **GRANT PROGRAM.**

20.23 Subdivision 1. **Establishment.** The commissioner of natural resources must establish  
20.24 and administer a program to provide grants to learning centers eligible under subdivision  
20.25 2 for outdoor education programs serving students in grades 4 to 8.

20.26 Subd. 2. **Eligibility.** (a) The commissioner may award grants under this section to  
20.27 accredited overnight outdoor school providers established under section 84.0875.

20.28 (b) To be eligible for a grant under this section, the outdoor education program must:

20.29 (1) provide a multiday, residential educational experience that is comprised mainly of  
20.30 outdoor-based learning activities;

- 21.1 (2) provide students with opportunities to directly experience and understand nature and  
 21.2 the natural world, including field study opportunities for student learning;
- 21.3 (3) use a research-based environmental, ecological, agricultural, or other  
 21.4 natural-resource-based educational curriculum;
- 21.5 (4) be integrated with local school curricula to help students meet academic standards;
- 21.6 (5) provide students with opportunities to develop:
- 21.7 (i) leadership;
- 21.8 (ii) critical thinking;
- 21.9 (iii) self-sufficiency;
- 21.10 (iv) decision-making skills; and
- 21.11 (v) social and emotional skills, including understanding the impact of nature and  
 21.12 movement on one's mental health; and
- 21.13 (6) address accessibility of outdoor educational opportunities for underserved students,  
 21.14 including students with disabilities.

21.15 **Sec. 4. [86B.1065] COUNTY SHERIFF COSTS FOR UNSAFE ICE SEARCH AND**  
 21.16 **RESCUE.**

- 21.17 (a) A county sheriff may be reimbursed for all costs that are over and above the county  
 21.18 sheriff's regular operating budget and that are incurred from search and rescue operations  
 21.19 due to recreational activities on unsafe ice. Reimbursement may include reimbursements  
 21.20 made by the commissioner of natural resources with available appropriations, reimbursements  
 21.21 under section 86B.106, or other available federal, state, and local funds. Reimbursement  
 21.22 under this section is limited to 50 percent of the reimbursable costs subject to a maximum  
 21.23 state payment of \$5,000 per agency for each search and rescue operation.
- 21.24 (b) Nothing in this section is to be construed to make the state or a political subdivision  
 21.25 liable in a contribution claim by a person liable for reimbursement under section 86B.106.

21.26 Sec. 5. Minnesota Statutes 2022, section 93.25, subdivision 1, is amended to read:

- 21.27 Subdivision 1. **Leases.** The commissioner may issue leases to prospect for, mine, and  
 21.28 remove or extract gas, oil, and minerals other than iron ore ~~upon~~ from any lands owned by  
 21.29 the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held  
 21.30 in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging

22.1 to the state. For purposes of this section, iron ore means iron-bearing material where the  
 22.2 primary product is iron metal. For purposes of this section, "gas" includes both hydrocarbon  
 22.3 and nonhydrocarbon gases.

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

22.5 Sec. 6. Minnesota Statutes 2022, section 93.25, subdivision 2, is amended to read:

22.6 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals ~~or petroleum,~~  
 22.7 gas, or oil must be approved by the Executive Council, and any other mineral lease issued  
 22.8 pursuant to this section that covers 160 or more acres must be approved by the Executive  
 22.9 Council. The rents, royalties, terms, conditions, and covenants of all such leases ~~shall~~ must  
 22.10 be fixed by the commissioner according to rules adopted by the commissioner, but no lease  
 22.11 shall be for a longer term than 50 years, and all rents, royalties, terms, conditions, and  
 22.12 covenants ~~shall~~ must be fully set forth in each lease issued. No nonferrous metallic mineral  
 22.13 lease shall be canceled by the state for failure to meet production requirements prior to the  
 22.14 36th year of the lease. The rents and royalties shall must be credited to the funds as provided  
 22.15 in section 93.22. For purposes of this section, "gas" includes both hydrocarbon and  
 22.16 nonhydrocarbon gases.

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

22.18 Sec. 7. **[93.513] PROHIBITION ON PRODUCTION OF GAS OR OIL WITHOUT**  
 22.19 **PERMIT.**

22.20 Except as provided in section 103I.681, a person must not engage in or carry out  
 22.21 production of gas or oil from consolidated or unconsolidated formations in the state unless  
 22.22 the person has first obtained a permit for the production of gas or oil from the commissioner  
 22.23 of natural resources. Any permit under this section must be protective of natural resources  
 22.24 and require a demonstration of control of the extraction area through ownership, lease, or  
 22.25 agreement. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon  
 22.26 gases. For purposes of this section, "production" includes extraction and beneficiation of  
 22.27 gas or oil.

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

22.29 Sec. 8. **[93.514] GAS AND OIL PRODUCTION RULEMAKING.**

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

23.1 (1) the commissioner of the Pollution Control Agency may adopt or amend rules  
 23.2 regulating air emissions; water discharges, including stormwater management; and storage  
 23.3 tanks as it pertains to gas and oil production;

23.4 (2) the commissioner of health may adopt or amend rules on groundwater and surface  
 23.5 water protection, exploratory boring construction, drilling registration and licensure, and  
 23.6 inspections as it pertains to the exploration and appraisal of gas and oil resources;

23.7 (3) the Environmental Quality Board may adopt or amend rules to establish mandatory  
 23.8 categories for environmental review as it pertains to gas and oil production; and

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

23.12 (b) An agency adopting rules under this section must use the expedited procedure in  
 23.13 section 14.389. Rules adopted or amended under this authority are exempt from the provisions  
 23.14 of section 14.125. The agency must publish notice of intent to adopt expedited rules within  
 23.15 24 months of the effective date of this section.

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

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

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

23.22 Sec. 9. **[93.516] GAS AND OIL LEASING.**

23.23 Subdivision 1. **Authority to lease.** With the approval of the Executive Council, the  
 23.24 commissioner of natural resources may enter into leases for gas or oil exploration and  
 23.25 production from lands belonging to the state or in which the state has an interest. For purposes  
 23.26 of this section, "gas or oil exploration and production" includes the exploration and  
 23.27 production of both hydrocarbon and nonhydrocarbon gases. "Production" includes extraction  
 23.28 and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

23.29 Subd. 2. **Application.** An application for a lease under this section must be submitted  
 23.30 to the commissioner of natural resources. The commissioner must prescribe the information  
 23.31 to be included in the application. The applicant must submit with the application a certified  
 23.32 check, cashier's check, or bank money order payable to the Department of Natural Resources

24.1 in the sum of \$100 as a fee for filing the application. The application fee must not be refunded  
24.2 under any circumstances. The right is reserved to the state to reject any or all applications  
24.3 for an oil or gas lease.

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

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

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

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

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

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

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

24.26 Sec. 10. Minnesota Statutes 2022, section 97A.475, subdivision 2, is amended to read:

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

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

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

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



- 25.1 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- 25.2 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
25.3 season, \$34;
- 25.4 (6) for persons age 18 or over to take deer by archery, \$34;
- 25.5 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
25.6 season, \$34;
- 25.7 (8) to take moose, for a party of not more than six persons, \$356;
- 25.8 (9) for persons age 18 or over to take bear, \$44;
- 25.9 (10) to take elk, for a party of not more than two persons, \$287;
- 25.10 ~~(11) to take Canada geese during a special season, \$4;~~
- 25.11 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- 25.12 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- 25.13 ~~(14)~~ (13) to take prairie chickens, \$23;
- 25.14 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during  
25.15 the regular firearms season, \$5;
- 25.16 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 25.17 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader  
25.18 during the muzzleloader season, \$5;
- 25.19 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;
- 25.20 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 25.21 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period  
25.22 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the  
25.23 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
25.24 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
25.25 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
25.26 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half  
25.27 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition  
25.28 account;
- 25.29 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 25.30 ~~(22)~~ (21) to take wolf, \$30;

26.1 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;

26.2 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;

26.3 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and

26.4 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the  
26.5 muzzleloader season, no fee.

26.6 Sec. 11. Minnesota Statutes 2022, section 97A.475, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

26.20 ~~(10)~~ (9) to take light geese during the light goose conservation order, \$2.50;

26.21 ~~(11)~~ (10) to take sandhill crane during the sandhill crane season, \$3;

26.22 ~~(12)~~ (11) for persons age 13 or over and under age 18 to take deer with firearms during  
26.23 the regular firearms season in any open season option or time period, \$5;

26.24 ~~(13)~~ (12) for persons age 13 or over and under age 18 to take deer by archery, \$5;

26.25 ~~(14)~~ (13) for persons age 13 or over and under age 18 to take deer during the muzzleloader  
26.26 season, \$5;

26.27 ~~(15)~~ (14) for persons age 13 or over and under 18 to take bear, \$5;

26.28 ~~(16)~~ (15) for persons age 18 or over to take small game for a consecutive 72-hour period  
26.29 selected by the licensee, \$75, of which an amount equal to one-half of the fee for the

27.1 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
27.2 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
27.3 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
27.4 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half  
27.5 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife  
27.6 acquisition account;

27.7 ~~(17)~~ (16) for persons age 16 or 17 to take small game, \$5;

27.8 ~~(18)~~ (17) to take wolf, \$250;

27.9 ~~(19)~~ (18) for persons age 12 and under to take turkey, no fee;

27.10 ~~(20)~~ (19) for persons age 10, 11, or 12 to take deer by firearm, no fee;

27.11 ~~(21)~~ (20) for persons age 10, 11, or 12 to take deer by archery, no fee;

27.12 ~~(22)~~ (21) for persons age 10, 11, or 12 to take deer by muzzleloader during the  
27.13 muzzleloader season, no fee; and

27.14 ~~(23)~~ (22) for persons age 10, 11, or 12 to take bear, no fee.

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

27.18 Sec. 12. Minnesota Statutes 2023 Supplement, section 115.03, subdivision 1, is amended  
27.19 to read:

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

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

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

27.28 (3) to establish and alter such reasonable pollution standards for any waters of the state  
27.29 in relation to the public use to which they are or may be put as it shall deem necessary for  
27.30 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter  
27.31 116;

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

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

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

28.11 (ii) prohibiting or directing the abatement of any discharge of sewage, industrial waste,  
28.12 or other wastes, into any waters of the state or the deposit thereof or the discharge into any  
28.13 municipal disposal system where the same is likely to get into any waters of the state in  
28.14 violation of this chapter and, with respect to the pollution of waters of the state, chapter  
28.15 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying  
28.16 the schedule of compliance within which such prohibition or abatement must be  
28.17 accomplished;

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

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

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

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

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

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

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

29.25 (viii) notwithstanding any other provision of this chapter, and with respect to the pollution  
29.26 of waters of the state, chapter 116, requiring the achievement of more stringent limitations  
29.27 than otherwise imposed by effluent limitations in order to meet any applicable water quality  
29.28 standard by establishing new effluent limitations, based upon section 115.01, subdivision  
29.29 13, clause (b), including alternative effluent control strategies for any point source or group  
29.30 of point sources to insure the integrity of water quality classifications, whenever the agency  
29.31 determines that discharges of pollutants from such point source or sources, with the  
29.32 application of effluent limitations required to comply with any standard of best available  
29.33 technology, would interfere with the attainment or maintenance of the water quality  
29.34 classification in a specific portion of the waters of the state. Prior to establishment of any  
29.35 such effluent limitation, the agency shall hold a public hearing to determine the relationship

30.1 of the economic and social costs of achieving such limitation or limitations, including any  
 30.2 economic or social dislocation in the affected community or communities, to the social and  
 30.3 economic benefits to be obtained and to determine whether or not such effluent limitation  
 30.4 can be implemented with available technology or other alternative control strategies. If a  
 30.5 person affected by such limitation demonstrates at such hearing that, whether or not such  
 30.6 technology or other alternative control strategies are available, there is no reasonable  
 30.7 relationship between the economic and social costs and the benefits to be obtained, such  
 30.8 limitation shall not become effective and shall be adjusted as it applies to such person;

30.9 (ix) modifying, in its discretion, any requirement or limitation based upon best available  
 30.10 technology with respect to any point source for which a permit application is filed after July  
 30.11 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the  
 30.12 agency that such modified requirements will represent the maximum use of technology  
 30.13 within the economic capability of the owner or operator and will result in reasonable further  
 30.14 progress toward the elimination of the discharge of pollutants; ~~and~~

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

30.17 (xi) requiring parties who enter into a negotiated agreement to settle an enforcement  
 30.18 matter with the agency to reimburse the agency according to this clause for oversight costs  
 30.19 that are incurred by the agency and associated with implementing the negotiated agreement.  
 30.20 The agency may recover oversight costs exceeding \$25,000. Oversight costs may include  
 30.21 but are not limited to any costs associated with inspections, sampling, monitoring, modeling,  
 30.22 risk assessment, permit writing, engineering review, economic analysis and review, and  
 30.23 other record or document review. The agency's legal and litigation costs are not covered by  
 30.24 this clause. The commissioner has discretion as to whether to apply this clause in cases  
 30.25 when the agency is using schedules of compliance to bring a class of regulated parties into  
 30.26 compliance. Reimbursement amounts are appropriated to the commissioner;

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

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

31.1 (8) to conduct such investigations, issue such notices, public and otherwise, and hold  
31.2 such hearings as are necessary or which it may deem advisable for the discharge of its duties  
31.3 under this chapter and, with respect to the pollution of waters of the state, under chapter  
31.4 116, including, but not limited to, the issuance of permits, and to authorize any member,  
31.5 employee, or agent appointed by it to conduct such investigations or, issue such notices and  
31.6 hold such hearings;

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

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

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

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

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

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

31.32 (15) to train subsurface sewage treatment system personnel, including persons who  
31.33 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,  
31.34 and charge fees as necessary to pay the agency's costs. All fees received must be paid into

32.1 the state treasury and credited to the agency's training account. Money in the account is  
 32.2 appropriated to the agency to pay expenses related to training.

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

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

32.8 Sec. 13. Minnesota Statutes 2022, section 115.071, subdivision 1, is amended to read:

32.9 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,  
 32.10 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and  
 32.11 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,  
 32.12 and permits adopted or issued by the agency thereunder or under any other law now in force  
 32.13 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced  
 32.14 by any one or any combination of the following: criminal prosecution; action to recover  
 32.15 civil penalties; injunction; action to compel or cease performance; or other appropriate  
 32.16 action, in accordance with the provisions of said chapters and this section.

32.17 Sec. 14. Minnesota Statutes 2022, section 115.071, subdivision 4, is amended to read:

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

32.27 Sec. 15. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision  
 32.28 to read:

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



33.1 Sec. 16. Minnesota Statutes 2022, section 115.071, is amended by adding a subdivision  
33.2 to read:

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

33.10 Sec. 17. **[115A.1416] BOAT WRAP; PRODUCT STEWARDSHIP PROGRAM.**

33.11 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this  
33.12 subdivision have the meanings given.

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

33.14 (c) "Boat wrap" means low-density polyethylene plastic that is used to wrap a boat to  
33.15 protect it against moisture, scratches, and other potentially harmful elements during storage.

33.16 (d) "Producer" means a manufacturer of boat wrap.

33.17 Subd. 2. **Product stewardship program.** For boat wrap sold in or into this state, a  
33.18 producer must, individually or through a stewardship organization, implement and finance  
33.19 a statewide product stewardship program that reduces the volume of boat wrap disposed of  
33.20 in landfills, promotes boat wrap recycling, and provides for negotiation and execution of  
33.21 agreements to collect, transport, and process boat wrap for end-of-life recycling and reuse.

33.22 Subd. 3. **Participation required to sell.** (a) On and after July 1, 2025, or three months  
33.23 after program plan approval, whichever is sooner, no producer, wholesaler, or retailer may  
33.24 sell or offer for sale in or into this state boat wrap unless the boat wrap's producer participates  
33.25 in an approved stewardship plan, either individually or through a stewardship organization.

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

33.29 Subd. 4. **Stewardship plan required.** (a) On or before March 1, 2025, and before  
33.30 offering boat wrap for sale in or into this state, a producer must:

33.31 (1) submit a stewardship plan that complies with subdivision 5 to the commissioner for  
33.32 approval and receive approval of the plan from the commissioner; or

34.1 (2) submit documentation to the commissioner that demonstrates that the producer has  
34.2 entered into an agreement with a stewardship organization to be an active participant in an  
34.3 approved product stewardship program as described in subdivision 2.

34.4 (b) It is the responsibility of the entities responsible for each stewardship plan to notify  
34.5 the commissioner of any proposed changes or modifications to the plan or its implementation.  
34.6 A written plan revision must be submitted to the commissioner for review and may not be  
34.7 implemented without written approval from the commissioner.

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

34.9 (1) certification that the product stewardship program will accept all discarded boat wrap  
34.10 regardless of which producer produced the boat wrap and its individual components;

34.11 (2) contact information for the individual and the entity submitting the plan, a list of all  
34.12 producers participating in the product stewardship program, and the brands covered by the  
34.13 product stewardship program;

34.14 (3) a description of the methods by which the boat wrap will be collected in all areas in  
34.15 the state without relying on end-of-life fees, including:

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

34.19 (ii) a discussion of how existing sites for collecting materials for recycling will be  
34.20 considered when selecting collection sites;

34.21 (4) a description of how the adequacy of the collection program will be measured,  
34.22 monitored, and maintained;

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

34.25 (6) a description of how the discarded boat wrap and the boat wrap's components will  
34.26 be safely and securely transported, tracked, and handled from collection through final  
34.27 recycling and processing;

34.28 (7) a description of the method that will be used to reuse, deconstruct, or recycle the  
34.29 discarded boat wrap to ensure that the boat wrap's components, to the extent feasible, are  
34.30 transformed or remanufactured into finished products for use or into new materials capable  
34.31 of being processed into finished products;

35.1 (8) a description of the promotion and outreach activities that will be undertaken to  
35.2 encourage participation in the collection and recycling programs and how the activities'  
35.3 effectiveness will be evaluated and the program modified, if necessary;

35.4 (9) evidence of adequate insurance and financial assurance that may be required for  
35.5 collection, handling, and disposal operations;

35.6 (10) five-year performance goals, including an estimate of the percentage of discarded  
35.7 boat wrap that will be collected, reused, and recycled during each of the first five years of  
35.8 the stewardship plan. The stewardship plan must state the methodology used to determine  
35.9 these goals. The performance goals must include a specific goal for the amount of discarded  
35.10 boat wrap that will be collected and recycled during each year of the plan. The performance  
35.11 goals must be based on:

35.12 (i) the most recent collection data available for the state;

35.13 (ii) the estimated amount of boat wrap disposed of annually;

35.14 (iii) the weight of the boat wrap that is expected to be available for collection annually;

35.15 and

35.16 (iv) actual collection data from other existing boat wrap recycling or stewardship  
35.17 programs; and

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

35.20 Subd. 6. **Consultation required.** Each stewardship organization or individual producer  
35.21 submitting a stewardship plan must consult with stakeholders, including boat owners, owners  
35.22 of marinas and boat storage businesses, contractors, collectors, recyclers, and local  
35.23 government, during the development of a stewardship plan.

35.24 Subd. 7. **Agency review and approval.** Within 90 days after receiving a proposed  
35.25 stewardship plan, the commissioner must determine whether the plan complies with  
35.26 subdivision 5. If the commissioner approves a plan, the commissioner must notify the  
35.27 applicant of the plan approval in writing. If the commissioner rejects a plan, the commissioner  
35.28 must notify the applicant in writing of the reasons for rejecting the plan. An applicant whose  
35.29 plan is rejected by the commissioner must submit a revised plan to the commissioner within  
35.30 60 days after receiving notice of rejection.

35.31 Subd. 8. **Plan availability.** The commissioner must make a draft stewardship plan  
35.32 available on the agency website and at the agency headquarters for public review and  
35.33 comment at least 30 days before the commissioner's decision regarding plan approval. The

36.1 commissioner must make an approved stewardship plan available on the agency website  
36.2 and at the agency headquarters.

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

36.9 Subd. 10. **Producer responsibilities.** Producers of boat wrap or the stewardship  
36.10 organization must provide consumers with educational materials regarding the product  
36.11 stewardship program. The materials must include but are not limited to information regarding  
36.12 available end-of-life management options for boat wrap offered through the product  
36.13 stewardship program.

36.14 Subd. 11. **Recycler responsibilities.** (a) No recycler or downstream recycler who receives  
36.15 boat wrap collected under a stewardship plan approved under this section may use the boat  
36.16 wrap as a feedstock to produce transportation fuels.

36.17 (b) For the purposes of this subdivision, "downstream recycler" means a recycler other  
36.18 than the recycler to whom a collector initially sends boat wrap under a stewardship plan  
36.19 approved under this subdivision.

36.20 Subd. 12. **Retailer responsibilities.** (a) On and after July 1, 2025, or three months after  
36.21 stewardship plan approval, whichever is sooner, no boat wrap may be sold in or into the  
36.22 state unless the boat wrap's producer is participating in a stewardship plan approved by the  
36.23 commissioner under this section.

36.24 (b) A retailer is responsible for reviewing the list of compliant producers on the agency  
36.25 website under subdivision 13 to determine whether a producer is compliant with this section.

36.26 (c) A retailer may elect to participate as a designated collection point as part of a product  
36.27 stewardship program approved under this section and in accordance with applicable law.

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

36.31 Subd. 13. **Agency responsibilities.** The commissioner must maintain on the agency  
36.32 website a list of all compliant producers and brands participating in stewardship plans that

37.1 the commissioner has approved and a list of all producers and brands the commissioner has  
 37.2 identified as noncompliant with this section.

37.3 Subd. 14. **Stewardship reports.** Beginning October 1, 2026, producers of boat wrap  
 37.4 sold in or into the state must individually or through a stewardship organization submit an  
 37.5 annual report to the commissioner describing the product stewardship program. At a  
 37.6 minimum, the report must contain:

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

37.9 (2) the weight of all boat wrap collected in all regions of the state and a comparison to  
 37.10 the performance goals and recycling rates established in the stewardship plan;

37.11 (3) the amount of unwanted boat wrap collected in the state by method of disposition,  
 37.12 including reuse, recycling, and other methods of processing;

37.13 (4) samples of educational materials provided to consumers and an evaluation of the  
 37.14 effectiveness of the materials and the methods used to disseminate the materials; and

37.15 (5) an independent financial audit of stewardship organization activities.

37.16 Subd. 15. **Data classification.** Trade secret information, as defined under section 13.37,  
 37.17 submitted to the commissioner under this section are private or nonpublic data under section  
 37.18 13.37.

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

37.20 Sec. 18. Minnesota Statutes 2022, section 116.07, subdivision 9, is amended to read:

37.21 Subd. 9. **Orders; investigations.** The ~~agency shall have~~ commissioner has the following  
 37.22 powers and duties for ~~the enforcement of enforcing~~ any provision of this chapter and chapter  
 37.23 114C, relating to air contamination or waste:

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

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

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

38.6 (4) to require parties who enter into a negotiated agreement to settle an enforcement  
 38.7 matter with the agency to reimburse the agency according to this clause for oversight costs  
 38.8 that are incurred by the agency and associated with implementing the negotiated agreement.  
 38.9 The agency may recover oversight costs exceeding \$25,000. Oversight costs may include  
 38.10 but are not limited to any costs associated with inspections, sampling, monitoring, modeling,  
 38.11 risk assessment, permit writing, engineering review, economic analysis and review, and  
 38.12 other record or document review. The agency's legal and litigation costs are not covered by  
 38.13 this clause. The commissioner has discretion as to whether to apply this clause in cases  
 38.14 where the agency is using schedules of compliance to bring a class of regulated parties into  
 38.15 compliance. Reimbursement amounts are appropriated to the commissioner.

38.16 Sec. 19. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to  
 38.17 read:

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

38.21 Sec. 20. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to  
 38.22 read:

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

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

39.2 **116.11 EMERGENCY POWERS.**

39.3 Subdivision 1. Imminent and substantial danger. If there is imminent and substantial  
 39.4 danger to the health and welfare of the people of the state, or of any of them, as a result of  
 39.5 the pollution of air, land, or water, the agency commissioner may by emergency order direct  
 39.6 the immediate discontinuance or abatement of the pollution without notice and without a  
 39.7 hearing or at the request of the agency commissioner, the attorney general may bring an  
 39.8 action in the name of the state in the appropriate district court for a temporary restraining  
 39.9 order to immediately abate or prevent the pollution. The agency commissioner's order or  
 39.10 temporary restraining order ~~shall remain~~ is effective until notice, hearing, and determination  
 39.11 pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order  
 39.12 of the agency commissioner in these cases ~~shall be~~ is appealable in accordance with chapter  
 39.13 14.

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

39.16 (1) falsification of records;

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

39.19 (3) chronic or substantial permit violations; or

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

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

39.25 (1) suspend or revoke a permit;

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

39.27 (3) require financial assurances;

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

39.29 (5) require additional agency oversight; or

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

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

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

40.5 Subd. 2. **Salt purchase report.** By February 1, 2025, and every year thereafter, the  
40.6 commissioner of the Pollution Control Agency, in cooperation with other state agencies,  
40.7 must submit a report to the legislative committees and divisions with jurisdiction over  
40.8 environment and natural resources policy and finance that details the purchase of deicing  
40.9 salt by state agencies, excluding the Department of Transportation, and strategies to meet  
40.10 the salt reduction goal established in subdivision 3.

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

40.14 Sec. 23. Minnesota Statutes 2022, section 116.92, is amended by adding a subdivision to  
40.15 read:

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

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

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

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

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

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

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

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



- 41.1 (2) "linear fluorescent lamp" means a low-pressure, mercury-containing, electric-discharge  
41.2 light source:
- 41.3 (i) of any tube diameter, including but not limited to T5, T8, T10, and T12;  
41.4 (ii) with a tube length from 0.5 to 8.0 feet, inclusive;  
41.5 (iii) of any lamp shape, including but not limited to linear, U-bend, and circular;  
41.6 (iv) in which a fluorescent coating transforms some of the ultraviolet energy generated  
41.7 by the mercury discharge into visible light;  
41.8 (v) that has two bases or end caps of any type, including but not limited to single-pin,  
41.9 two-pin, and recessed double contact; and  
41.10 (vi) that has light emission between a correlated color temperature of 1700K and 24000K  
41.11 and a Duv of +0.024 and -0.024 in the CIE CAM02-UCS;
- 41.12 (3) "mercury vapor lamp" means a high-intensity discharge lamp, including clear,  
41.13 phosphor-coated, and self-ballasted screw base lamps, in which the major portion of the  
41.14 light is produced by radiation from mercury typically operating at a partial vapor pressure  
41.15 in excess of 100,000 pascals;
- 41.16 (4) "mercury vapor lamp ballast" means a device that is designed and marketed to start  
41.17 and operate mercury vapor lamps intended for general illumination by providing the necessary  
41.18 voltage and current; and
- 41.19 (5) "specialty application mercury vapor lamp ballast" means a mercury vapor lamp  
41.20 ballast:
- 41.21 (i) that is designed and marketed for operating mercury vapor lamps used in quality  
41.22 inspection, industrial processing, or scientific applications, including fluorescent microscopy  
41.23 and ultraviolet curing; and
- 41.24 (ii) the label of which states "For specialty applications only, not for general illumination"  
41.25 and indicates the specific applications for which the ballast is designed.
- 41.26 (b) Effective January 1, 2025, a person may not sell, offer for sale, or distribute in the  
41.27 state as a new manufactured product a screw- or bayonet-base type compact fluorescent  
41.28 lamp, a mercury vapor lamp, or a mercury vapor lamp ballast, whether sold separately, in  
41.29 a retrofit kit, or in a luminaire. Effective January 1, 2026, a person may not sell, offer for  
41.30 sale, or distribute in the state as a new manufactured product a pin-base type compact  
41.31 fluorescent lamp or a linear fluorescent lamp.
- 41.32 (c) This subdivision does not apply to:

- 42.1 (1) a lamp designed and marketed exclusively for image capture and projection, including  
42.2 for:
- 42.3 (i) photocopying;  
42.4 (ii) printing, directly or in preprocessing;  
42.5 (iii) lithography;  
42.6 (iv) film and video projection; or  
42.7 (v) holography;
- 42.8 (2) a lamp that has a high proportion of ultraviolet light emission and that:
- 42.9 (i) has high ultraviolet content and ultraviolet power greater than two milliwatts per  
42.10 kilolumen;
- 42.11 (ii) is for germicidal use, such as for destroying DNA, and emits a peak radiation of  
42.12 approximately 253.7 nanometers;
- 42.13 (iii) is designed and marketed exclusively for disinfection or fly-trapping and from  
42.14 which:
- 42.15 (A) the radiation power emitted between 250 and 315 nanometers represents at least  
42.16 five percent of the total radiation power emitted between 250 and 800 nanometers; or
- 42.17 (B) the radiation power emitted between 315 and 400 nanometers represents at least 20  
42.18 percent of the total radiation power emitted between 250 and 800 nanometers;
- 42.19 (iv) is designed and marketed exclusively for generating ozone when the primary purpose  
42.20 is to emit radiation at approximately 185.1 nanometers;
- 42.21 (v) is designed and marketed exclusively for coral zooxanthellae symbiosis and from  
42.22 which the radiation power emitted between 400 and 480 nanometers represents at least 40  
42.23 percent of the total radiation power emitted between 250 and 800 nanometers; or
- 42.24 (vi) is designed and marketed exclusively for use in a sunlamp product, as defined in  
42.25 Code of Federal Regulations, title 21, section 1040.20(b)(9) (2022);
- 42.26 (3) specialty application mercury vapor lamp ballasts; or
- 42.27 (4) a compact fluorescent lamp used to replace a lamp in a motor vehicle if the motor  
42.28 vehicle was manufactured on or before January 1, 2020.
- 42.29 (d) Nothing in this section limits the ability of a utility to offer energy-efficient lighting,  
42.30 rebates, or lamp-recycling services or to claim energy savings resulting from such programs

43.1 through the utility's energy conservation and optimization plans approved by the  
 43.2 commissioner of commerce under section 216B.241 or an energy conservation and  
 43.3 optimization plan filed by a consumer-owned utility under section 216B.2403.

43.4 Sec. 24. [282.0197] SALE OF LAND LOCATED WITHIN BOUNDARY OF INDIAN  
 43.5 RESERVATIONS.

43.6 Except as provided in section 282.012, if a parcel of land subject to sale under sections  
 43.7 282.01 to 282.13 includes land within the boundary of an Indian reservation, the county  
 43.8 auditor must first offer the land to the affected band of Indians for sale at the appraised  
 43.9 value. The cost of any survey or appraisal must be added to and made a part of the appraised  
 43.10 value. To determine whether the band wants to buy the land, the county auditor must give  
 43.11 written notice to the band. If the band wants to buy the land, the band must submit a written  
 43.12 offer to the county auditor within two weeks after receiving the notice. If the offer is for at  
 43.13 least the appraised value, the county auditor must accept the offer.

43.14 Sec. 25. Minnesota Statutes 2023 Supplement, section 325E.3892, subdivision 2, is  
 43.15 amended to read:

43.16 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or  
 43.17 distribute or offer for use in this state any covered product containing:

43.18 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

43.19 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

43.20 (b) This section does not apply to covered products containing lead or cadmium, or both,  
 43.21 when regulation is preempted by federal law.

43.22 (c) Notwithstanding paragraph (a), a person may import, manufacture, sell, hold for sale,  
 43.23 or distribute a key fob that contains lead if the commissioner of the Pollution Control Agency  
 43.24 determines that the use of lead in key fobs is a currently unavoidable use. For purposes of  
 43.25 this paragraph, a "key fob" is a physical device that is capable of electronically transmitting  
 43.26 a key code to a vehicle starting system without physical connection, other than its presence  
 43.27 in the vehicle, between the device and the vehicle.

44.1 Sec. 26. Laws 2023, chapter 60, article 3, section 35, is amended to read:

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

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

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

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

44.17 (3) an analysis of:

44.18 (i) waste prevention program impacts and opportunities;

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

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

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

44.30 (5) recommendations for reducing the environmental and human health impacts of waste  
44.31 management, especially across environmental justice areas as defined under Minnesota  
44.32 Statutes, section 115A.03, and ensuring that the benefits of these resource management

45.1 investments, including the creation of well-paying green jobs, flow to disadvantaged  
 45.2 communities that are marginalized, underserved, and overburdened by pollution and that  
 45.3 land, water, air, and climate impacts are considered; and

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

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

45.13 Sec. 27. Laws 2023, chapter 60, article 8, section 6, subdivision 9, is amended to read:

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

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

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

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

45.24 Sec. 28. **KEEP IT CLEAN GRANTS.**

45.25 The commissioner of natural resources must develop a grant program to provide money  
 45.26 to local units of government and nongovernmental organizations to implement local programs  
 45.27 to prevent water pollution due to garbage and human waste left on the ice of state waters  
 45.28 during winter-use activities. Activities eligible for grants under this section include but are  
 45.29 not limited to:

45.30 (1) installing and maintaining public, sanitary, winterized dumping stations at accessible,  
 45.31 designated locations near lake access points and major travel corridors;

46.1 (2) providing dedicated seasonal services, facilities, and containers to transport and  
46.2 dispose of human and pet biowaste at preapproved locations;

46.3 (3) increasing enforcement of related state and local ordinances by providing the resources  
46.4 needed to increase state and local law enforcement patrols during the winter months and  
46.5 establishing volunteer county programs for winter lake patrol;

46.6 (4) education and outreach efforts promoting local and regional Keep It Clean activities;

46.7 (5) organizing spring cleanup efforts, excluding cleanup efforts after significant events,  
46.8 including but not limited to festivals, ice fishing contests, and ice races; and

46.9 (6) local advertising and marketing efforts to educate and promote Keep It Clean  
46.10 messaging and provide information about laws and regulations regarding Keep It Clean.

46.11 **Sec. 29. STRATEGIC LAND ASSET MANAGEMENT REPORT.**

46.12 By February 1, 2025, the commissioner of natural resources must submit a report to the  
46.13 chairs and ranking minority members of the house of representatives and senate committees  
46.14 and divisions with jurisdiction over environment on how the Department of Natural  
46.15 Resource's Strategic Land Asset Management (SLAM) program approaches potential  
46.16 transfers of land to Tribal Nations. The report must explain how the department works  
46.17 collaboratively with Tribal Nations and others to consider potential transfers of land and  
46.18 shared land management opportunities. It must also include a list of those opportunities  
46.19 identified by the department.

46.20 **Sec. 30. CRITICAL MATERIALS RECOVERY ADVISORY TASK FORCE.**

46.21 Subdivision 1. **Definition.** For the purposes of this section, "critical materials" means  
46.22 materials on the final 2023 Critical Materials List published by the United States Secretary  
46.23 of Energy in the Federal Register on August 4, 2023, as amended, as required under section  
46.24 7002 of the Energy Act of 2020.

46.25 Subd. 2. **Composition of task force.** The commissioner of the Pollution Control Agency  
46.26 must, no later than October 1, 2024, establish and appoint a Critical Materials Recovery  
46.27 Advisory Task Force consisting of 16 members appointed as follows:

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

46.29 (2) the commissioner of employment and economic development or the commissioner's  
46.30 designee;

46.31 (3) an expert in the field of industrial metallurgy;

- 47.1 (4) one representative from the Solid Waste Administrators Association;
- 47.2 (5) one representative from a company that disassembles electronic waste;
- 47.3 (6) one representative from an energy advocacy organization;
- 47.4 (7) one representative from an organization that is primarily involved in environmental  
47.5 justice issues;
- 47.6 (8) one representative from an industrial labor union;
- 47.7 (9) one representative from a labor union affiliated with the Building and Construction  
47.8 Trades Council;
- 47.9 (10) one representative from a manufacturer that uses critical materials as inputs;
- 47.10 (11) one representative of a Minnesota Tribal government, as defined in Minnesota  
47.11 Statutes, section 10.65, subdivision 2;
- 47.12 (12) one representative from the Minnesota Resource Recovery Association;
- 47.13 (13) one representative from an electronics manufacturer that operates an e-waste  
47.14 recycling program and is also an electronics retailer;
- 47.15 (14) one representative from the Natural Resources Research Institute in Duluth;
- 47.16 (15) one representative of a utility providing retail electric service to customers in  
47.17 Minnesota; and
- 47.18 (16) one representative from a recovery infrastructure operator, who is a nonvoting  
47.19 member of the task force.
- 47.20 Subd. 3. **Duties.** (a) The task force must advise the commissioner of the Pollution Control  
47.21 Agency with respect to policy and program options designed to increase the recovery of  
47.22 critical materials from end-of-life products by:
- 47.23 (1) developing a strategic road map for achieving domestic recovery of critical materials;
- 47.24 (2) investigating emerging technologies employed to recover critical materials from  
47.25 electronic waste, components of renewable energy generating systems, and other end-of-life  
47.26 products;
- 47.27 (3) evaluating the economic, environmental, and social costs, benefits, and impacts  
47.28 associated with various methods of recovering critical materials from end-of-life products;
- 47.29 (4) identifying options to prevent products containing critical materials from being  
47.30 disposed of in a landfill or waste combustor;

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

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

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

48.7 Subd. 4. **Task force; administration.** (a) The task force must elect a chair by majority  
 48.8 vote at its initial meeting. The task force must meet quarterly. Additional meetings may be  
 48.9 held at the call of the chair. The commissioner or the commissioner's designee and the  
 48.10 member appointed as an expert in industrial metallurgy shall co-facilitate task force meetings.

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

48.12 Subd. 5. **Report.** No later than December 30, 2025, the task force must submit a written  
 48.13 report containing its findings and recommendations for administrative and legislative action  
 48.14 to the commissioner of the Pollution Control Agency and the chairs and ranking minority  
 48.15 members of the senate and house of representatives committees with primary jurisdiction  
 48.16 over solid waste. The task force expires on December 30, 2025, or upon submission of the  
 48.17 report required by this subdivision, whichever occurs first.

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

48.19 Sec. 31. **POSTCLOSURE CARE SOLID WASTE DISPOSAL FACILITIES;**  
 48.20 **RULEMAKING.**

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

48.24 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 48.25 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 48.26 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section  
 48.27 14.388.

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

48.29 The commissioner of the Pollution Control Agency must, using the expedited rulemaking  
 48.30 process in Minnesota Statutes, section 14.389, amend the rules related to the capital assistance  
 48.31 program in Minnesota Rules, parts 9210.0100 to 9210.0180, to conform with and implement



49.1 the changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54 by  
49.2 Laws 2023, chapter 60, article 3, sections 6 and 9 to 13.

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

49.4 Sec. 33. **REPORT ON RECREATIONAL USE OF PERMANENT SCHOOL LANDS.**

49.5 Subdivision 1. **Office of School Trust Lands.** The school trust lands director shall  
49.6 conduct a study of the recreational use of school trust lands in the state. The study shall be  
49.7 used to determine the amount of money to be allocated to the permanent school fund for  
49.8 fees paid to the state for outdoor recreation purposes. The Department of Natural Resources  
49.9 must assist the office by providing existing outdoor recreation use data. The office may  
49.10 contract for additional survey data to complete the study. The study shall include the  
49.11 following:

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

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

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

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

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

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

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

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

50.4 Subd. 2. Report to the legislature. By January 15, 2025, the school trust lands director  
 50.5 shall report the findings in subdivision 1 to the chairs and ranking minority members of the  
 50.6 legislative committees with jurisdiction over environment and natural resources.

50.7 **Sec. 34. GAS PRODUCTION TECHNICAL ADVISORY COMMITTEE.**

50.8 (a) The commissioner of natural resources must appoint a Gas Production Technical  
 50.9 Advisory Committee to develop recommendations according to paragraph (c). The  
 50.10 commissioner may appoint representatives from the following entities to the technical  
 50.11 advisory committee:

50.12 (1) the Pollution Control Agency;

50.13 (2) the Environmental Quality Board;

50.14 (3) the Department of Health;

50.15 (4) the Department of Revenue;

50.16 (5) the University of Minnesota; and

50.17 (6) federal agencies.

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

50.22 (c) The technical advisory committee must make recommendations to the commissioner  
 50.23 relating to the production of gas and oil in the state to guide the creation of a temporary  
 50.24 regulatory framework that will govern permitting before the rules authorized in Minnesota  
 50.25 Statutes, section 93.514, are adopted. The temporary framework must include  
 50.26 recommendations on statutory and policy changes that govern permitting requirements and  
 50.27 processes, financial assurance, taxation, boring monitoring and inspection protocols,  
 50.28 environmental review, and other topics that provide for gas and oil production to be  
 50.29 conducted in a manner that will reduce environmental impacts to the extent practicable,  
 50.30 mitigate unavoidable impacts, and ensure that the production area is left in a condition that  
 50.31 protects natural resources and minimizes the need for maintenance. The temporary framework

51.1 must consider input from stakeholders and Tribes. Recommendations must include draft  
 51.2 legislative language.

51.3 (d) By January 15, 2025, the commissioner must submit to the chairs and ranking minority  
 51.4 members of the legislative committees and divisions with jurisdiction over environment  
 51.5 recommendations for statutory and policy changes to facilitate gas and oil exploration and  
 51.6 production in this state and to support the issuance of temporary permits in a manner that  
 51.7 benefits the people of Minnesota while adequately protecting the state's natural resources.

51.8 (e) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon  
 51.9 gases. For purposes of this section, "production" includes extraction and beneficiation from  
 51.10 consolidated or unconsolidated formations in the state.

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

51.12 Sec. 35. **REPORT ON GEOLOGIC CARBON SEQUESTRATION.**

51.13 (a) The commissioner of natural resources must prepare a report on geologic carbon  
 51.14 sequestration within the state to guide future decision-making and legislation that will assist  
 51.15 in achieving goals for carbon neutrality by 2050 as established in Minnesota's Climate  
 51.16 Action Framework. The report must identify geologic carbon sequestration opportunities  
 51.17 and include recommendations on statutory and policy changes that govern any geologic  
 51.18 carbon sequestration activity while benefiting the people of Minnesota and adequately  
 51.19 protecting the state's natural resources.

51.20 (b) The commissioner of natural resources must appoint a Geologic Carbon Sequestration  
 51.21 Technical Advisory Committee to advise on the preparation of the report required by  
 51.22 paragraph (a). The commissioner may appoint representatives from the following entities  
 51.23 to the technical advisory committee:

51.24 (1) the Pollution Control Agency;

51.25 (2) the Environmental Quality Board;

51.26 (3) the Department of Health;

51.27 (4) the Department of Revenue;

51.28 (5) the University of Minnesota; and

51.29 (6) federal agencies.

51.30 (c) A majority of the committee members must be from state agencies, and all members  
 51.31 must have expertise in at least one of the following areas: geology, hydrogeology, mineralogy,

52.1 air emissions, well and boring construction and monitoring, direct air capture technology,  
52.2 mineral carbonization, Underground Injection Control class VI permitting and primacy  
52.3 programming, environmental review, property law, or taxation. The committee must hold  
52.4 a meeting to gather and consider input from industry, environmental groups, other  
52.5 stakeholders, and Tribes.

52.6 (d) By January 15, 2025, the commissioner must submit the report to the chairs and  
52.7 ranking minority members of the legislative committees and divisions with jurisdiction over  
52.8 environment. The report must include recommendations for draft legislative language.

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

52.10 Sec. 36. **MANURE MANAGEMENT GRANTS.**

52.11 (a) Money appropriated in this act to the Board of Water and Soil Resources for manure  
52.12 management grants may be used to enhance groundwater protection and reduce greenhouse  
52.13 gases associated with agriculture. Priority must be given to areas with high groundwater  
52.14 nitrate levels or geology conducive to groundwater pollution, such as those shown on the  
52.15 Department of Agriculture's vulnerable groundwater area map.

52.16 (b) Funded activities may include projects that limit agricultural use of vulnerable land,  
52.17 such as establishing karst feature buffers or conservation easements, and cost-share assistance  
52.18 for constructing manure management and storage facilities. All funded projects must be  
52.19 designed to result in improved water quality or reduced greenhouse gas emissions. Feedlot  
52.20 grant recipients must agree to prepare and complete a nutrient management plan and must  
52.21 operate at fewer than 1,000 animal units. Grants for expanded liquid manure storage capacity  
52.22 must not exceed 12 months of storage based on current animal numbers. Anaerobic digesters  
52.23 are not eligible for grants under this section.

52.24 (c) Grants must prioritize applicants that will manage nutrient application using the  
52.25 Pollution Control Agency's latest published manure management tool and that will comply  
52.26 with the land application requirements and vulnerable field restrictions applicable to permitted  
52.27 feedlots in Minnesota.

52.28 (d) The board may use this appropriation to match federal money. The board must ensure  
52.29 that grant agreements include terms necessary to document implementation of approved  
52.30 plans and activities.

53.1      Sec. 37. **RESEARCHING CLIMATE ADAPTATION AND RESILIENCE COSTS**  
 53.2      **FOR MINNESOTA.**

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

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

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

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

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

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

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

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

53.23     (i) working lands and natural lands;

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

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

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

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

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

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

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

54.5 (i) human settlement and migration;

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

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

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

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

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

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

54.20 **Sec. 38. CONDEMNATION OF CERTAIN LAND IN MILLE LACS COUNTY.**

54.21 (a) Funds appropriated in this act to the commissioner of natural resources to condemn  
 54.22 land in Mille Lacs County must be used to initiate condemnation proceedings of the lands  
 54.23 described in paragraph (d). The commissioner may use this appropriation for project costs,  
 54.24 including but not limited to valuation expenses, legal fees, closing costs, transactional staff  
 54.25 costs, and the condemnation award. This is a onetime appropriation and is available until  
 54.26 spent.

54.27 (b) Notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, or any other  
 54.28 provision of law to the contrary, once the lands are condemned under paragraph (a), the  
 54.29 commissioner of natural resources may convey the surplus land bordering public waters  
 54.30 that is described in paragraph (d) to a federally recognized Indian Tribe for no consideration.

54.31 (c) The commissioner may make necessary changes to the legal description to correct  
 54.32 errors and ensure accuracy.

55.1 (d) The land that may be conveyed is located in Mille Lacs County and is described as:  
 55.2 Government Lot 2, Section 16, Township 42 North, Range 26 West, including all riparian  
 55.3 rights.

55.4 (e) The land borders Mille Lacs Lake and is not contiguous to other state lands. The  
 55.5 Department of Natural Resources has determined that the land is not needed for natural  
 55.6 resource purposes and that the state's land management interests would best be served if  
 55.7 the land was returned to Tribal ownership.

55.8 **Sec. 39. NONLETHAL BEAVER MANAGEMENT GRANT PROGRAM.**

55.9 Subdivision 1. **Establishment.** The commissioner of natural resources must establish a  
 55.10 program to:

55.11 (1) provide state matching grants to assist individuals and communities with nonlethal  
 55.12 beaver management and beaver damage deterrence; and

55.13 (2) provide recommendations for nonlethal strategies that can be implemented instead  
 55.14 of lethal management.

55.15 Subd. 2. **Eligible applicants.** The commissioner may award grants under this section  
 55.16 to:

55.17 (1) local units of government, including cities, counties, regional authorities, joint powers  
 55.18 boards, towns, townships, Tribal governments, and parks and recreation boards in cities of  
 55.19 the first class, that are responding to property damage caused by beaver activity; and

55.20 (2) Minnesota residents that own or lease land where beavers are present and are causing  
 55.21 property damage.

55.22 Subd. 3. **Eligible expenditures.** Applicants located in the seven-county metropolitan  
 55.23 area are eligible for matching grants of up to 50 percent of costs incurred to deter beaver  
 55.24 damage. Eligible expenditures include:

55.25 (1) nonlethally trapping and relocating beavers that are causing property damage;

55.26 (2) fencing and other hardware for tree and plant protection;

55.27 (3) planting native vegetation that is beaver-resistant; and

55.28 (4) creating buffer strips of native vegetation that deter beaver damage to other properties.

55.29 Subd. 4. **Report.** The commissioner must report to the legislature by February 1, 2025,  
 55.30 on the uses and effectiveness of the nonlethal beaver management grant program and make

56.1 recommendations for further changes to the program, including possible future funding  
 56.2 amounts and sources of funding.

56.3 Sec. 40. **ELECTRONICS RECYCLING STUDY.**

56.4 (a) The commissioner of the Pollution Control Agency shall contract with an independent  
 56.5 third party to conduct a study that examines the barriers to electronics recycling and  
 56.6 recommends ways those barriers may be overcome. The study must, at a minimum, address:

56.7 (1) the status of end markets for materials recovered from electronics recycling;

56.8 (2) information regarding the toxicity of materials recovered from electronics recycling;

56.9 (3) ways to promote worker safety in facilities that recycle electronics;

56.10 (4) opportunities and methods to recover precious metals from electronic recycling  
 56.11 processes;

56.12 (5) measures to reduce emissions of greenhouse gases from electronic recycling facilities;

56.13 and

56.14 (6) how changes in product design that increase the recyclability of electronics products  
 56.15 can be encouraged.

56.16 (b) No later than March 1, 2026, the commissioner shall submit a written report containing  
 56.17 the findings and recommendations of the study to the chairs and ranking minority members  
 56.18 of the senate and house of representatives committees with primary responsibility over  
 56.19 recycling.

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

56.21 Sec. 41. **REPEALER.**

56.22 Minnesota Statutes 2022, section 97B.802, is repealed.

56.23 **ARTICLE 3**

56.24 **ENVIRONMENTAL REVIEW AND PERMITTING**

56.25 Section 1. **[84.0265] ENVIRONMENTAL REVIEW AND PERMITTING;**

56.26 **COORDINATED PROJECT PLANS.**

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

56.28 (1) "commissioner" means the commissioner of natural resources;



57.1 (2) "coordinated project plan" or "plan" means a plan to ensure that any required  
57.2 environmental review and associated required state agency actions are completed efficiently  
57.3 by coordinating and establishing deadlines for all necessary state agency actions;

57.4 (3) "eligible project" means a project that requires the commissioner to prepare an  
57.5 environmental assessment worksheet or an environmental impact statement under chapter  
57.6 116D and associated permits, unless the project is sponsored by the Department of Natural  
57.7 Resources; and

57.8 (4) "state agency" means the department or any other office, board, commission, authority,  
57.9 department, or other agency of the executive branch of state government.

57.10 Subd. 2. **State policy.** It is the goal of the state to maximize the coordination,  
57.11 effectiveness, transparency, and accountability of environmental review, associated  
57.12 environmental permitting, and other regulatory actions for facilities in Minnesota.

57.13 Subd. 3. **Early communication; identifying issues.** To the extent practicable, the  
57.14 commissioner must establish and provide an expeditious process for a person that requests  
57.15 to confer with the department and other state agencies about an eligible project. The  
57.16 department must provide information about any identified challenging issues regarding the  
57.17 potential environmental impacts related to an eligible project, including any issues that  
57.18 could substantially delay a state agency from completing agency decisions; and issues that  
57.19 must be addressed before an environmental assessment worksheet, environmental impact  
57.20 statement, final scoping decision, permit action, or other required action by a state agency  
57.21 can be started.

57.22 Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an  
57.23 application for an eligible project to the commissioner may request that the commissioner  
57.24 prepare a coordinated project plan to complete any required environmental review and  
57.25 associated agency actions for the eligible project.

57.26 (b) Within 60 days of receiving a request under paragraph (a), the commissioner must  
57.27 prepare a coordinated project plan in consultation with the requestor and other state agencies  
57.28 identified under paragraph (c). If an eligible project requires or otherwise includes the  
57.29 preparation of an environmental impact statement, the commissioner is required to prepare  
57.30 a coordinated project plan that first covers the period through a final scoping decision.  
57.31 Within 60 days of completion of the final scoping decision, the commissioner must update  
57.32 the coordinated project plan to include the remainder of the environmental review process  
57.33 as well as applicable state permits and other state regulatory decisions. The coordinated  
57.34 project plan is subject to modification in accordance with subdivision 7.

58.1 (c) Any state agency that must make permitting or other regulatory decisions over the  
 58.2 eligible project must participate in developing a coordinated project plan.

58.3 (d) If an eligible project requires environmental review and the Department of Natural  
 58.4 Resources is the responsible governmental unit, then the Department of Natural Resources  
 58.5 is the lead agency responsible for preparation of a coordinated project plan under this section.  
 58.6 If an eligible project requires environmental review and the Pollution Control Agency is  
 58.7 the responsible governmental unit, then the Pollution Control Agency is the lead agency  
 58.8 responsible for preparation of a coordinated project under section 116.035.

58.9 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must  
 58.10 include:

58.11 (1) a list of all state agencies known to have environmental review, permitting, or other  
 58.12 regulatory authority over the eligible project and an explanation of each agency's specific  
 58.13 role and responsibilities for actions under the coordinated project plan;

58.14 (2) a schedule for any formal public meetings; and

58.15 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,  
 58.16 and other state agency actions must be completed. The deadlines established under this  
 58.17 clause must include intermediate and final completion deadlines for actions by each state  
 58.18 agency and must be consistent with subdivision 6, subject to modification in accordance  
 58.19 with subdivision 7.

58.20 (b) The commissioner must update a coordinated project plan quarterly.

58.21 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan  
 58.22 must comply with this subdivision, unless an alternative time period is agreed upon by the  
 58.23 commissioner and proposer.

58.24 (b) When an environmental assessment worksheet is prepared for an eligible project for  
 58.25 which an environmental impact statement is not mandatory under Minnesota Rules, chapter  
 58.26 4410, the decision on the need for an environmental impact statement must be made as  
 58.27 expeditiously as possible but no later than 18 months after the environmental assessment  
 58.28 worksheet is deemed complete by the commissioner.

58.29 (c) When an environmental impact statement is prepared for an eligible project, the  
 58.30 decision on the adequacy of the final environmental impact statement must be made as  
 58.31 expeditiously as possible but no later than four years after the data submitted for the  
 58.32 environmental assessment worksheet is deemed complete.

59.1 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs  
59.2 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the  
59.3 chairs and ranking minority members of the legislative committees and divisions with  
59.4 jurisdiction over natural resources policy to explain how deadlines were established and  
59.5 why the deadlines under paragraphs (b) and (c) are not attainable.

59.6 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the  
59.7 commissioner's development coordinated project plan must comply with deadlines established  
59.8 in the plan. If a participating state agency fails to meet a deadline established in the  
59.9 coordinated project plan or anticipates failing to meet a deadline, the state agency must  
59.10 immediately notify the commissioner to explain the reason for the failure or anticipated  
59.11 failure and to propose a date for a modified deadline.

59.12 (b) The commissioner may modify a deadline established in the coordinated project plan  
59.13 if the project proposer fails to meet a deadline established in the coordinated project plan  
59.14 or provides inadequate information to meet that deadline, or if:

59.15 (1) the commissioner provides the person that requested the plan with a written  
59.16 justification for the modification; and

59.17 (2) the commissioner and the state agency, after consultation with the person that  
59.18 requested the plan, mutually agree on a different deadline.

59.19 (c) If the combined modifications to one or more deadlines established in a coordinated  
59.20 project plan extend the initially anticipated final decision date for an eligible project  
59.21 application by more than 20 percent, the commissioner must report to the chairs and ranking  
59.22 minority members of the legislative committees and divisions with jurisdiction over natural  
59.23 resources policy within 30 days to explain the reason the modifications are necessary. The  
59.24 commissioner must also notify the chairs and ranking minority members within 30 days of  
59.25 any subsequent extensions to the final decision date. The notification must include the reason  
59.26 for the extension and the history of any prior extensions. For purposes of calculating the  
59.27 percentage of time that modifications have extended the anticipated final decision date,  
59.28 modifications made necessary by reasons wholly outside the control of state agencies must  
59.29 not be considered.

59.30 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required  
59.31 under section 84.027, the commissioner must report on progress toward required actions  
59.32 described in this section.

59.33 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an  
59.34 act that conflicts with applicable state or federal law. Nothing in this section affects the

60.1 specific statutory obligations of a state agency to comply with criteria or standards of  
 60.2 environmental quality.

60.3 **Sec. 2. [116.035] ENVIRONMENTAL REVIEW AND PERMITTING;**  
 60.4 **COORDINATED PROJECT PLANS.**

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

60.6 (1) "commissioner" means the commissioner of the Pollution Control Agency;

60.7 (2) "coordinated project plan" or "plan" means a plan to ensure that any required  
 60.8 environmental review and associated required state agency actions are completed efficiently  
 60.9 by coordinating and establishing deadlines for all necessary state agency actions;

60.10 (3) "eligible project" means a project that requires the commissioner to prepare an  
 60.11 environmental assessment worksheet or an environmental impact statement under chapter  
 60.12 116D and associated permits; and

60.13 (4) "state agency" means the agency or any other office, board, commission, authority,  
 60.14 department, or other agency of the executive branch of state government.

60.15 **Subd. 2. State policy.** It is the goal of the state to maximize the coordination,  
 60.16 effectiveness, transparency, and accountability of environmental review, associated  
 60.17 environmental permitting, and other regulatory actions for facilities in Minnesota.

60.18 **Subd. 3. Early communication; identifying issues.** To the extent practicable, the  
 60.19 commissioner must establish and provide an expeditious process for a person that requests  
 60.20 to confer with the agency and other state agencies about an eligible project. The agency  
 60.21 must provide information about any identified challenging issues regarding the potential  
 60.22 environmental impacts related to an eligible project, including any issues that could  
 60.23 substantially delay a state agency from completing agency decisions and issues that must  
 60.24 be addressed before an environmental assessment worksheet, environmental impact statement,  
 60.25 final scoping decision, permit action, or other required action by a state agency can be  
 60.26 started.

60.27 **Subd. 4. Plan preparation; participating agencies.** (a) A person who submits an  
 60.28 application for an eligible project to the commissioner may request that the commissioner  
 60.29 prepare a coordinated project plan to complete any required environmental review and  
 60.30 associated agency actions for the eligible project.

60.31 (b) Within 60 days of receiving a request under paragraph (a), the commissioner must  
 60.32 prepare a coordinated project plan in consultation with the requestor and other state agencies

61.1 identified under paragraph (c). If an eligible project requires or otherwise includes the  
61.2 preparation of an environmental impact statement, the commissioner is required to prepare  
61.3 a coordinated project plan that first covers the period through a final scoping decision.  
61.4 Within 60 days of completion of the final scoping decision, the commissioner must update  
61.5 the coordinated project plan to include the remainder of the environmental review process  
61.6 as well as applicable state permits and other state regulatory decisions. The coordinated  
61.7 project plan is subject to modification in accordance with subdivision 7.

61.8 (c) Any state agency that must make permitting or other regulatory decisions over the  
61.9 eligible project must participate in developing a coordinated project plan.

61.10 (d) If an eligible project requires environmental review and the Department of Natural  
61.11 Resources is the responsible governmental unit, then the Department of Natural Resources  
61.12 is the lead agency responsible for preparation of a coordinated project plan under section  
61.13 84.0265. If an eligible project requires environmental review and the Pollution Control  
61.14 Agency is the responsible governmental unit, then the Pollution Control Agency is the lead  
61.15 agency responsible for preparation of a coordinated project under this section.

61.16 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must  
61.17 include:

61.18 (1) a list of all state agencies known to have environmental review, permitting, or other  
61.19 regulatory authority over the eligible project and an explanation of each agency's specific  
61.20 role and responsibilities for actions under the coordinated project plan;

61.21 (2) a schedule for any formal public meetings; and

61.22 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,  
61.23 and other state agency actions must be completed. The deadlines established under this  
61.24 clause must include intermediate and final completion deadlines for actions by each state  
61.25 agency and must be consistent with subdivision 6, subject to modification in accordance  
61.26 with subdivision 7.

61.27 (b) The commissioner must update a coordinated project plan quarterly.

61.28 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan  
61.29 must comply with this subdivision unless an alternative time period is agreed upon by the  
61.30 commissioner and proposer.

61.31 (b) When an environmental assessment worksheet is prepared for an eligible project for  
61.32 which an environmental impact statement is not mandatory under Minnesota Rules, chapter  
61.33 4410, the decision on the need for an environmental impact statement must be made as

62.1 expeditiously as possible but no later than 18 months after the environmental assessment  
62.2 worksheet is deemed complete by the commissioner.

62.3 (c) When an environmental impact statement is prepared for an eligible project, the  
62.4 decision on the adequacy of the final environmental impact statement must be made as  
62.5 expeditiously as possible but no later than four years after the submitted data for the  
62.6 environmental assessment worksheet is deemed complete.

62.7 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs  
62.8 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the  
62.9 chairs and ranking minority members of the legislative committees and divisions with  
62.10 jurisdiction over natural resources policy to explain how deadlines were established and  
62.11 why the deadlines under paragraphs (b) and (c) are not attainable.

62.12 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the  
62.13 commissioner's development coordinated project plan must comply with deadlines established  
62.14 in the plan. If a participating state agency fails to meet a deadline established in the  
62.15 coordinated project plan or anticipates failing to meet a deadline, the state agency must  
62.16 immediately notify the commissioner to explain the reason for the failure or anticipated  
62.17 failure and to propose a date for a modified deadline.

62.18 (b) The commissioner may modify a deadline established in the coordinated project plan  
62.19 if the project proposer fails to meet a deadline established in the coordinated project plan  
62.20 or provides inadequate information to meet that deadline, or if:

62.21 (1) the commissioner provides the person that requested the plan with a written  
62.22 justification for the modification; and

62.23 (2) the commissioner and the state agency, after consultation with the person that  
62.24 requested the plan, mutually agree on a different deadline.

62.25 (c) If the combined modifications to one or more deadlines established in a coordinated  
62.26 project plan extend the initially anticipated final decision date for an eligible project  
62.27 application by more than 20 percent, the commissioner must report to the chairs and ranking  
62.28 minority members of the legislative committees and divisions with jurisdiction over natural  
62.29 resources policy within 30 days to explain the reason the modifications are necessary. The  
62.30 commissioner must also notify the chairs and ranking minority members within 30 days of  
62.31 any subsequent extensions to the final decision date. The notification must include the reason  
62.32 for the extension and the history of any prior extensions. For purposes of calculating the  
62.33 percentage of time that modifications have extended the anticipated final decision date,

63.1 modifications made necessary by reasons wholly outside the control of state agencies must  
 63.2 not be considered.

63.3 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required  
 63.4 under section 116.03, the commissioner must report on progress toward required actions  
 63.5 described in this section.

63.6 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an  
 63.7 act that conflicts with applicable state or federal law. Nothing in this section affects the  
 63.8 specific statutory obligations of a state agency to comply with criteria or standards of  
 63.9 environmental quality.

#### 63.10 **ARTICLE 4**

#### 63.11 **STATE LANDS**

63.12 Section 1. Minnesota Statutes 2022, section 85.015, subdivision 1b, is amended to read:

63.13 **Subd. 1b. Easements for ingress and egress.** (a) Notwithstanding section 16A.695,  
 63.14 except as provided in paragraph (b), when a trail is established under this section, a private  
 63.15 property owner who has a preexisting right of ingress and egress over the trail right-of-way  
 63.16 is granted, without charge, a permanent easement for ingress and egress purposes only. The  
 63.17 easement is limited to the preexisting crossing and reverts to the state upon abandonment.  
 63.18 Nothing in this subdivision is intended to diminish or alter any written or recorded easement  
 63.19 that existed before the state acquired the land for the trail.

63.20 (b) The commissioner of natural resources shall assess the applicant an application fee  
 63.21 of \$2,000 for reviewing the application and preparing the easement. The applicant shall pay  
 63.22 the application fee to the commissioner of natural resources. The commissioner shall not  
 63.23 issue the easement until the applicant has paid the application fee in full. The commissioner  
 63.24 shall not return the application fee, even if the application is withdrawn or denied.

63.25 (c) Money received under paragraph (b) must be credited to the land management account  
 63.26 in the natural resources fund and is appropriated to the commissioner of natural resources  
 63.27 to cover the reasonable costs incurred under this section.

63.28 (d) Notwithstanding paragraphs (a) to (c), the commissioner of natural resources may  
 63.29 elect to assume the application fee under paragraph (b) if the commissioner determines that  
 63.30 issuing the easement will benefit the state's land management interests.

64.1 Sec. 2. Minnesota Statutes 2022, section 94.343, subdivision 8a, is amended to read:

64.2 Subd. 8a. **Fees.** (a) When a private landowner or governmental unit, except the state,  
 64.3 presents to the commissioner an offer to exchange privately or publicly held land for class  
 64.4 A land, the private landowner or governmental unit shall pay to the commissioner a  
 64.5 ~~determination of value fee and survey fee of not less than one-half of the cost of the~~  
 64.6 ~~determination of value and survey fees as determined by the commissioner.~~ fees of not less  
 64.7 than one-half of the costs incurred by the commissioner for valuation expenses; survey  
 64.8 expenses; legal and professional fees; costs of title work, advertising, and public hearings;  
 64.9 transactional staff costs; and closing costs.

64.10 (b) Except as provided in paragraph (c), any payment made under paragraph (a) shall  
 64.11 be credited to the account from which the expenses are paid and is appropriated for  
 64.12 expenditure in the same manner as other money in the account.

64.13 (c) The fees shall be refunded if the land exchange offer is withdrawn by a private  
 64.14 landowner or governmental unit before the money is obligated to be spent.

64.15 Sec. 3. Minnesota Statutes 2022, section 94.3495, is amended by adding a subdivision to  
 64.16 read:

64.17 Subd. 9. **Fees.** (a) When a governmental unit presents to the commissioner an offer to  
 64.18 exchange publicly held land under this section, the governmental unit must pay to the  
 64.19 commissioner fees of not less than one-half of the costs incurred by the commissioner for  
 64.20 valuation expenses; survey expenses; legal and professional fees; costs of title work,  
 64.21 advertising, and public hearings; transactional staff costs; and closing costs.

64.22 (b) Except as provided in paragraph (c), any payment made under paragraph (a) must  
 64.23 be credited to the account from which the expenses are paid and is appropriated to the  
 64.24 commissioner for expenditure in the same manner as other money in the account.

64.25 (c) The fees must be refunded if the land exchange offer is withdrawn by the  
 64.26 governmental unit before the money is obligated to be spent.

64.27 Sec. 4. **ADDITIONS TO STATE PARKS.**

64.28 Subdivision 1. [85.012] [Subd. 2.] **Banning State Park, Pine County.** The following  
 64.29 area is added to Banning State Park: the Northwest Quarter of the Northwest Quarter of  
 64.30 Section 22, Township 42 North, Range 20 West, Pine County, Minnesota.



65.1 Subd. 2. [85.012] [Subd. 15.] Father Hennepin State Park, Mille Lacs County. The  
65.2 following areas are added to Father Hennepin State Park, all in Mille Lacs County,  
65.3 Minnesota:

65.4 (1) the Southwest Quarter of the Southwest Quarter of Section 3, Township 42, Range  
65.5 25;

65.6 (2) the Southwest Quarter of the Southeast Quarter of Section 4, Township 42, Range  
65.7 25; and

65.8 (3) the Southeast Quarter of the Southeast Quarter of Section 4, Township 42, Range  
65.9 25.

65.10 Subd. 3. [85.012] [Subd. 36.] Lake Louise State Park, Mower County. Those parts  
65.11 of Section 20, Township 101 North, Range 14 West, Mower County, Minnesota, described  
65.12 as follows are added to Lake Louise State Park:

65.13 (1) the West Half of the South Half of the Southwest Quarter of the Northeast Quarter;

65.14 (2) the West 3/4ths of the North Half of the Southwest Quarter of the Northeast Quarter  
65.15 EXCEPT that portion that lies north and east of the county road; and

65.16 (3) the Northwest Quarter of the Northwest Quarter of the Southeast Quarter EXCEPT  
65.17 the south 334.98 feet of the west 411.24 feet thereof.

65.18 **Sec. 5. STATE PARK ABOLISHMENT.**

65.19 Subdivision 1. [85.012] [Subd. 27b.] Hill-Annex Mine State Park, Itasca  
65.20 County. Hill-Annex Mine State Park is abolished as a state park. The Hill-Annex site must  
65.21 be closed to public use while mining and mineral extraction leases are in place. When mining  
65.22 activity is complete and leases are not in place, the commissioner of natural resources must  
65.23 develop an advisory task force that includes representatives of the Western Mesabi Mine  
65.24 Planning Board, the Iron Range Resources and Rehabilitation Board, and the Office of  
65.25 School Trust Lands to develop options for the future of the Hill-Annex property for  
65.26 submission to the commissioner. This group must explore the types of use, management,  
65.27 and development that will be suitable for the site's conditions after mining and that would  
65.28 provide a benefit to the local and regional community.

65.29 Subd. 2. [85.012] [Subd. 58.] Upper Sioux Agency State Park, Yellow Medicine  
65.30 County. Upper Sioux Agency State Park is abolished and its lands transferred according  
65.31 to Laws 2023, chapter 60, article 4, section 97.

66.1 Sec. 6. PRIVATE SALE OF TAX-FORFEITED LAND; AITKIN COUNTY.

66.2 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
66.3 other law to the contrary, Aitkin County may sell by private sale the tax-forfeited lands  
66.4 described in paragraph (c).

66.5 (b) The conveyances must be in a form approved by the attorney general. The attorney  
66.6 general may make changes to the land descriptions to correct errors and ensure accuracy.

66.7 (c) The lands to be sold are located in Aitkin County and are described as:

66.8 (1) Lot 3 of "Knox's Irregular Lots in the Village of Aitkin," except the portion thereof  
66.9 described as follows: all that part of Lot 3 which lies East of a line beginning at a point on  
66.10 the north line of said Lot 3 a distance of 79 feet East of the northwest corner of said lot and  
66.11 running southeasterly to a point on the south line of said Lot 3 a distance of 56 feet East of  
66.12 the southwest corner of said lot; and except the portion thereof described as follows:  
66.13 beginning at a point on the north line of Lot 4 of said plat a distance easterly 60.75 feet from  
66.14 the northwest corner of said Lot 4; thence running southeasterly to a point on the south line  
66.15 of said Lot 4 which is 56 feet easterly of the southwest corner of said Lot 4; thence continuing  
66.16 easterly along said south line a distance of 56 feet to the southeast corner of said Lot 4;  
66.17 thence northwesterly to a point on the north line of said Lot 3 which is 16 feet easterly of  
66.18 the northwest corner of said Lot 3; thence westerly along the north line of said Lots 3 and  
66.19 4 to place of beginning. Section 25, Township 47 North, Range 27 West, Aitkin County,  
66.20 Minnesota (0.28 acres)(parcel number 56-1-118100); and

66.21 (2) that part of Government Lot 1, Section 19, Township 46, Range 25, Aitkin County,  
66.22 Minnesota, described as follows: commencing at the southwest corner of said Government  
66.23 Lot 1; thence North 85 degrees 14 minutes 46 seconds East, assumed bearing, 1,000.00 feet  
66.24 along the south line of said Government Lot 1 to the point of beginning of the tract to be  
66.25 described; thence continuing North 85 degrees 14 minutes 46 seconds East 50.79 feet to an  
66.26 iron monument; thence North 19 degrees 46 minutes 21 seconds West 459.76 feet, more or  
66.27 less, to the shore of Rabbit Lake; thence southwesterly along said shore to its intersection  
66.28 with a line bearing North 20 degrees 00 minutes 16 seconds West from the point of beginning;  
66.29 thence South 20 degrees 00 minutes 16 seconds East 433 feet, more or less, to the point of  
66.30 beginning. Together with and subject to the 33.00-foot-wide easement described in the deed  
66.31 to Kendle recorded as Document Number 193583 on file in the office of the county recorder  
66.32 in and for said county. Also subject to any other easements, reservations, or restrictions of  
66.33 record (0.52 acres)(parcel number 09-0-031708).

67.1 (d) The county has determined that the county's land management interests would best  
67.2 be served if the lands were returned to private ownership to resolve encroachment issues.

67.3 **Sec. 7. PRIVATE SALE OF TAX-FORFEITED LAND; AITKIN COUNTY.**

67.4 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
67.5 other law to the contrary, Aitkin County may sell by private sale the tax-forfeited lands  
67.6 described in paragraph (c).

67.7 (b) The conveyances must be in a form approved by the attorney general. The attorney  
67.8 general may make changes to the land descriptions to correct errors and ensure accuracy.

67.9 (c) The lands to be sold are located in Aitkin County and are described as:

67.10 (1) Quadna Mountain Vacation Club First Addition, Outlot A, Section 26, Township 52  
67.11 North, Range 26 West, Aitkin County, Minnesota (parcel identification number  
67.12 57-1-088400); and

67.13 (2) Quadna Mountain Vacation Club First Addition, Outlot B, Section 26, Township 52  
67.14 North, Range 26 West, Aitkin County, Minnesota (parcel identification number 57-1-088500).

67.15 (d) The county has determined that the county's land management interests would best  
67.16 be served if the lands were returned to private ownership.

67.17 **Sec. 8. PUBLIC SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
67.18 **CHISAGO COUNTY.**

67.19 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural  
67.20 resources may sell by public sale the surplus land bordering public water that is described  
67.21 in paragraph (c).

67.22 (b) The commissioner may make necessary changes to the legal description to correct  
67.23 errors and ensure accuracy.

67.24 (c) The land that may be sold is located in Chisago County and is described as:

67.25 All that part of Government Lot 1, Section 23, and all that part of Government Lot 1,  
67.26 Section 24, Township 33 North, Range 21 West of the 4th Principal Meridian bounded by  
67.27 the following described lines: commencing at the northeast corner of said Section 23; thence  
67.28 South 00 degrees 00 minutes West, 1,831.3 feet on and along the east line of said Section  
67.29 23 to the point of beginning; thence South 38 degrees 27 minutes East, 70.0 feet; thence  
67.30 South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59 minutes West,  
67.31 286.9 feet; thence South 45 degrees 33 minutes West, 167.4 feet; thence North 73 degrees

68.1 20 minutes West, 231.8 feet; thence North 59 degrees 33 minutes West, 420.7 feet; thence  
68.2 North 30 degrees 17 minutes East, 327.6 feet; thence North 64 degrees 19 minutes East,  
68.3 360.4 feet; thence South 87 degrees 03 minutes East, 197.8 feet; thence South 65 degrees  
68.4 09 minutes East, 354.3 feet and to the point of beginning. Including all riparian rights to  
68.5 the contained 11.5 acres, more or less, and subject to all existing road easements. Together  
68.6 with that particular channel easement as described in Document #119723, on file and of  
68.7 record in the Office of the Recorder, Chisago County, Minnesota, with said easement being  
68.8 stated in said document as a perpetual easement to construct and maintain a channel over  
68.9 and across the area described in Document #119723 as a strip of land 75 feet wide in  
68.10 Government Lot 1 of Section 24, Township 33 North, Range 21 West of the 4th Principal  
68.11 Meridian, bounded by the water's edge of Green Lake and the following described lines:  
68.12 commencing at the northwest corner of said Section 24; thence South 00 degrees 00 minutes  
68.13 West, 1,831.3 feet on and along the west line of said section; thence South 38 degrees 27  
68.14 minutes East, 70.0 feet; thence South 11 degrees 58 minutes West, 58.9 feet to a point on  
68.15 the centerline of said strip of land and the point of beginning; thence South 11 degrees 58  
68.16 minutes West, 40.4 feet; thence North 80 degrees 00 minutes East, 290 feet, more or less,  
68.17 to the water's edge of said Green Lake and there terminating. And also from the point of  
68.18 beginning; thence North 11 degrees 58 minutes East, 40.4 feet; thence North 80 degrees 00  
68.19 minutes East, 220 feet, more or less, to the water's edge of said Green Lake and there  
68.20 terminating.

68.21 ALSO

68.22 Together with that particular access easement as described in Document #119723, on  
68.23 file and of record in the Office of the Recorder, Chisago County, Minnesota, with said  
68.24 easement being stated in said document as a perpetual road easement to construct and  
68.25 maintain a 33-foot-wide road for ingress and egress over and across the following described  
68.26 lands: that part of Government Lot 1 of Section 23, Township 33 North, Range 21 West of  
68.27 the 4th Principal Meridian, bounded by the following described lines: commencing at the  
68.28 northeast corner of said Section 23; thence South 00 degrees 00 minutes West, 1,831.3 feet  
68.29 on and along the east line of said section; thence South 38 degrees 27 minutes East, 70.0  
68.30 feet; thence South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59  
68.31 minutes West, 223.6 feet to a point on the southerly boundary of the above described lands  
68.32 being conveyed in fee and the point of beginning; thence South 76 degrees 59 minutes West,  
68.33 63.3 feet on and along said southerly boundary; thence South 45 degrees 33 minutes West,  
68.34 167.4 feet on and along said southerly boundary; thence North 72 degrees 57 minutes West,  
68.35 666.8 feet to a point on the southeasterly right-of-way line of U.S. Highway No. 8; thence

69.1 South 38 degrees 09 minutes West, 35.4 feet on and along said right-of-way line; thence  
69.2 South 72 degrees 57 minutes East, 679.7 feet; thence South 73 degrees 20 minutes East,  
69.3 251.3 feet; thence North 45 degrees 33 minutes West, 240.9 feet to the point of beginning.

69.4 (d) The land borders Green Lake and is not contiguous to other state lands. The  
69.5 Department of Natural Resources has determined that the land is not needed for natural  
69.6 resource purposes and that the state's land management interests would best be served if  
69.7 the land was returned to private ownership.

69.8 **Sec. 9. CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
69.9 **HUBBARD COUNTY.**

69.10 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
69.11 commissioner of natural resources may convey the surplus land bordering public water that  
69.12 is described in paragraph (c) to a local unit of government for no consideration, subject to  
69.13 the state's reservation of a trail easement.

69.14 (b) The commissioner may make necessary changes to the legal description to correct  
69.15 errors and ensure accuracy.

69.16 (c) The land that may be conveyed is located in Hubbard County and is described as:

69.17 A strip of land 150 feet in width extending over and across the Southwest Quarter of  
69.18 the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth  
69.19 Principal Meridian, Hubbard County, Minnesota, said strip of land lying being 75 feet in  
69.20 width on each side of the centerline of the main track (now removed) of the former St. Paul,  
69.21 Minneapolis and Manitoba Railway Company (now BNI), as originally located and  
69.22 established over and across said Southwest Quarter of the Southwest Quarter of Section 24  
69.23 and lying between the north line of the Fish Hook River and the north line of said Southwest  
69.24 Quarter of the Southwest Quarter of Section 24, LESS and EXCEPT the following described  
69.25 tract: that part of the South Half of the Southwest Quarter, Section 24, Township 140 North,  
69.26 Range 35 West, Hubbard County, Minnesota, described as follows: commencing at a found  
69.27 iron monument which designates the northwesterly corner of Lot 1, Block 4, AUDITOR'S  
69.28 PLAT No. 2, plat of which is on file and of record in the Office of the County Recorder,  
69.29 Hubbard County; thence on a bearing based on the Hubbard County Coordinate System  
69.30 (NAD83, 1996 Adjustment) of South 32 degrees 45 minutes 05 seconds East, along the  
69.31 southwesterly line of said Lot 1, a distance of 177.13 feet to the southwesterly corner of  
69.32 said Lot 1; thence South 48 degrees 30 minutes 52 seconds West, a distance of 71.23 feet  
69.33 to an iron monument on the southwesterly line of Mill Road; thence North 32 degrees 32  
69.34 minutes 42 seconds West, along the southwesterly line of Mill Road, a distance of 85.20

70.1 feet to an iron monument; thence North 22 degrees 10 minutes 58 seconds West along said  
70.2 southwesterly line of Mill Road, a distance of 85.84 feet to an iron monument; thence North  
70.3 81 degrees 01 minutes 23 seconds West, a distance of 127.05 feet to the intersection with  
70.4 the easterly right-of-way line of the Heartland State Trail (former Burlington Northern  
70.5 Railroad) and an iron monument and the point of beginning of the land to be herein described;  
70.6 thence continue North 81 degrees 01 minutes 23 seconds West, a distance 37.00 feet; thence  
70.7 South 09 degrees 06 minutes 28 seconds West, a distance of 44.69 feet; thence South 13  
70.8 degrees 37 minutes 49 seconds East, a distance of 95.72 feet to an iron monument and the  
70.9 intersection with said easterly right-of-way line; thence North 09 degrees 06 minutes 28  
70.10 seconds East, along said easterly right-of-way line, a distance of 133.06 feet, more or less,  
70.11 to the point of beginning. Said strip of land containing 2.52 acres, more or less.

70.12 (d) The land borders the Fish Hook River. The Department of Natural Resources has  
70.13 determined that the land is not needed for natural resource purposes and that the state's land  
70.14 management interests would best be served if the land was conveyed to a local unit of  
70.15 government.

70.16 **Sec. 10. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
70.17 **HUBBARD COUNTY.**

70.18 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
70.19 commissioner of natural resources may sell by private sale the surplus land bordering public  
70.20 water that is described in paragraph (c).

70.21 (b) The commissioner may make necessary changes to the legal description to correct  
70.22 errors and ensure accuracy.

70.23 (c) The land that may be sold is located in Hubbard County and is described as:

70.24 (1) a strip of land 50 feet in width extending over and across the Southwest Quarter of  
70.25 the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth  
70.26 Principal Meridian, Hubbard County, Minnesota, said strip of land lying South of the south  
70.27 line of the Fish Hook River, on the westerly side of the centerline of the main track (now  
70.28 removed) of the former Wadena and Park Rapids Railway Company (now BNI), as originally  
70.29 located and established over and across said Southwest Quarter of the Southwest Quarter  
70.30 of Section 24; said strip of land containing 0.14 acres, more or less; and

70.31 (2) a strip of land 50 feet in width extending over and across the Southwest Quarter of  
70.32 the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth  
70.33 Principal Meridian, Hubbard County, Minnesota, said strip of land lying South of the south

71.1 line of the Fish Hook River, on the easterly side of the centerline of the main track (now  
 71.2 removed) of the former Wadena and Park Rapids Railway Company (now BNI), as originally  
 71.3 located and established over and across said Southwest Quarter of the Southwest Quarter  
 71.4 of Section 24, said strip of land containing 0.16 acres, more or less.

71.5 (d) The land borders the Fish Hook River. The Department of Natural Resources has  
 71.6 determined that the land is not needed for natural resource purposes and that the state's land  
 71.7 management interests would best be served if the land was returned to private ownership.

71.8 **Sec. 11. CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC WATER;**  
 71.9 **REDWOOD COUNTY.**

71.10 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the  
 71.11 commissioner of natural resources may convey the surplus land bordering public water that  
 71.12 is described in paragraph (c) to a federally recognized Indian Tribe for no consideration.

71.13 (b) The commissioner may make necessary changes to the legal description to correct  
 71.14 errors and ensure accuracy.

71.15 (c) The land that may be sold is located in Redwood County and is described as:

71.16 (1) Government Lot 2 of Section 4, Township 112 North, Range 34 West; and

71.17 (2) Government Lot 6 of Section 9, Township 112 North, Range 34 West, excepting  
 71.18 therefrom: commencing at the southwest corner of United States Government Lot 6 in said  
 71.19 Section 9, running thence North on a division line, between Lots 6 and 7, 1,482.5 feet;  
 71.20 thence East and parallel with the south line of said Lot 6 about 872 feet to the Minnesota  
 71.21 River; thence down the Minnesota River to a point due North of the southeast corner of said  
 71.22 Lot 6; thence South 500 feet to the southeast corner of said Lot 6; thence West along the  
 71.23 south line of said Lot 6 to the place of beginning, said exception containing 40 acres, more  
 71.24 or less, and being a part of said Lot 6.

71.25 (d) The land borders the Minnesota River and is not contiguous to other state lands. The  
 71.26 Department of Natural Resources has determined that the land is not needed for natural  
 71.27 resource purposes and that the state's land management interests would best be served if  
 71.28 the land was returned to Tribal ownership.

71.29 **Sec. 12. PRIVATE SALE OF SURPLUS LAND; ROSEAU COUNTY.**

71.30 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of  
 71.31 natural resources may sell by private sale the surplus land that is described in paragraph (c)  
 71.32 to a watershed district.

72.1 (b) The commissioner may make necessary changes to the legal description to correct  
 72.2 errors and ensure accuracy.

72.3 (c) The land that may be sold is located in Roseau County and is described as: All that  
 72.4 part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 163 North,  
 72.5 Range 41 West of the Fifth Principal Meridian, Roseau County, Minnesota, described as  
 72.6 follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter  
 72.7 of said Section 23; thence on a bearing based on the Roseau County Coordinate System  
 72.8 (NAD83, 1996 Adjustment) of South 89 degrees 49 minutes 33 seconds East, along the  
 72.9 north line of said Northeast Quarter of the Southeast Quarter, a distance of 1,319.93 feet to  
 72.10 the northeast corner of said Northeast Quarter of the Southeast Quarter, said northeast corner  
 72.11 also being a point on the northwesterly right-of-way line of the exterior ditch of the northwest  
 72.12 embankment of the Roseau Lake rehabilitation project; thence South 52 degrees 53 minutes  
 72.13 46 seconds West, along said northwesterly right-of-way line, a distance of 1,651.76 feet,  
 72.14 more or less, to the west line of said Northeast Quarter of the Southeast Quarter; thence  
 72.15 North 00 degrees 08 minutes 50 seconds West, along said west line, a distance of 1,000.46  
 72.16 feet to the point of beginning. Said parcel contains 15.1 acres, more or less.

72.17 (d) The Department of Natural Resources has determined that the land is not needed for  
 72.18 natural resource purposes and that the state's land management interests would best be  
 72.19 served if the land were conveyed to a watershed district.

72.20 **Sec. 13. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

72.21 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or  
 72.22 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands  
 72.23 described in paragraph (c).

72.24 (b) The conveyances must be in a form approved by the attorney general. The attorney  
 72.25 general may make changes to the land descriptions to correct errors and ensure accuracy.

72.26 (c) The lands to be sold are located in St. Louis County and are described as:

72.27 (1) the East 4.97 feet of Lot 1, Block 19, Gilbert, Township 58, Range 17, Section 23  
 72.28 (parcel number 060-0010-04190);

72.29 (2) beginning at a point 170 feet West of the northeast corner of said forty; thence West  
 72.30 a distance of 170 feet to a point; thence South a distance of 256.5 feet to a point; thence  
 72.31 continuing a parallel line East a distance of 170 feet to a point; thence continuing a parallel  
 72.32 line North a distance of 256.5 feet to the point of beginning and being in the Northwest



73.1 Quarter of the Northeast Quarter, containing approximately 1 acre of land, Township 57,  
73.2 Range 21, Section 21 (part of parcel number 141-0050-03594);

73.3 (3) the North Half and the Northwest Quarter of the Southwest Quarter and the West  
73.4 Half of the Southeast Quarter, Township 52, Range 13, Section 23 (part of parcel number  
73.5 485-0010-03610);

73.6 (4) all of Section 5, except the South Half of the Northeast Quarter and except the  
73.7 Northeast Quarter of the Southwest Quarter and except the railway right-of-way, .94 acres,  
73.8 Township 53, Range 15, Section 5 (part of parcel number 660-0010-00660); and

73.9 (5) that part lying within the East Half of Lot 1 lying South of St. Louis County Road  
73.10 23 described as follows: commencing at the northwest corner of Section 19, Township 65,  
73.11 Range 21; thence East along the section line 661.2 feet; thence at right angles South 285  
73.12 feet to the point of beginning; thence South 315 feet; thence at right angle East 250 feet;  
73.13 thence at right angle North 315 feet; thence West to the point of beginning, except that part  
73.14 of the Northwest Quarter of the Northwest Quarter described as follows: commencing at  
73.15 the northwest corner; thence North 89 degrees 38 minutes 14 seconds East along the north  
73.16 line 661.2 feet; thence South 0 degrees 21 minutes 46 seconds East 456.90 feet; thence  
73.17 North 89 degrees 38 minutes 14 seconds East 19.82 feet to the easterly right-of-way of  
73.18 Westley Drive and the point of beginning; thence South 3 degrees 59 minutes 44 seconds  
73.19 West along said easterly right-of-way 76.03 feet; thence North 89 degrees 38 minutes 14  
73.20 seconds East 207.13 feet; thence North 0 degrees 21 minutes 46 seconds West 162.42 feet;  
73.21 thence North 57 degrees 40 minutes 44 seconds West 210.75 feet to the intersection of said  
73.22 easterly right-of-way; thence South 19 degrees 7 minutes 59 seconds West along said easterly  
73.23 right-of-way 33.23 feet; thence South 3 degrees 59 minutes 44 seconds West along said  
73.24 easterly right-of-way 30.28 feet; thence North 89 degrees 38 minutes 14 seconds East 33.58  
73.25 feet; thence South 31 degrees 11 minutes 36 seconds East 112.47 feet; thence South 67  
73.26 degrees 3 minutes 53 seconds West 110.25 feet to said easterly right-of-way and the point  
73.27 of beginning, Township 65, Range 21, Section 19 (parcel number 760-0040-00533).

73.28 (d) The county has determined that the county's land management interests would best  
73.29 be served if the land was returned to private ownership.

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

74.1 Sec. 14. **PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC**  
74.2 **WATERS; ST. LOUIS COUNTY.**

74.3 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and  
74.4 the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may sell by  
74.5 private sale the tax-forfeited lands bordering public waters that are described in paragraph  
74.6 (c).

74.7 (b) The conveyances must be in a form approved by the attorney general. The attorney  
74.8 general may make changes to the land descriptions to correct errors and ensure accuracy.

74.9 (c) The lands to be sold are located in St. Louis County and are described as:

74.10 (1) Lot 101, Echo Point, Town of Breitung, Township 62, Range 15, Section 19 (parcel  
74.11 number 270-0070-01010);

74.12 (2) the Northeast Quarter, except the Southwest Quarter, and the Southeast Quarter,  
74.13 except the Northwest Quarter, Township 54, Range 16, Section 22 (part of parcel number  
74.14 305-0010-03530); and

74.15 (3) Government Lots 6 and 7, except that part of Government Lot 6 lying North of the  
74.16 quarter line of Section 32, Township 69, Range 19 (parcel number 732-0010-04150).

74.17 (d) The county has determined that the county's land management interests would best  
74.18 be served if the land was returned to private ownership.

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

74.20 Sec. 15. **REPEALER.**

74.21 Minnesota Statutes 2022, sections 85.012, subdivisions 27b and 58; and 138.662,  
74.22 subdivision 33, are repealed.

74.23 **ARTICLE 5**

74.24 **PACKAGING WASTE AND COST REDUCTION ACT**

74.25 Section 1. **[115A.144] SHORT TITLE.**

74.26 Sections 115A.144 to 115A.1462 may be cited as the "Packaging Waste and Cost  
74.27 Reduction Act."

75.1 Sec. 2. [115A.1441] DEFINITIONS.

75.2 Subdivision 1. Scope. For the purposes of sections 115A.144 to 115A.1462, the terms  
75.3 in this section have the meanings given.

75.4 Subd. 2. Advisory board. "Advisory board" or "board" means the Producer  
75.5 Responsibility Advisory Board established under section 115A.1444.

75.6 Subd. 3. Brand. "Brand" means a name, symbol, word, or mark that identifies a product  
75.7 and attributes the product and its components, including packaging, to the brand owner.

75.8 Subd. 4. Brand owner. "Brand owner" means a person that owns or licenses a brand or  
75.9 that otherwise has rights to market a product under the brand, whether or not the brand's  
75.10 trademark is registered.

75.11 Subd. 5. Collection rate. "Collection rate" means the amount of a covered material by  
75.12 covered materials type collected by service providers and transported for recycling or  
75.13 composting divided by the total amount of the type of a covered material by covered materials  
75.14 type sold or distributed into the state by the relevant unit of measurement established in  
75.15 section 115A.1451.

75.16 Subd. 6. Compostable material. "Compostable material" means a covered material  
75.17 that:

75.18 (1) meets, and is labeled to reflect that it meets, the American Society for Testing and  
75.19 Materials Standard Specification for Labeling of Plastics Designed to be Aerobically  
75.20 Composted in Municipal or Industrial Facilities (D6400) or its successor;

75.21 (2) meets, and is labeled to reflect that it meets, the American Society for Testing and  
75.22 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and  
75.23 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be  
75.24 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

75.25 (3) is comprised of only wood without any coatings or additives; or

75.26 (4) is comprised of only paper without any coatings or additives.

75.27 Subd. 7. Composting. "Composting" means the controlled microbial degradation of  
75.28 source-separated compostable materials to yield a humus-like product.

75.29 Subd. 8. Composting rate. "Composting rate" means the amount of compostable covered  
75.30 material that is managed through composting, divided by the total amount of compostable  
75.31 covered material sold or distributed into the state by the relevant unit of measurement  
75.32 established in section 115A.1451.

76.1 Subd. 9. **Covered material.** "Covered material" means packaging and paper products  
76.2 introduced into the state. Covered material does not include exempt materials.

76.3 Subd. 10. **Covered materials type.** "Covered materials type" means a singular and  
76.4 specific type of covered material, such as paper, plastic, metal, or glass, that can be  
76.5 categorized based on distinguishing chemical or physical properties, including properties  
76.6 that allow for a covered materials type to be aggregated into a commonly defined discrete  
76.7 commodity category for purposes of reuse, recycling, or composting, and based on similar  
76.8 uses in the form of a product or package.

76.9 Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the  
76.10 most recent fiscal year:

76.11 (1) introduced less than one ton of covered material into this state; or

76.12 (2) earned global gross revenues of less than \$2,000,000.

76.13 Subd. 12. **Drop-off collection site.** "Drop-off collection site" means a physical location  
76.14 where covered materials are accepted from the public and that is open a minimum of 12  
76.15 hours weekly throughout the year.

76.16 Subd. 13. **Environmental impact.** "Environmental impact" means the impact of a  
76.17 covered material on human health and the environment from extraction and processing of  
76.18 the raw materials composing the material through manufacturing; distribution; use; recovery  
76.19 for reuse, recycling, or composting; and final disposal.

76.20 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of  
76.21 materials, that:

76.22 (1) are packaging for infant formula, as defined in United States Code, title 21, section  
76.23 321(z);

76.24 (2) are packaging for medical food, as defined in United States Code, title 21, section  
76.25 360ee(b)(3);

76.26 (3) are packaging for a fortified oral nutritional supplement used by persons who require  
76.27 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs  
76.28 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,  
76.29 as those terms are defined by the International Classification of Diseases, Tenth Revision;

76.30 (4) are a product, including its peripheral accessories, and the packaging or packaging  
76.31 components for any investigational or approved product regulated as a drug or medical  
76.32 device by the United States Food and Drug Administration;

77.1 (5) are medical equipment or products or their components, including consumable  
77.2 medical equipment or products and their components, and the packaging or packaging  
77.3 components for any products used in health care settings, including hospitals and clinics  
77.4 that are regulated by the United States Food and Drug Administration or used for infection  
77.5 prevention and dispensing of medication;

77.6 (6) are medical equipment or products and the packaging or packaging components for  
77.7 any product intended for Research Use Only as defined in the Federal Food, Drug, and  
77.8 Cosmetic Act, United States Code, title 21, section 360 et seq.;

77.9 (7) are drugs, biological products, parasiticides, medical devices, or in vitro diagnostics  
77.10 used to treat, or administered to, animals and regulated by the United States Food and Drug  
77.11 Administration under the Federal Food, Drug, and Cosmetic Act, United States Code, title  
77.12 21, section 301 et seq., by the United States Department of Agriculture under the federal  
77.13 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq.;

77.14 (8) are packaging for products regulated or by the United States Environmental Protection  
77.15 Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, United States Code,  
77.16 title 7, section 136 et seq.;

77.17 (9) are packaging used to contain liquefied petroleum gas and are designed to be refilled;

77.18 (10) are paper products used for a print publication that primarily includes content derived  
77.19 from primary sources related to news and current events;

77.20 (11) are packaging used to contain hazardous or flammable products regulated by the  
77.21 2012 federal Occupational Safety and Health Administration Hazard Communications  
77.22 Standard, Code of Federal Regulations, title 29, section 1910.200, that prevents the packaging  
77.23 from being waste reduced or made reusable, recyclable, or compostable, as determined by  
77.24 the commissioner; or

77.25 (12) are packaging that is being collected and properly managed through a paint  
77.26 stewardship plan approved under section 115A.1415.

77.27 Subd. 15. **Food packaging.** "Food packaging" has the meaning given in section 325F.075  
77.28 and only includes those materials that are supplied to a residential consumer.

77.29 Subd. 16. **Independent auditor.** "Independent auditor" means an independent and  
77.30 actively licensed certified public accountant that is:

77.31 (1) retained by a producer responsibility organization;

78.1 (2) not otherwise employed by or affiliated with a producer responsibility organization;  
78.2 and

78.3 (3) qualified to conduct an audit under state law.

78.4 Subd. 17. **Infrastructure investment.** "Infrastructure investment" means an investment  
78.5 by a producer responsibility organization that funds or reimburses service providers for:

78.6 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,  
78.7 or composting;

78.8 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of  
78.9 covered materials; or

78.10 (3) the expansion or strengthening of demand for and use of covered materials by  
78.11 responsible markets in the state or region.

78.12 Subd. 18. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship  
78.13 a product within or into this state.

78.14 Subd. 19. **Living wage.** "Living wage" means the minimum hourly wage necessary to  
78.15 allow a person working 40 hours per week to afford basic needs.

78.16 Subd. 20. **Needs assessment.** "Needs assessment" means an assessment conducted  
78.17 according to section 115A.1450. Except where the context requires otherwise, needs  
78.18 assessment means the most recently completed needs assessment.

78.19 Subd. 21. **Nondisclosure agreement.** "Nondisclosure agreement" means an agreement  
78.20 that requires the parties to the agreement to treat private and nonpublic data submitted to  
78.21 facilitate completion of a needs assessment according to the definitions and requirements  
78.22 established in section 115A.06, subdivision 13.

78.23 Subd. 22. **Packaging.** "Packaging" has the meaning given in section 115A.03 and  
78.24 includes food packaging and only includes those materials that are supplied to a residential  
78.25 consumer. Packaging does not include exempt materials.

78.26 Subd. 23. **Paper product.** "Paper product" means a product made primarily from wood  
78.27 pulp or other cellulosic fibers, except that paper product does not include bound books or  
78.28 products that recycling or composting facilities will not accept because of the unsafe or  
78.29 unsanitary nature of the paper product.

78.30 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means  
78.31 the portion of a product composed of postconsumer material, expressed as a percentage of  
78.32 the total weight of the product.

79.1 Subd. 25. **Producer.** (a) "Producer" means the following person responsible for  
79.2 compliance with requirements under this act for a covered material sold, offered for sale,  
79.3 or distributed in or into this state:

79.4 (1) for items sold in or with packaging at a physical retail location in this state:

79.5 (i) if the item is sold in or with packaging under the brand of the item manufacturer or  
79.6 is sold in packaging that lacks identification of a brand, the producer is the person that  
79.7 manufactures the item;

79.8 (ii) if there is no person to which item (i) applies, the producer is the person that is  
79.9 licensed to manufacture and sell or offer for sale to consumers in this state an item with  
79.10 packaging under the brand or trademark of another manufacturer or person;

79.11 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner  
79.12 of the item;

79.13 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the  
79.14 producer is the person who is the importer of record for the item into the United States for  
79.15 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;  
79.16 or

79.17 (v) if there is no person described in items (i) to (iv), the producer is the person that first  
79.18 distributes the item in or into this state;

79.19 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote  
79.20 sale, or distribution:

79.21 (i) for packaging used to directly protect or contain the item, the producer of the packaging  
79.22 is the same as the producer identified under clause (1); and

79.23 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is  
79.24 the person that packages the item to be shipped to the consumer;

79.25 (3) for packaging that is a covered material and is not included in clauses (1) and (2),  
79.26 the producer of the packaging is the person that first distributes the item in or into this state;

79.27 (4) for paper products that are magazines, catalogs, telephone directories, or similar  
79.28 publications, the producer is the publisher;

79.29 (5) for paper products not described in clause (4):

79.30 (i) if the paper product is sold under the manufacturer's own brand, the producer is the  
79.31 person that manufactures the paper product;

80.1 (ii) if there is no person to which item (i) applies, the producer is the person that is the  
80.2 owner or licensee of a brand or trademark under which the paper product is used in a  
80.3 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or  
80.4 not the trademark is registered in this state;

80.5 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner  
80.6 of the paper product;

80.7 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the  
80.8 producer is the person that imports the paper product into the United States for use in a  
80.9 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;  
80.10 or

80.11 (v) if there is no person described in items (i) to (iv), the producer is the person that first  
80.12 distributes the paper product in or into this state; and

80.13 (6) a person is the producer of a covered material sold, offered for sale, or distributed  
80.14 in or into this state, as defined in clauses (1) to (5), except:

80.15 (i) where another person has mutually signed an agreement with a producer as defined  
80.16 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,  
80.17 and the person has joined a registered producer responsibility organization as the responsible  
80.18 producer for that covered material under this act. In the event that another person is assigned  
80.19 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)  
80.20 must provide written certification of that contractual agreement to the producer responsibility  
80.21 organization; and

80.22 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part  
80.23 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a  
80.24 commercial presence within the state.

80.25 (b) "Producer" does not include:

80.26 (1) government agencies, municipalities, or other political subdivisions of the state;

80.27 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare  
80.28 organizations;

80.29 (3) de minimis producers;

80.30 (4) a mill that uses any virgin wood fiber in the products it produces; or

80.31 (5) a paper mill that produces container board derived from 100 percent postconsumer  
80.32 recycled content and non-postconsumer recycled content.



81.1 Subd. 26. **Producer responsibility organization.** "Producer responsibility organization"  
 81.2 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal  
 81.3 Internal Revenue Code and that is created by a group of producers to implement activities  
 81.4 under this act.

81.5 Subd. 27. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that  
 81.6 recycling does not include reuse or composting, as defined in this act.

81.7 Subd. 28. **Recycling rate.** "Recycling rate" means the amount of covered material, in  
 81.8 aggregate or by individual covered materials type, recycled in a calendar year divided by  
 81.9 the total amount of covered materials sold or distributed into the state by the relevant unit  
 81.10 of measurement established in section 115A.1451.

81.11 Subd. 29. **Refill.** "Refill" means the continued use of a covered material by a consumer  
 81.12 through a system that is:

81.13 (1) intentionally designed and marketed for repeated filling of a covered material to  
 81.14 reduce demand for new production of the covered material;

81.15 (2) supported by adequate logistics and infrastructure to provide convenient access for  
 81.16 consumers; and

81.17 (3) compliant with all applicable state and local statute, rule, ordinance, or other law  
 81.18 governing health and safety.

81.19 Subd. 30. **Responsible market.** "Responsible market" means a materials market that:

81.20 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of  
 81.21 contaminants in a manner that protects the environment and minimizes risks to public health  
 81.22 and worker health and safety;

81.23 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, or  
 81.24 other laws governing environmental, health, safety, and financial responsibility;

81.25 (3) possesses all requisite licenses and permits required by government agencies;

81.26 (4) if the market operates in the state, manages waste according to the waste management  
 81.27 goal and priority order of waste management practices stated in section 115A.02; and

81.28 (5) minimizes adverse impacts to environmental justice areas.

81.29 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material in  
 81.30 aggregate or by individual covered materials type, collected for reuse by the producer or  
 81.31 service provider in a calendar year, divided by the total amount of reusable covered materials

82.1 sold or distributed into the state by the relevant unit of measurement established in section  
82.2 115A.1451.

82.3 Subd. 32. **Reusable.** "Reusable" means capable of reuse.

82.4 Subd. 33. **Reuse.** "Reuse" means the return of a covered material to the marketplace and  
82.5 the continued use of the covered material by a producer or service provider when the covered  
82.6 material is:

82.7 (1) intentionally designed and marketed to be used multiple times for its original intended  
82.8 purpose without a change in form;

82.9 (2) designed for durability and maintenance to extend its useful life and reduce demand  
82.10 for new production of the covered material;

82.11 (3) supported by adequate logistics and infrastructure at a retail location, by a service  
82.12 provider, or on behalf of or by a producer, that provides convenient access for consumers;  
82.13 and

82.14 (4) compliant with all applicable state and local statutes, rules, ordinances, or other laws  
82.15 governing health and safety.

82.16 Subd. 34. **Reuse rate.** "Reuse rate" means the share of units of a covered material sold  
82.17 or distributed into the state in a calendar year that are deemed reusable by the commissioner  
82.18 according to section 115A.1451.

82.19 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,  
82.20 sorts, processes, recovers, or otherwise prepares covered materials for reuse, recycling, or  
82.21 composting. A political subdivision that provides or that contracts or otherwise arranges  
82.22 with another party to provide reuse, collection, recycling, or composting services for covered  
82.23 materials within its jurisdiction may be a service provider regardless of whether it provided,  
82.24 contracted for, or otherwise arranged for similar services before the approval of the applicable  
82.25 stewardship plan.

82.26 Subd. 36. **Third-party certification.** "Third-party certification" means certification by  
82.27 an accredited independent organization that a standard or process required by this act, or a  
82.28 stewardship plan approved under this act, has been achieved.

82.29 Subd. 37. **This act.** "This act" means sections 115A.144 to 115A.1462.

82.30 Subd. 38. **Toxic substance.** "Toxic substance" means hazardous waste, a problem  
82.31 material, a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,  
82.32 or 325F.172 to 325F.179, or a chemical of high concern identified under section 116.9402.

83.1 Subd. 39. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"  
83.2 has the meaning given in section 115A.03, except that waste reduction or source reduction  
83.3 does not include reuse, but does include refill, as defined in this act.

83.4 Sec. 3. **[115A.1442] ESTABLISHMENT OF PROGRAM.**

83.5 Producers must implement and finance a statewide program for packaging and paper  
83.6 products in accordance with this act that encourages packaging redesign to reduce the  
83.7 environmental impacts and human health impacts and that reduces generation of covered  
83.8 materials waste through waste reduction, reuse, recycling, and composting and by providing  
83.9 for negotiation and execution of agreements to collect, transport, and process used covered  
83.10 materials for reuse, recycling, and composting.

83.11 Sec. 4. **[115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY**  
83.12 **ORGANIZATIONS AND SERVICE PROVIDERS.**

83.13 Subdivision 1. **Annual registration.** (a) By July 1, 2025, and each January 1 thereafter,  
83.14 producers must appoint a producer responsibility organization. The producer responsibility  
83.15 organization must register with the commissioner by July 1, 2026, and each January 1  
83.16 thereafter by submitting the following:

83.17 (1) contact information for a person responsible for implementing an approved  
83.18 stewardship plan;

83.19 (2) a list of all member producers that will operate under the stewardship plan  
83.20 administered by the producer responsibility organization and, for each producer, a list of  
83.21 all brands of the producer's covered materials introduced;

83.22 (3) copies of written agreements with each producer stating that each producer agrees  
83.23 to operate under an approved stewardship plan administered by the producer responsibility  
83.24 organization;

83.25 (4) a list of current board members and the executive director if different than the person  
83.26 responsible for implementing approved stewardship plans; and

83.27 (5) documentation demonstrating adequate financial responsibility and financial controls  
83.28 to ensure proper management of funds and payment of the annual fee required under  
83.29 subdivision 2.

83.30 (b) Following the approval of the initial producer responsibility organization and the  
83.31 initial stewardship plan, if more than a single producer responsibility organization is  
83.32 established, the producers and producer responsibility organizations must establish a

84.1 coordinating body and process to prevent redundancy. The stewardship plans of all producer  
 84.2 responsibility organizations must be integrated into a single stewardship plan that covers  
 84.3 all requirements of this act and encompasses all producers when submitted to the  
 84.4 commissioner for approval. The annual reports of all producer responsibility organizations  
 84.5 must be integrated into a single annual report that covers all requirements of this act and  
 84.6 encompasses all producers when submitted to the commissioner.

84.7 Subd. 2. **Registration fee.** (a) As part of its annual registration with the commissioner,  
 84.8 a producer responsibility organization must submit to the commissioner an annual fee for  
 84.9 the following year, as determined by the commissioner. Beginning October 1, 2026, and  
 84.10 annually thereafter, the commissioner must notify registered producer responsibility  
 84.11 organizations in writing of the amount of the fee for the following year. If there is more  
 84.12 than one registered producer responsibility organization, the coordinating body described  
 84.13 in subdivision 1, paragraph (b), must equitably apportion payment of the annual fee between  
 84.14 all registered producer responsibility organizations. The annual fee must be set at an amount  
 84.15 anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs  
 84.16 required to perform the commissioner's duties as described in section 115A.1445 and to  
 84.17 otherwise administer, implement, and enforce this act.

84.18 (b) The commissioner must reconcile the fees paid by a producer responsibility  
 84.19 organization under this subdivision with the actual costs incurred by the agency on an annual  
 84.20 basis, by means of credits or refunds to or additional payments required of a producer  
 84.21 responsibility organization, as applicable.

84.22 Subd. 3. **Initial producer responsibility organization registration; implementation**  
 84.23 fee. (a) By January 1, 2025, producers must appoint a producer responsibility organization.  
 84.24 The producer responsibility organization must register with the commissioner by submitting  
 84.25 the following:

84.26 (1) contact information for a person responsible for implementing an approved  
 84.27 stewardship plan;

84.28 (2) a list of current member producers and their written agreements confirming producers  
 84.29 will operate under an approved stewardship plan administered by the producer responsibility  
 84.30 organization;

84.31 (3) a plan for recruiting additional member producers and executing written agreements  
 84.32 confirming producers will operate under an approved stewardship plan administered by the  
 84.33 producer responsibility organization;

85.1 (4) a list of current board members and the executive director if different than the person  
85.2 responsible for implementing approved stewardship plans; and

85.3 (5) documentation demonstrating adequate financial responsibility and financial controls  
85.4 to ensure proper management of funds and payment of the annual fee required under  
85.5 subdivision 2.

85.6 (b) Notwithstanding the other provisions of this section, the commissioner may not allow  
85.7 registration of more than one producer responsibility organization under this section before  
85.8 the first stewardship plan approved by the commissioner expires. If more than one producer  
85.9 responsibility organization applies to register under this section before the first stewardship  
85.10 plan is approved by the commissioner, the commissioner must select the producer  
85.11 responsibility organization that will represent producers until the first stewardship plan  
85.12 expires and must return the registration fee paid by applicants who are not selected. When  
85.13 selecting a producer responsibility organization, the commissioner must consider whether  
85.14 the producer responsibility organization:

85.15 (1) has a governing board consisting of producers that represent a diversity of covered  
85.16 materials introduced; and

85.17 (2) demonstrates adequate financial responsibility and financial controls to ensure proper  
85.18 management of funds.

85.19 (c) By January 1, 2025, and annually until the first stewardship plan is approved, the  
85.20 commissioner must provide written notice to the initial producer responsibility organization  
85.21 appointed by producers of the commissioner's estimate of the cost of conducting the  
85.22 preliminary needs assessment, initial needs assessment, and the commissioner's costs to  
85.23 administer this act during the period prior to plan approval. The producer responsibility  
85.24 organization must remit payment in full for these costs to the commissioner within 45 days  
85.25 of receipt of this notice. The producer responsibility organization may charge each member  
85.26 producer to cover the cost of its implementation fee according to each producer's unit-,  
85.27 weight-, volume-, or sales-based market share or by another method it determines to be an  
85.28 equitable determination of each producer's payment obligation.

85.29 Subd. 4. Requirement for additional producer responsibility organizations. After  
85.30 the first stewardship plan approved by the commissioner expires, the commissioner may  
85.31 allow registration of more than one producer responsibility organization if:

85.32 (1) producers of a covered materials type or a specific covered material appoint a producer  
85.33 responsibility organization; or

86.1 (2) producers organize under additional producer responsibility organizations that meet  
 86.2 the criteria established in subdivision 3, paragraph (a).

86.3 Subd. 5. **Registration of service providers.** (a) By January 1, 2027, and annually  
 86.4 thereafter, a service provider seeking reimbursement for services provided under an approved  
 86.5 stewardship plan according to section 115A.1451 must register with the commissioner by  
 86.6 submitting the following information:

86.7 (1) contact information for a person representing the service provider; and

86.8 (2) address of the service provider.

86.9 (b) A service provider may register at any time.

86.10 Sec. 5. **[115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY**  
 86.11 **ADVISORY BOARD.**

86.12 Subdivision 1. **Establishment.** The Producer Responsibility Advisory Board is established  
 86.13 to review all activities conducted by producer responsibility organizations under this act  
 86.14 and to advise the commissioner and producer responsibility organizations regarding the  
 86.15 implementation of this act.

86.16 Subd. 2. **Membership.** (a) The membership of the advisory board consists of persons  
 86.17 appointed by the commissioner by January 1, 2025, as follows:

86.18 (1) two members representing manufacturers of covered materials or a statewide or  
 86.19 national trade association representing those manufacturers;

86.20 (2) two members representing recycling facilities that manage covered materials;

86.21 (3) one member representing a waste hauler or a statewide association representing waste  
 86.22 haulers;

86.23 (4) one member representing retailers of covered materials or a statewide trade association  
 86.24 representing those retailers;

86.25 (5) one member representing a statewide nonprofit environmental organization;

86.26 (6) one member representing a community-based nonprofit environmental justice  
 86.27 organization;

86.28 (7) one member representing a waste facility that receives and sorts covered materials  
 86.29 and transfers them to another facility for reuse, recycling, or composting;

86.30 (8) one member representing a waste facility that receives compostable materials for  
 86.31 composting or a statewide trade association that represents such facilities;

87.1 (9) two members representing an entity that develops or offers for sale covered materials  
87.2 that are designed for reuse and maintained through a reuse system or infrastructure or a  
87.3 statewide or national trade association that represents such entities;

87.4 (10) three members representing organizations of political subdivisions, with at least  
87.5 one member representing a political subdivision outside the metropolitan area;

87.6 (11) two members representing other stakeholders or additional members of interests  
87.7 represented under clauses (1) to (10) as determined by the commissioner; and

87.8 (12) one member representing the commissioner.

87.9 (b) In making appointments under paragraph (a), the commissioner:

87.10 (1) may not appoint members who are state legislators or registered lobbyists;

87.11 (2) may not appoint members who are employees of a producer required to be members  
87.12 of a producer responsibility organization in this state under this act; and

87.13 (3) must endeavor to appoint members from all regions of the state.

87.14 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision  
87.15 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members  
87.16 serve for a term of four years, except that the initial term for nine of the initial appointees  
87.17 must be two years so that membership terms are staggered. Members may be reappointed  
87.18 but may not serve more than eight consecutive years. Removing members and filling of  
87.19 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,  
87.20 chapter 15 does not apply to the board.

87.21 Subd. 4. **Compensation.** Members of the board must be compensated according to  
87.22 section 15.059, subdivision 3.

87.23 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If  
87.24 there is a vacancy in the membership of the board, a majority of the remaining voting  
87.25 members of the board constitutes a quorum.

87.26 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those  
87.27 present and voting. All members of the advisory board, except the member appointed under  
87.28 subdivision 2, paragraph (a), clause (12), are voting members of the board.

87.29 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may  
87.30 meet more frequently upon ten days' written notice at the request of the chair or a majority  
87.31 of its members.

87.32 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

88.1 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board  
88.2 must elect a chair and vice-chair from among its members.

88.3 Subd. 10. **Administrative and operating support.** The commissioner must provide  
88.4 administrative and operating support to the advisory board and may contract with a third-party  
88.5 facilitator to assist in administering the activities of the advisory board, including establishing  
88.6 a website or landing page on the agency website.

88.7 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board  
88.8 in developing policies and procedures governing the disclosure of actual or perceived  
88.9 conflicts of interest that advisory board members may have as a result of their employment  
88.10 or financial holdings of themselves or of family members. Each advisory board member is  
88.11 responsible for reviewing the conflict of interest policies and procedures. An advisory board  
88.12 member must disclose any instance of actual or perceived conflicts of interest at each meeting  
88.13 of the advisory board at which recommendations regarding stewardship plans, programs,  
88.14 operations, or activities are made by the advisory board.

88.15 Sec. 6. **[115A.1445] COMMISSIONER RESPONSIBILITIES.**

88.16 The commissioner must:

88.17 (1) appoint the initial membership of the advisory board by January 1, 2025, according  
88.18 to section 115A.1444;

88.19 (2) provide administrative and operating support to the advisory board, as required by  
88.20 section 115A.1444, subdivision 10;

88.21 (3) complete a preliminary needs assessment by December 31, 2025, an initial needs  
88.22 assessment by December 31, 2026, and update the needs assessment every five years  
88.23 thereafter, according to section 115A.1450;

88.24 (4) approve stewardship plans and amendments to stewardship plans according to section  
88.25 115A.1451;

88.26 (5) provide lists established according to the requirements of section 115A.1453 to all  
88.27 producer responsibility organizations by March 1, 2027;

88.28 (6) establish or approve requirements according to section 115A.1451, subdivision 7;

88.29 (7) post on the agency's website:

88.30 (i) the most recent registration materials submitted by producer responsibility  
88.31 organizations, including all information submitted under section 115A.1443, subdivision  
88.32 1;



- 89.1 (ii) a list of registered service providers;
- 89.2 (iii) the most recent needs assessments;
- 89.3 (iv) any stewardship plan or amendment submitted by a producer responsibility
- 89.4 organization under section 115A.1451 that is in draft form during the public comment
- 89.5 period;
- 89.6 (v) the most recent lists established according to section 115A.1453;
- 89.7 (vi) the list of exempt materials and covered materials exempt from performance targets
- 89.8 and statewide requirements as approved in the stewardship plan;
- 89.9 (vii) links to producer responsibility organization websites;
- 89.10 (viii) comments of the public, advisory board, and producer responsibility organizations
- 89.11 on the documents listed in items (iii), (iv), (v), and (ix), and the responses of the
- 89.12 commissioner to those comments; and
- 89.13 (ix) links to adopted rules implementing this act;
- 89.14 (8) provide producer responsibility organizations with information regarding Minnesota
- 89.15 and federal laws that prohibit toxic substances in covered materials;
- 89.16 (9) require each producer responsibility organization to secure an independent auditor
- 89.17 to perform an annual financial audit of program operations and approve the selection of
- 89.18 each auditor; and
- 89.19 (10) consider and respond in writing to all written comments received from the advisory
- 89.20 board.

89.21 **Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**

89.22 **RESPONSIBILITIES.**

89.23 The Producer Responsibility Advisory Board must:

- 89.24 (1) convene its initial meeting by March 1, 2025;
- 89.25 (2) consult with the commissioner regarding the scope of the needs assessments and to
- 89.26 provide written comments on needs assessments, according to section 115A.1450, subdivision
- 89.27 2;
- 89.28 (3) advise on the development of stewardship plans and amendments to stewardship
- 89.29 plans under section 115A.1451;

90.1 (4) submit comments to producer responsibility organizations and to the commissioner  
 90.2 on any matter relevant to the administration of this act; and

90.3 (5) provide written comments to the commissioner during any rulemaking process  
 90.4 undertaken by the commissioner under section 115A.1459.

90.5 **Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**  
 90.6 **RESPONSIBILITIES.**

90.7 A producer responsibility organization must:

90.8 (1) annually register with the commissioner, according to section 115A.1443;

90.9 (2) submit a stewardship plan to the commissioner by March 1, 2027, and every five  
 90.10 years thereafter, according to section 115A.1451;

90.11 (3) implement stewardship plans approved by the commissioner under section 115A.1451  
 90.12 and to comply with the requirements of this act;

90.13 (4) forward upon receipt from the commissioner the lists established according to section  
 90.14 115A.1453 to all service providers that participate in a stewardship plan administered by  
 90.15 the producer responsibility organization;

90.16 (5) collect producer fees according to section 115A.1454;

90.17 (6) submit the reports required by section 115A.1456;

90.18 (7) ensure that producers operating under a stewardship plan administered by the producer  
 90.19 responsibility organization comply with the requirements of the stewardship plan and with  
 90.20 this act;

90.21 (8) expel a producer from the producer responsibility organization if efforts to return  
 90.22 the producer to compliance with the plan or with the requirements of this act are unsuccessful.  
 90.23 The producer responsibility organization must notify the commissioner when a producer  
 90.24 has been expelled under this clause;

90.25 (9) consider and respond in writing to comments received from the advisory board,  
 90.26 including justifications for not incorporating any recommendations;

90.27 (10) provide producers with information regarding state and federal laws that prohibit  
 90.28 substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172  
 90.29 to 325F.179, and all laws prohibiting toxic substances in covered materials;

90.30 (11) maintain a website according to section 115A.1457;

91.1 (12) notify the commissioner within 30 days if a change is made to the contact information  
 91.2 for a person responsible for implementing the stewardship plan, a change to the board  
 91.3 members, or a change to the executive director;

91.4 (13) assist service providers in identifying and using responsible markets;

91.5 (14) reimburse service providers in a timely manner and according to reimbursement  
 91.6 rates approved in a stewardship plan as established according to section 115A.1451; and

91.7 (15) comply with all other applicable requirements of this act.

91.8 Sec. 9. **[115A.1448] PRODUCER RESPONSIBILITIES.**

91.9 Subdivision 1. **Registration required; prohibition of sale.** (a) After January 1, 2025,  
 91.10 a producer must be a member of a producer responsibility organization registered in this  
 91.11 state.

91.12 (b) After January 1, 2029, no producer may introduce covered materials, either separately  
 91.13 or when used to package another product, unless the producer operates under a written  
 91.14 agreement with a producer responsibility organization to operate under an approved  
 91.15 stewardship plan.

91.16 (c) After January 1, 2032, no producer may introduce covered materials unless the  
 91.17 covered materials are:

91.18 (1) reusable and capable of being managed through a reuse system that meets the reuse  
 91.19 rate and return rate required under section 115A.1451, subdivision 7;

91.20 (2) capable of refill and supported by a refill system;

91.21 (3) included on the list established under section 115A.1453, subdivision 1; or

91.22 (4) included on the list established under section 115A.1453, subdivision 2.

91.23 (d) A producer responsibility organization may petition the commissioner for a two-year  
 91.24 extension to comply with the requirements of paragraph (c). The commissioner may approve  
 91.25 the extension if the petition demonstrates that the market or technical issues prevent a  
 91.26 covered material from being considered reusable or included in the lists established under  
 91.27 section 115A.1453. The producer responsibility organization may petition the commissioner  
 91.28 for additional extensions in annual increments until January 1, 2040, if the producer  
 91.29 responsibility organization demonstrates that market or technical issues persist.

91.30 Subd. 2. **Duties.** A producer must:

92.1 (1) implement the requirements of the stewardship plan under which the producer  
92.2 operates;

92.3 (2) pay producer fees according to section 115A.1454; and

92.4 (3) comply with all other applicable requirements of this act.

92.5 **Sec. 10. [115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

92.6 A service provider receiving reimbursement or funding under an approved stewardship  
92.7 plan must:

92.8 (1) ensure the collection, transportation, and management of covered materials generated  
92.9 in the state pursuant to the lists established under section 115A.1453 or covered materials  
92.10 that are capable of refill or reuse;

92.11 (2) register with the commissioner and submit invoices to the producer responsibility  
92.12 organization for reimbursement for services rendered;

92.13 (3) meet performance standards established in an approved stewardship plan under  
92.14 section 115A.1451;

92.15 (2) ensure that covered materials are sent to responsible markets;

92.16 (3) provide documentation to the producer responsibility organization on the amounts,  
92.17 covered materials types, and volumes of covered materials collected, transported, and  
92.18 managed for recycling, composting, or reuse; and

92.19 (6) comply with all other applicable requirements of this act.

92.20 **Sec. 11. [115A.1450] NEEDS ASSESSMENTS.**

92.21 Subdivision 1. **Needs assessments required.** (a) By December 31, 2025, and every five  
92.22 years thereafter, the commissioner must complete a preliminary needs assessment according  
92.23 to this section.

92.24 (b) By December 31, 2026, and every five years thereafter, the commissioner must  
92.25 complete a statewide needs assessment according to this section. The commissioner may  
92.26 adjust what is required to be included in a specific needs assessment to inform the next  
92.27 stewardship plan.

92.28 Subd. 2. **Input from interested parties.** In conducting a needs assessment, the  
92.29 commissioner must:

93.1 (1) initiate a consultation process to obtain recommendations from the advisory board,  
 93.2 political subdivisions, service providers, producer responsibility organizations, and other  
 93.3 interested parties regarding the type and scope of information that should be collected and  
 93.4 analyzed in the statewide needs assessment required by this section;

93.5 (2) contract with a third party who is not a producer or a producer responsibility  
 93.6 organization to conduct the needs assessment; and

93.7 (3) prior to finalizing the needs assessment, make the draft needs assessment available  
 93.8 for comment by the advisory board, producer responsibility organizations, and the public.  
 93.9 The commissioner must respond in writing to the comments and recommendations of the  
 93.10 advisory board and producer responsibility organizations.

93.11 Subd. 3. Content of preliminary needs assessment. A preliminary needs assessment  
 93.12 must be completed for a preceding period of no less than 12 months and no more than 36  
 93.13 months, that includes:

93.14 (1) tons of collected covered materials;

93.15 (2) recycling and composting program characteristics, including a description of  
 93.16 single-stream and dual-stream recycling systems used in the state and prevalence of use,  
 93.17 average frequency of collection of covered materials for recycling and composting, types  
 93.18 of collection containers used, and commonly accepted materials for recycling and  
 93.19 composting;

93.20 (3) total number and types of single-family and multifamily households and residential  
 93.21 properties receiving recycling and composting collection services;

93.22 (4) processing capacity at recycling facilities, including total tons processed and number  
 93.23 of bales created, the range of material composition and bales produced, and current  
 93.24 technologies utilized;

93.25 (5) size and number of depot, container, or drop-off locations;

93.26 (6) size and number of transfer stations and transfer locations;

93.27 (7) average term length of residential recycling and composting collection contracts  
 93.28 issued by political subdivisions and an assessment of contract cost structures;

93.29 (8) average recycling facility processing fees charged to collectors delivering covered  
 93.30 materials for recycling;

93.31 (9) available markets in the state for covered materials and the capacity of those markets;  
 93.32 and

94.1 (10) covered materials sales by volume, weight, and material types introduced by  
94.2 producers.

94.3 Subd. 4. Content of needs assessment. A needs assessment must include at least the  
94.4 following:

94.5 (1) an evaluation of the performance of:

94.6 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered  
94.7 materials type, as applicable, including collection rates, recycling rates, composting rates,  
94.8 reuse rates, and return rates for each covered materials type;

94.9 (ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered  
94.10 materials; and

94.11 (iii) the extent to which postconsumer recycled content, by the best estimate, is or could  
94.12 be incorporated into each covered materials type, as applicable;

94.13 (2) an evaluation of a representative sample of management of covered materials with  
94.14 mixed municipal solid waste, as source-separated recyclable materials, and as  
94.15 source-separated compostable materials as received by waste management, recycling, and  
94.16 composting facilities in the state, and relevant findings from any publicly available waste  
94.17 stream evaluations conducted within the previous year, to evaluate the amount and portion  
94.18 of covered materials being disposed of that would otherwise be recyclable or compostable;

94.19 (3) proposals for a range of outcomes for each covered materials type to be accomplished  
94.20 within a five-year time frame in multiple units of measurement, including but not limited  
94.21 to unit-based, weight-based, and volume-based, for each of the following:

94.22 (i) waste reduction;

94.23 (ii) reuse rate and return rates;

94.24 (iii) recycling rates;

94.25 (iv) composting rates; and

94.26 (v) postconsumer recycled content, if applicable;

94.27 (4) proposals for a range of outcomes for the categories established in section 115A.1451,  
94.28 subdivision 7, that consider:

94.29 (i) information contained in or used to prepare a needs assessment according to this  
94.30 subdivision;

94.31 (ii) goals and requirements of the Waste Management Act under this chapter;

- 95.1 (iii) statewide goals for greenhouse gas emission reductions under section 216H.02;
- 95.2 (iv) need for continuous progress toward generating less waste from covered materials
- 95.3 and the complete reuse, recycling, or composting of the covered materials that are generated,
- 95.4 in doing so reducing impacts to human health and the environment;
- 95.5 (v) a preference for statewide requirements that accomplish and further the goals and
- 95.6 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
- 95.7 achievable; and
- 95.8 (vi) information from packaging and paper producer responsibility programs operating
- 95.9 in other jurisdictions;
- 95.10 (5) an evaluation of the following factors for each covered material collected for recycling
- 95.11 or composting:
- 95.12 (i) availability of recycling and composting collection services;
- 95.13 (ii) recycling and composting processing infrastructure;
- 95.14 (iii) capacity and technology for sorting covered materials;
- 95.15 (iv) availability of responsible end markets;
- 95.16 (v) presence and amount of processing residuals, contamination, and toxic substances;
- 95.17 (vi) quantity of material estimated to be available and recoverable;
- 95.18 (vii) projected future conditions for items (i) to (vi); and
- 95.19 (viii) other criteria or factors determined by the commissioner;
- 95.20 (6) recommended collection methods by covered materials type to maximize collection
- 95.21 efficiency, feedstock quality, level of service, and convenience for collection of covered
- 95.22 materials included on lists established in section 115A.1453;
- 95.23 (7) proposed plans and metrics for how to measure progress in achieving performance
- 95.24 targets and statewide requirements;
- 95.25 (8) an evaluation of options for third-party certification of activities to meet obligations
- 95.26 of this act;
- 95.27 (9) an inventory of the current system including:
- 95.28 (i) infrastructure, capacity, performance, funding level, and method and sources of
- 95.29 financing for the existing waste reduction, reuse, collection, transportation, processing,
- 95.30 recycling, and composting systems for covered materials operating in the state;

96.1 (ii) an estimate of total annual collection and processing service costs based on registered  
96.2 service provider costs; and

96.3 (iii) availability and cost of waste reduction, reuse, recycling, and composting services  
96.4 for covered materials at single-family residences, at multifamily residences, and in public  
96.5 places where political subdivisions arrange for collection of recyclable or compostable  
96.6 materials, including identification of disparities in the availability of these services in  
96.7 environmental justice areas compared with other areas and proposals for reducing or  
96.8 eliminating those disparities;

96.9 (10) an evaluation of investments needed to increase waste reduction, reuse, recycling,  
96.10 and composting rates of covered materials according to the range of proposed performance  
96.11 targets and statewide requirements including investments that would:

96.12 (i) maintain or improve operations of existing infrastructure and accounts for waste  
96.13 reduction, reuse, recycling, and composting of covered materials;

96.14 (ii) expand the availability and accessibility of recycling collection services for recyclable  
96.15 covered materials to all residents of the state at a comparable level of convenience as  
96.16 collection services for mixed municipal solid waste; and

96.17 (iii) establish and expand the availability and accessibility of reuse services for reusable  
96.18 covered materials;

96.19 (11) a recommended methodology for applying criteria and formulas to establish  
96.20 reimbursement rates as described in section 115A.1455;

96.21 (12) an assessment of the viability and robustness of markets for recyclable covered  
96.22 materials and the degree to which these markets can be considered responsible markets;

96.23 (13) an assessment of the level and causes of contamination of source-separated recyclable  
96.24 materials, source-separated compostable materials and collected reusables, and the impacts  
96.25 of contamination on service providers, including the cost to manage this contamination;

96.26 (14) an assessment of what toxic substances might be intentionally added to covered  
96.27 materials and best practices to eliminate or mitigate their use or presence in covered materials;

96.28 (15) an assessment of current best practices to increase public awareness, educate, and  
96.29 complete outreach activities accounting for culturally responsive materials and methods  
96.30 and an evaluation of the efficacy of these efforts including assessments and evaluations of  
96.31 current best practices and efforts on:



97.1 (i) using product labels as a means of informing consumers about environmentally sound  
 97.2 use and management of covered materials;

97.3 (ii) increasing public awareness of how to use and manage covered materials in an  
 97.4 environmentally sound manner and how to access waste reduction, reuse, recycling, and  
 97.5 composting services; and

97.6 (iii) encouraging behavior change to increase participation in waste reduction, reuse,  
 97.7 recycling, and composting programs;

97.8 (16) identification of the covered materials with the most significant environmental  
 97.9 impact, including assessing each covered material's generation of hazardous waste, generation  
 97.10 of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;  
 97.11 and

97.12 (17) other items identified by the commissioner that would aid the creation of the  
 97.13 stewardship plan, its administration, and the enforcement of this act.

97.14 Subd. 5. **Needs assessment as baseline.** When determining the extent to which any  
 97.15 statewide requirement or performance target under this act has been achieved, information  
 97.16 contained in a needs assessment must serve as the baseline for that determination, when  
 97.17 applicable.

97.18 Subd. 6. **Participation required.** (a) A service provider or other person with data or  
 97.19 information necessary to complete a needs assessment must provide the data or information  
 97.20 to the commissioner upon request. A service provider or other person who does not want  
 97.21 to be identified with information submitted to the commissioner under this subdivision may  
 97.22 request to proceed under a nondisclosure agreement. A nondisclosure agreement is limited  
 97.23 to the items under section 115A.06, subdivision 13. Once a request is made, the requestor,  
 97.24 the commissioner, and all third parties participating in the completion of the needs assessment  
 97.25 in whatever capacity must enter into a nondisclosure agreement. Once these parties have  
 97.26 entered into a nondisclosure agreement, the requestor must submit the necessary data or  
 97.27 information to the contractor selected by the commissioner according to subdivision 2, who  
 97.28 must aggregate and anonymize the data or information, excluding location data necessary  
 97.29 to assess needs, received from all parties proceeding under a nondisclosure agreement under  
 97.30 this subdivision and must then submit the aggregated anonymized information to the  
 97.31 commissioner or to the party or parties contracted to complete the needs assessment, including  
 97.32 assessing each covered material's generation of hazardous waste, generation of greenhouse  
 97.33 gases, environmental justice impacts, public health impacts, and other impacts.

98.1 (b) The commissioner, any employee of the agency, or any agent thereof, when authorized  
98.2 by the commissioner, may enter upon any property, public or private, for the purpose of  
98.3 obtaining information necessary for completing the evaluation in subdivision 4, clause (2).

98.4 Sec. 12. [115A.1451] STEWARDSHIP PLAN.

98.5 Subdivision 1. Stewardship plan required. By March 1, 2027, and every five years  
98.6 thereafter, a producer responsibility organization must submit a stewardship plan to the  
98.7 commissioner that describes the proposed operation by the organization of programs to  
98.8 fulfill the requirements of this act and that incorporates the findings and results of needs  
98.9 assessments. Once approved, a stewardship plan remains in effect for five years, as amended,  
98.10 or until a subsequent stewardship plan is approved.

98.11 Subd. 2. Advisory board review of draft plan and amendments. A producer  
98.12 responsibility organization must submit a draft stewardship plan or draft amendment to the  
98.13 advisory board at least 60 days prior to submitting the draft plan or draft amendment to the  
98.14 commissioner to allow the advisory board to submit comments and must address advisory  
98.15 board comments and recommendations prior to submission of the draft plan or draft  
98.16 amendment to the commissioner.

98.17 Subd. 3. Content of stewardship plans. A proposed stewardship plan must include at  
98.18 least the following:

98.19 (1) performance targets as applicable to each covered materials type to be accomplished  
98.20 within a five-year period, established in subdivision 5, paragraph (a);

98.21 (2) a description of the anticipated method of collection, how reimbursements will  
98.22 support a level of convenience for collection, service convenience metrics, processing  
98.23 infrastructure and management methods to be used for each covered materials type, and  
98.24 how these will meet the statewide requirements established in subdivision 7 for covered  
98.25 materials:

98.26 (i) included on the list established in section 115A.1453, subdivision 1;

98.27 (ii) included on the list established in section 115A.1453, subdivision 2;

98.28 (iii) that are reusable covered materials managed through a reuse system; and

98.29 (iv) that are capable of refill and managed through a system of waste reduction;

98.30 (3) proposals for exemptions from performance targets and statewide requirements for  
98.31 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable

99.1 due to federal or state health and safety requirements, identifying the specific federal or  
99.2 state requirements and their impact on the covered materials;

99.3 (4) a plan for how the producer responsibility organization will measure recycling, waste  
99.4 reduction, reuse, composting, and inclusion of postconsumer recycled content, according  
99.5 to subdivision 6 and by covered materials type as applicable;

99.6 (5) third-party certifications as required by the commissioner or voluntarily undertaken;

99.7 (6) a budget identifying funding needs for each of the five calendar years covered by  
99.8 the plan, producer fees, a description of the process used to calculate the fees, and an  
99.9 explanation of how the fees meet the requirements of section 115A.1454;

99.10 (7) set goals for infrastructure investments, including a description of how the process  
99.11 to offer and select opportunities will be conducted in an open, competitive, and fair manner;  
99.12 how it will address gaps in the system not met by service providers; and potential financial  
99.13 and legal instruments to be used;

99.14 (8) an explanation of how the program will be paid for by the producer responsibility  
99.15 organization through fees from producers, without any new or additional consumer-facing  
99.16 fee to members of the public, businesses, service providers, the state or any political  
99.17 subdivisions, or any other person who is not a producer, unless the fee is:

99.18 (i) a deposit made in connection with a product's refill, reuse, or recycling that can be  
99.19 redeemed by a consumer; or

99.20 (ii) a charge for service by a service provider, regardless of whether registered;

99.21 (9) a description of activities to be undertaken during the next five calendar years, which  
99.22 must at a minimum describe how the producer responsibility organization, acting on behalf  
99.23 of producers, will:

99.24 (i) minimize the environmental impacts and human health impacts of covered materials,  
99.25 including assessing each covered material's generation of hazardous waste, generation of  
99.26 greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

99.27 (ii) incorporate as program objectives the improved design of covered materials according  
99.28 to section 115A.1454, subdivision 1, clause (2);

99.29 (iii) provide funding to expand and increase the convenience of waste reduction, reuse,  
99.30 collection, recycling, and composting services according to the order of the waste  
99.31 management hierarchy under section 115A.02;

100.1 (iv) provide for reasonable reimbursement rates for statewide coverage of recycling  
100.2 services for covered materials on the lists established in section 115A.1453 to single-family  
100.3 residences, multifamily residences, and political subdivisions arranging for collection,  
100.4 transportation, and processing of recyclable materials at a comparable level of convenience  
100.5 as services for mixed municipal solid waste according to section 115A.1455; and

100.6 (v) monitor to ensure that postconsumer recycled materials are delivered to responsible  
100.7 markets;

100.8 (10) describe how the producer responsibility organization will promote the opportunity  
100.9 for all service providers to register with the commissioner and to submit for reimbursement  
100.10 with the producer responsibility organization;

100.11 (11) a description of how the program will reimburse service providers under an approved  
100.12 stewardship plan, including but not limited to:

100.13 (i) the use of differentiated rates developed according to the requirements and factors  
100.14 established under section 115A.1455, subdivision 4;

100.15 (ii) clear and reasonable timelines for reimbursement, with a frequency of no less than  
100.16 monthly unless agreed to by a service provider and a producer responsibility organization;  
100.17 and

100.18 (iii) a process to resolve disputes that arise between the producer responsibility  
100.19 organization and a service provider regarding the determination and payment of  
100.20 reimbursements;

100.21 (12) performance standards for service providers that are reimbursed under an approved  
100.22 stewardship plan, including but not limited to the following, as applicable to the service  
100.23 provided:

100.24 (i) requirements that service providers must accept all covered materials on the lists  
100.25 established by the commissioner under section 115A.1453; and

100.26 (ii) labor standards and safety practices, including but not limited to safety programs,  
100.27 health benefits, and living wages;

100.28 (13) a description of how the producer responsibility organization will treat and protect  
100.29 nonpublic data submitted by service providers;

100.30 (14) a description of how the producer responsibility organization will provide technical  
100.31 assistance to:

100.32 (i) service providers in order to deliver covered materials to responsible markets;

101.1 (ii) producers regarding toxic substances in covered materials and actions producers can  
101.2 take to reduce intentionally added toxic substances in covered materials, including verification  
101.3 by suppliers through certificates of compliance, upon request; and

101.4 (iii) producers to make changes in product design that reduce the environmental impact  
101.5 of covered materials or that increase the recoverability or marketability of covered materials  
101.6 for reuse, recycling, or composting;

101.7 (15) a description of how the producer responsibility organization will increase public  
101.8 awareness, educate, and complete outreach activities accounting for culturally responsive  
101.9 materials and methods and evaluate the efficacy of these efforts including how the producer  
101.10 responsibility organization will:

101.11 (i) assist producers in improving product labels as a means of informing consumers  
101.12 about refilling, reusing, recycling, composting, and other environmentally sound methods  
101.13 of managing covered materials;

101.14 (ii) increase public awareness of how to use and manage covered materials in an  
101.15 environmentally sound manner and how to access waste reduction, reuse, recycling, and  
101.16 composting services; and

101.17 (iii) encourage behavior change to increase participation in waste reduction, reuse,  
101.18 recycling, and composting programs;

101.19 (16) a summary of consultations held with the advisory board and other stakeholders to  
101.20 provide input to the stewardship plan, a list of recommendations that were incorporated into  
101.21 the stewardship plan as a result, and a list of rejected recommendations and the reasons for  
101.22 rejection; and

101.23 (17) strategies to incorporate findings from any relevant studies required by the  
101.24 legislature.

101.25 **Subd. 4. Plan and amendment review and approval procedure.** (a) The commissioner  
101.26 must review and approve, deny, or request additional information for a draft stewardship  
101.27 plan or a draft plan amendment no later than 120 days after the date the commissioner  
101.28 receives it from a producer responsibility organization. The commissioner must post the  
101.29 draft plan or draft amendment on the agency's website and allow public comment for no  
101.30 less than 45 days before approving, denying, or requesting additional information on the  
101.31 draft plan or draft amendment.

101.32 (b) If the commissioner denies, or requests additional information for, a draft plan or  
101.33 draft amendment, the commissioner must provide the producer responsibility organization

102.1 with the reasons, in writing, that the plan or plan amendment does not meet the plan  
102.2 requirements of subdivision 3. The producer responsibility organization shall have 60 days  
102.3 from the date that the rejection or request for additional information is received to submit  
102.4 to the commissioner any additional information necessary for the approval of the draft plan  
102.5 or draft amendment. The commissioner shall review and approve or disapprove the revised  
102.6 draft plan or draft amendment no later than 60 days after the date the commissioner receives  
102.7 it.

102.8 (c) A producer responsibility organization may resubmit a draft plan or draft amendment  
102.9 to the commissioner on not more than two occasions. If after the second resubmission, the  
102.10 commissioner determines that the draft plan or draft amendment does not meet the plan  
102.11 requirements of this act, the commissioner must modify the draft plan or draft amendment  
102.12 as necessary for it to meet the requirements of this act and approve it.

102.13 (d) Upon recommendation by the advisory board, or upon the commissioner's own  
102.14 initiative, the commissioner may require an amendment to a stewardship plan if the  
102.15 commissioner determines that an amendment is necessary to ensure that the producer  
102.16 responsibility organization maintains compliance with the requirements of this act.

102.17 Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose  
102.18 performance targets based on the needs assessment that meet the statewide requirements in  
102.19 subdivision 7 that must be included in a stewardship plan approved under this section.  
102.20 Performance targets must include reuse rates, return rates, recycling rates, composting rates,  
102.21 and targets for waste reduction, and postconsumer recycled content by covered materials  
102.22 type that are to be achieved by the end of the stewardship plan's term. The producer  
102.23 responsibility organization must select the unit that is most appropriate to measure each  
102.24 performance target as informed by the needs assessment.

102.25 (b) The commissioner may require that a producer responsibility organization obtain  
102.26 third-party certification of any activity or achievement of any standard required by this act.  
102.27 The commissioner must provide a producer responsibility organization with notice of at  
102.28 least one year prior to requiring use of third-party certification under this paragraph if such  
102.29 certifications are readily available, applicable, and of reasonable cost.

102.30 (c) Proposed performance targets must demonstrate continuous improvement in reducing  
102.31 environmental impacts and human health impacts of covered materials over time.

102.32 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of  
102.33 determining whether recycling performance targets are being met, except as modified by  
102.34 the commissioner, a stewardship plan must provide for the measurement of the amount of

103.1 recycled material to be at the point at which material leaves a recycling facility and must  
 103.2 account for:

103.3 (1) levels of estimated contamination documented by the facility;

103.4 (2) any exclusions for fuel or energy capture; and

103.5 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179,  
 103.6 and all other laws pertaining to toxic substances in covered materials.

103.7 (b) For purposes of determining whether waste reduction performance targets are being  
 103.8 met, a stewardship plan must provide for the measurement of the amount of waste reduction  
 103.9 of covered materials in a manner that can determine the extent to which the amount of  
 103.10 material used for a covered material is eliminated beyond what is necessary to efficiently  
 103.11 deliver a product without damage or spoilage, or other means of covered material redesign  
 103.12 to reduce overall use and environmental impacts.

103.13 (c) For purposes of determining whether reuse targets are being met, a stewardship plan  
 103.14 must provide for the measurement of the amount of reusable covered materials to be at the  
 103.15 point at which reusable covered materials meet the following criteria as demonstrated by  
 103.16 the producer and approved by the commissioner:

103.17 (1) whether the average minimum number of cycles of reuses within a recognized reuse  
 103.18 system has been met based on the number of times an item must be reused for it to have  
 103.19 lower environmental impacts than the single-use versions of those items; and

103.20 (2) whether the demonstrated or research-based anticipated return rate of the covered  
 103.21 material to the reuse system has been met.

103.22 (d) For other targets, the producer responsibility organization must propose a calculation  
 103.23 point for review and approval as part of the stewardship plan based on findings from the  
 103.24 needs assessment.

103.25 Subd. 7. **Statewide requirements.** (a) The commissioner must establish or approve  
 103.26 statewide requirements and the date the statewide requirements must be met for the following  
 103.27 categories:

103.28 (1) recycling rate;

103.29 (2) composting rate;

103.30 (3) reuse rate;

103.31 (4) return rate;

104.1 (5) the percentage of covered materials introduced that must be waste reduced; and

104.2 (6) the percentage of postconsumer recycled content that covered materials introduced  
104.3 must contain, including an overall percentage for all covered materials, as applicable,  
104.4 excluding compostable materials that cannot include postconsumer recycled content because  
104.5 unique chemical or physical properties or health and safety requirements prohibit introduction  
104.6 of postconsumer recycled content.

104.7 (b) The commissioner may use the following information and criteria when establishing  
104.8 statewide requirements under paragraph (a):

104.9 (1) needs assessments under section 115A.1450;

104.10 (2) goals and requirements of the Waste Management Act under this chapter;

104.11 (3) statewide goals for greenhouse gas emission reductions under section 216H.02;

104.12 (4) need for continuous progress toward generating less waste from covered materials  
104.13 and the complete reuse, recycling, or composting of the covered materials that are generated,  
104.14 in doing so reducing impacts to human health and the environment;

104.15 (5) a preference for statewide requirements that accomplish and further the goals and  
104.16 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent  
104.17 achievable; and

104.18 (6) information from packaging and paper producer responsibility programs operating  
104.19 in other jurisdictions.

104.20 (c) The commissioner must consult with the product stewardship organization on the  
104.21 proposed statewide requirements and must submit proposed statewide requirements under  
104.22 paragraph (a) to the advisory board and consider the board's recommendations before  
104.23 finalizing the statewide requirements.

104.24 (d) Every five years, the commissioner must review the statewide requirements established  
104.25 under paragraph (a). If the commissioner decides an update is not warranted at that time,  
104.26 the commissioner must submit the reasoning to the advisory board and consider the board's  
104.27 recommendations before making a final decision. If the commissioner decides an update is  
104.28 warranted, the process in paragraphs (b) and (c) must be utilized.

104.29 (e) The producer responsibility organization must ensure the statewide requirements are  
104.30 met.



105.1 Sec. 13. **[115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**  
105.2 **MATERIALS LISTS.**

105.3 Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a  
105.4 list of covered materials determined to be recyclable or compostable statewide through  
105.5 systems where covered materials are commingled into a recyclables stream and a separate  
105.6 compostables stream. These covered materials must be collected at a comparable level of  
105.7 convenience as collection services for mixed municipal solid waste.

105.8 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner  
105.9 must complete a list of covered materials determined to be recyclable or compostable and  
105.10 collected statewide through systems other than the system required for covered materials  
105.11 on the list established in subdivision 1.

105.12 Subd. 3. **Input from interested parties.** The commissioner must consult with the  
105.13 advisory board, producer responsibility organizations, service providers, political  
105.14 subdivisions, and other interested parties to develop or amend the recyclable or compostable  
105.15 covered materials lists and must review any petitions by interested parties for addition or  
105.16 removal of covered materials from the lists created under this section.

105.17 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner  
105.18 may consider the following criteria:

105.19 (1) current availability of recycling collection services;

105.20 (2) recycling collection and processing infrastructure;

105.21 (3) capacity and technology for sorting covered materials;

105.22 (4) availability of responsible end markets;

105.23 (5) presence and amount of processing residuals and contamination;

105.24 (6) quantity of material estimated to be available and recoverable;

105.25 (7) projected future conditions for clauses (1) to (6);

105.26 (8) if collected for recycling, the covered material type and form must be one that is  
105.27 regularly sorted and aggregated into defined streams for recycling processes or the packaging  
105.28 format must be specified in a relevant Institution of Scrap Recycling Industries specification;  
105.29 and

105.30 (9) other criteria or factors determined by the commissioner.

106.1 Subd. 6. **Amendment.** The commissioner may amend a list completed under this section  
106.2 at any time and must provide amended lists to producer responsibility organizations as soon  
106.3 as possible after adopting an amendment. Producer responsibility organizations must provide  
106.4 amended lists to service providers as soon as possible after receiving the amendment and  
106.5 work to incorporate changes in relevant service provider reimbursement rates within a year.

106.6 Sec. 14. [115A.1454] PRODUCER FEES.

106.7 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect  
106.8 a fee from each producer that must:

106.9 (1) be based on the total amount of covered materials each producer introduces in the  
106.10 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of  
106.11 measurement;

106.12 (2) incentivize using materials and design attributes that reduce the environmental impacts  
106.13 and human health impacts, as determined by the commissioner, of covered materials by the  
106.14 following methods:

106.15 (i) eliminating intentionally added toxic substances in covered materials;

106.16 (ii) reducing the amount of packaging per individual covered material that is necessary  
106.17 to efficiently deliver a product without damage or spoilage without reducing its ability to  
106.18 be recycled or reducing the amount of paper used to manufacture individual paper products;

106.19 (iii) increasing covered materials managed in a reuse system;

106.20 (iv) increasing the proportion of postconsumer material in covered materials;

106.21 (v) enhancing recyclability or compostability of a covered material; and

106.22 (vi) increasing the amount of inputs derived from renewable and sustainable sources;

106.23 (3) discourage using materials and design attributes in a producer's covered materials  
106.24 whose environmental impacts and human health impacts, as determined by the commissioner,  
106.25 can be reduced by the methods listed under clause (2);

106.26 (4) prioritize reuse by charging covered materials that are managed through a reuse  
106.27 system only once, upon initial entry into the marketplace; and

106.28 (5) generate revenue sufficient to pay in full:

106.29 (i) the annual registration fee required under section 115A.1443;

106.30 (ii) financial obligations to complete activities described in an approved stewardship  
106.31 plan and to reimburse service providers under section 115A.1455;

107.1 (iii) the operating costs of the producer responsibility organization; and

107.2 (iv) for the establishment and maintenance of a financial reserve that is sufficient to  
107.3 operate the program in a fiscally prudent and responsible manner.

107.4 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount  
107.5 needed to pay the costs described in subdivision 1, clause (5), must be used to improve or  
107.6 enhance program outcomes or to reduce producer fees according to provisions of an approved  
107.7 stewardship plan.

107.8 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for  
107.9 lobbying, as defined in section 3.084, subdivision 1.

107.10 Sec. 15. **[115A.1455] SERVICE PROVIDER; REIMBURSEMENT.**

107.11 Subdivision 1. **Service provider reimbursement required.** The reimbursements  
107.12 provided for waste reduction, reuse, processing, recycling, or composting services under  
107.13 an approved stewardship plan shall only be provided to service providers that meet the  
107.14 performance standards requirements established under an approved stewardship plan.

107.15 Subd. 2. **Collection of recyclables.** If a household does not have access to collection  
107.16 services at a comparable level of convenience as collection services for mixed municipal  
107.17 solid waste for covered materials on the recyclable covered materials list established under  
107.18 section 115A.1453, subdivision 1, the producer responsibility organization must ensure that  
107.19 collection service is available to the household through a service provider.

107.20 Subd. 3. **Bidding processes.** (a) For infrastructure investments included under an  
107.21 approved stewardship plan, a producer responsibility organization must use the competitive  
107.22 bidding processes established in section 16C.28, subdivision 1, and publicly post bid  
107.23 opportunities except that preference must be given to existing facilities, providers of services,  
107.24 and holders of service accounts in the state for waste reduction, reuse, collection, recycling,  
107.25 and composting of covered materials.

107.26 (b) No producer or producer responsibility organization may own or partially own  
107.27 infrastructure that is used to fulfill obligations under this act except in the following  
107.28 circumstances:

107.29 (1) a producer may hold an ownership stake in infrastructure used to fulfill obligations  
107.30 under this act so long as the stake was held prior to enactment of this act and said ownership  
107.31 stake is fully disclosed by the producer to the producer responsibility organization; or

108.1 (2) if, after a bidding process described in paragraph (a), no service provider bids on the  
 108.2 contract, the producer responsibility organization may make infrastructure investments  
 108.3 identified under an approved stewardship plan to implement the requirements in this act.

108.4 Subd. 4. Reimbursement rates. (a) An approved stewardship plan must provide  
 108.5 reimbursement rates for services, collection, transportation, and management of covered  
 108.6 materials, exclusive of exempt materials, and incorporate relevant cost information identified  
 108.7 by the initial needs assessment. Reimbursement rates shall be established equivalent to 50  
 108.8 percent of the cost per ton by July 1, 2027, 75 percent of the cost per ton by July 1, 2028,  
 108.9 and 90 percent of the cost per ton by July 1, 2029, and each year thereafter and varied per  
 108.10 ton, as follows:

108.11 (1) a fixed amount for each ton of covered material collected by a service provider that  
 108.12 reflects conditions that affect collection, recycling, and composting costs in the region or  
 108.13 jurisdiction in which the services are provided, including but not limited to:

108.14 (i) the number and size of households;

108.15 (ii) population density;

108.16 (iii) collections methods employed;

108.17 (iv) public education efforts;

108.18 (v) distance to consolidation or transfer facilities; reuse, recycling, or composting  
 108.19 facilities; or to responsible markets;

108.20 (vi) other factors that may contribute to regional or jurisdictional cost differences;

108.21 (vii) proportion of covered compostable materials within all source-separated compostable  
 108.22 materials collected or managed through composting; and

108.23 (viii) the general quality of materials recycled or composted by service providers;

108.24 (2) a fixed amount for each ton of covered material recycled or composted by a service  
 108.25 provider in the prior calendar year based upon:

108.26 (i) the average costs associated with the transportation and processing from a central  
 108.27 location within a political subdivision, of collected covered material from the political  
 108.28 subdivision to a recycling or composting facility;

108.29 (ii) the processing of and removal of contamination from covered material by a recycling  
 108.30 or composting facility;

109.1 (iii) the recycling or composting of covered materials in the state or in another jurisdiction  
109.2 less the average fair market value for that covered material based on the market indices for  
109.3 the region, updated monthly;

109.4 (iv) costs associated with the management of contaminated materials removed from  
109.5 collected covered material; and

109.6 (v) the proportion of covered compostable materials within all source-separated  
109.7 compostable materials collected or managed through composting;

109.8 (3) an additional fixed amount, in excess of the rate provided under clause (2), for each  
109.9 material type per ton for covered materials that are not included on the lists established  
109.10 according to section 115A.1453, subdivision 1, that are recycled or composted by a service  
109.11 provider in the prior calendar year less the average fair market value for that covered material  
109.12 based on the market indices for the region, updated monthly;

109.13 (4) a fixed amount for mixed recycling tons are managed through a process that includes  
109.14 percentages of covered materials included on the lists established according to section  
109.15 115A.1453, subdivision 1, and additional covered materials. The per ton fixed amount shall  
109.16 be prorated for the values in clause (2), items (i) and (ii), based upon the most recent waste  
109.17 characterization for mixed recycling ton averages;

109.18 (5) a fixed amount, based on population served, for administrative costs of service  
109.19 providers, including education, public awareness campaigns, and outreach program costs  
109.20 as applicable; and

109.21 (6) a fixed amount for the cost of managing covered materials capable of refill or reusable  
109.22 covered materials for the costs associated with collection, cleaning, sanitation, distribution,  
109.23 and management of contamination.

109.24 (b) A service provider may retain all revenue from the sale of covered materials. Nothing  
109.25 in this act may restrict a service provider from charging a fee for collection or processing  
109.26 of covered materials to the extent that reimbursement from a producer responsibility  
109.27 organization does not cover all costs of services, including operating profits and returns on  
109.28 investments required by a service provider to provide sustainability of the services.

109.29 Subd. 5. **Local government authority.** (a) Nothing in this section shall be construed to  
109.30 require a political subdivision to agree to operate under a stewardship plan, nor does it  
109.31 restrict the authority of a political subdivision to provide waste management services to  
109.32 residents or to contract with any entity to provide waste management services. Any political  
109.33 subdivision that is also a service provider is eligible to be registered with the commissioner

110.1 and reimbursed per the rates and schedule approved in subdivision 4. If a majority of political  
110.2 subdivisions in the state chooses not to participate in the program by January 1, 2030, the  
110.3 commissioner shall revise the statewide requirements established under section 115A.1451,  
110.4 subdivision 7.

110.5 (b) Nothing in this act restricts the authority of a political subdivision to provide waste  
110.6 management services to residents, to contract with any entity to provide waste management  
110.7 services, or to exercise its authority granted under section 115A.94. A producer responsibility  
110.8 organization may not restrict or otherwise interfere with a political subdivision exercising  
110.9 its authority under section 115A.94 to organize collection of solid waste, including materials  
110.10 collected for recycling or composting, or to extend, renew, or otherwise manage any contracts  
110.11 entered into as a result of exercising such authority or otherwise resulting from a competitive  
110.12 procurement process.

110.13 Subd. 6. **Dispute resolution.** There must be a dispute resolution process for disputes  
110.14 related to reimbursements utilizing third-party mediators.

110.15 Sec. 16. **[115A.1456] REPORTING.**

110.16 Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1,  
110.17 2031, and each July 1 thereafter, a producer responsibility organization must submit a written  
110.18 report to the commissioner that contains, at a minimum, the following information for the  
110.19 previous calendar year:

110.20 (1) the amount of covered materials introduced by each covered materials type, reported  
110.21 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

110.22 (2) progress toward the performance targets reported in the same units used to establish  
110.23 producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide  
110.24 and for each county including:

110.25 (i) the amount of covered materials successfully waste reduced, reused, recycled, and  
110.26 composted by covered materials type and the strategies or collection method used; and

110.27 (ii) information about third-party certifications obtained;

110.28 (3) the total cost to implement the program and a detailed description of program  
110.29 expenditures including:

110.30 (i) the total amount of producer fees collected in the current calendar year; and

110.31 (ii) a description of infrastructure investments made during the previous year;

111.1 (4) a copy of a financial audit of program operations conducted by an independent auditor  
111.2 approved by the commissioner that meets the requirements of the Financial Accounting  
111.3 Standards Board's Accounting Standards Update 2016-14, Not-for-Profit Entities (Topic  
111.4 958), as amended;

111.5 (5) a description of program performance problems that emerged in specific locations  
111.6 and efforts taken or proposed by the producer responsibility organization to address them;

111.7 (6) a discussion of technical assistance provided to producers regarding toxic substances  
111.8 in covered materials and actions taken by producers to reduce intentionally added toxic  
111.9 substances in covered materials beyond compliance with prohibitions already established  
111.10 in law;

111.11 (7) a description of public awareness, education, and outreach activities undertaken  
111.12 including any evaluations conducted of their efficacy, plans for next calendar year's activities,  
111.13 and an evaluation of the process established by the producer responsibility organization to  
111.14 answer questions from consumers regarding collection, recycling, composting, waste  
111.15 reduction, and reuse activities;

111.16 (8) a summary of consultations held with the advisory board and how any feedback was  
111.17 incorporated into the report as a result of the consultations, together with a list of rejected  
111.18 recommendations and the reasons for rejection;

111.19 (9) a list of any producers found to be out of compliance with this act, and actions taken  
111.20 by the producer responsibility organization to return the producer to compliance, and  
111.21 notification of any producers that are no longer participating in the producer responsibility  
111.22 organization or have been expelled due to their lack of compliance;

111.23 (10) any proposed amendments to the stewardship plan to improve program performance  
111.24 or reduce costs, including changes to producer fees, infrastructure investments, or  
111.25 reimbursement rates;

111.26 (11) any recommendations for additions or removal of covered materials to or from the  
111.27 recyclable or compostable covered materials lists developed under section 115A.1453; and

111.28 (12) any information requested by the commissioner to assist with determining  
111.29 compliance with this act.

111.30 (b) Every fourth year after a stewardship plan is approved by the commissioner, a  
111.31 performance audit of the program must be completed. The performance audit must conform  
111.32 to audit standards established by the United States Government Accountability Office; the

112.1 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally  
112.2 recognized organization approved by the commissioner.

112.3 Subd. 2. **Report following unmet target.** A producer responsibility organization that  
112.4 fails to meet a performance target approved in a stewardship plan must, within 90 days of  
112.5 filing an annual report under this section, file with the commissioner an explanation of the  
112.6 factors contributing to the failure and propose an amendment to the stewardship plan  
112.7 specifying changes in operations that the producer responsibility organization will make  
112.8 that are designed to achieve the following year's targets. If a performance target is unmet  
112.9 due to lack of political subdivision participation in the program, the commissioner shall  
112.10 revise the statewide requirements developed under section 115A.1451, subdivision 7. If a  
112.11 revision to the statewide performance targets is required and completed by the commissioner,  
112.12 the producer responsibility organization may revise the performance targets at the same  
112.13 time. An amendment filed under this subdivision must be reviewed by the advisory board  
112.14 and reviewed and approved by the commissioner in the manner specified in section  
112.15 115A.1451, subdivisions 2 and 4.

112.16 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,  
112.17 the commissioner must submit a report to the governor and to the chairs and ranking minority  
112.18 members of the legislative committees with jurisdiction over solid waste. The report must  
112.19 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during  
112.20 the previous five years, a summary of the needs assessment, a link to reports filed under  
112.21 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the  
112.22 program, an analysis of the impacts of exempting certain materials from the definition of  
112.23 covered materials and of exempting certain persons from the definition of producer, a list  
112.24 of efforts undertaken by the commissioner to enforce and secure compliance with this act,  
112.25 and any other information the commissioner deems to be relevant.

112.26 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility  
112.27 organizations with data necessary to complete the reports required by this section upon  
112.28 request.

112.29 Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**  
112.30 **WEBSITES.**

112.31 A producer responsibility organization must maintain a website that uses best practices  
112.32 for accessibility and contains at least:

112.33 (1) information regarding a process that members of the public can use to contact the  
112.34 producer responsibility organization with questions;



- 113.1 (2) a directory of all service providers operating under the stewardship plan administered  
113.2 by the producer responsibility organization, grouped by location or political subdivision,  
113.3 and information about how to request service;
- 113.4 (3) registration materials submitted to the commissioner under section 115A.1443;
- 113.5 (4) the draft and approved stewardship plan and any draft and approved amendments;
- 113.6 (5) information on how to manage materials included in lists established under section  
113.7 115A.1453;
- 113.8 (6) the list of exempt materials as defined in this act and covered materials exempt from  
113.9 performance targets and statewide requirements as approved in the stewardship plan;
- 113.10 (6) the most recent needs assessment and all past needs assessments;
- 113.11 (7) annual reports filed by the producer responsibility organization;
- 113.12 (8) a link to administrative rules implementing this act;
- 113.13 (9) comments of the advisory board on the documents listed in clauses (4) and (7), and  
113.14 the responses of the producer responsibility organization to those comments;
- 113.15 (10) the names of producers and brands that are not in compliance with section  
113.16 115A.1448;
- 113.17 (11) a list, that is updated at least monthly, of all member producers that will operate  
113.18 under the stewardship plan administered by the producer responsibility organization and,  
113.19 for each producer, a list of all brands of the producer's covered materials introduced in the  
113.20 state; and
- 113.21 (12) education materials on waste reduction, reuse, recycling, and composting for  
113.22 producers and the general public.

113.23 **Sec. 18. [115A.1458] ANTICOMPETITIVE CONDUCT.**

113.24 A producer responsibility organization that arranges collection, recycling, composting,  
113.25 waste reduction, or reuse services under this act may engage in anticompetitive conduct to  
113.26 the extent necessary to plan and implement collection, recycling, composting, waste  
113.27 reduction, or reuse systems to meet the obligations under this act, and is immune from  
113.28 liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

114.1 Sec. 19. [115A.1459] RULEMAKING.

114.2 The commissioner may adopt rules to implement this act. The 18-month time limit under  
114.3 section 14.125 does not apply to the commissioner's rulemaking authority under this section.

114.4 Sec. 20. [115A.1460] PROVIDING INFORMATION.

114.5 Upon request of the commissioner for purposes of determining compliance with this  
114.6 act, or for purposes of implementing this act, a person must furnish to the commissioner  
114.7 any information that the person has or may reasonably obtain.

114.8 Sec. 21. [115A.1461] DEPOSIT RETURN SYSTEM.

114.9 (a) It is the intent of the legislature that if a bottle deposit return system is enacted in the  
114.10 future, it will be harmonized with this act in a manner that ensures that:

114.11 (1) materials covered in that system are exempt from this act or related financial  
114.12 obligations are reduced;

114.13 (2) colocation of drop-off facilities and alternative collection sites is maximized;

114.14 (3) education and outreach is integrated between the two programs; and

114.15 (4) waste reduction and reuse strategies are prioritized between the two programs.

114.16 (b) Any implementation of a deposit return system is created with at least a two-year  
114.17 transition period prior to the expiry of the currently approved stewardship plan and conducted  
114.18 in a manner that does not create sudden and significant operational or financial disruption  
114.19 to the implementation of a stewardship plan under section 115A.1451, including provisions  
114.20 of recycling or reuse services contained in the plan.

114.21 Sec. 22. [115A.1462] ENFORCEMENT.

114.22 (a) The commissioner must enforce this act as provided under this section and sections  
114.23 115.071 and 116.072. The commissioner may revoke a registration of a producer  
114.24 responsibility organization or producer found to have violated this act.

114.25 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and  
114.26 except as otherwise provided in paragraph (c), a person that violates or fails to perform a  
114.27 duty imposed by this act or any rule adopted thereunder is liable for a civil penalty not to  
114.28 exceed \$25,000 per day of violation.

114.29 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a  
114.30 producer responsibility organization or producer that violates a provision of or fails to

115.1 perform a duty imposed by this act, a rule adopted thereunder, or requirements of a  
115.2 stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed  
115.3 \$25,000 per day of violation. For a second violation occurring within five years after the  
115.4 approval of a stewardship plan, a producer responsibility organization or producer is liable  
115.5 for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent  
115.6 violation occurring within five years after the approval of a stewardship plan, a producer  
115.7 responsibility organization or producer is liable for a civil penalty not to exceed \$100,000  
115.8 per day of violation.

115.9 Sec. 23. **WORKPLACE CONDITIONS AND EQUITY STUDY.**

115.10 (a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract  
115.11 with a third party that is not a producer or a producer responsibility organization to conduct  
115.12 a study of the recycling, composting, and reuse facilities operating in the state. The study  
115.13 must analyze, at a minimum information about:

115.14 (1) working conditions, wage and benefit levels, and employment levels of minorities  
115.15 and women at those facilities;

115.16 (2) barriers to ownership of recycling, composting, and reuse operations faced by women  
115.17 and minorities;

115.18 (3) the degree to which residents of multifamily buildings have less convenient access  
115.19 to recycling, composting, and reuse opportunities than those living in single-family homes;

115.20 (4) the degree to which environmental justice areas have access to fewer recycling,  
115.21 composting, and reuse opportunities compared to other parts of the state;

115.22 (5) the degree to which programs to increase access, convenience, and education are  
115.23 successful in raising reuse, recycling, and composting rates in areas where participation in  
115.24 these activities is low;

115.25 (6) strategies to increase participation in reuse, recycling, and composting; and

115.26 (7) the degree to which residents and workers in environmental justice areas are impacted  
115.27 by emissions, toxic substances, and other pollutants from solid waste facilities in comparison  
115.28 to other areas of the state and provide recommendations to mitigate those impacts.

115.29 (b) The initial producer responsibility organization registered by the commissioner under  
115.30 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting  
115.31 the study through its annual registration fee and recommended actions identified in the study  
115.32 must be considered as part of future stewardship plans as required under Minnesota Statutes,

116.1 section 115A.1451, including adjustments to service provider reimbursements as established  
116.2 under Minnesota Statutes, section 115A.1455.

116.3 Sec. 24. **COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

116.4 (a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation  
116.5 with the commissioners of health and natural resources, must contract with a third party  
116.6 that is not a producer or a producer responsibility organization to conduct a study to identify  
116.7 the contribution of covered products to litter and water pollution in Minnesota. The report  
116.8 must at a minimum:

116.9 (1) analyze historical and current environmental and human health impacts of littered  
116.10 covered materials and their associated toxic substances in the environment;

116.11 (2) estimate the cost of cleanup and prevention; and

116.12 (3) provide recommendations for how to reduce and mitigate the impacts of litter in the  
116.13 state.

116.14 (b) The contracted third party must consult with units of local government, the  
116.15 commissioners of health and natural resources, and environmental justice organizations.

116.16 (c) The initial producer responsibility organization registered by the commissioner under  
116.17 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting  
116.18 the study through its annual registration fee and recommended actions identified in the study  
116.19 must be considered as part of future stewardship plans, as required under Minnesota Statutes,  
116.20 section 115A.1451.

APPENDIX  
Repealed Minnesota Statutes: S3887-1

**85.012 STATE PARKS.**

Subd. 27b. Hill-Annex Mine State Park, Itasca County.

Subd. 58. Upper Sioux Agency State Park, Yellow Medicine County.

**97B.802 SPECIAL CANADA-GOOSE SEASON; LICENSE REQUIRED.**

Except as provided in this section, a person required to possess a small-game license may not take Canada geese during a special season without a valid special-season Canada-goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the license.

**138.662 HISTORIC SITES.**

Subd. 33. **Upper Sioux Agency.** Upper Sioux Agency; Yellow Medicine County.