

Senator Hawj from the Committee on Environment, Climate, and Legacy, to which was referred

S.F. No. 3887: A bill for an act relating to natural resources; modifying grant terms for a previous appropriation for a grant to the Minnesota Aquatic Invasive Species Research Center; amending Laws 2023, chapter 60, article 1, section 3, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

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

APPROPRIATIONS			
Available for the Year			
Ending June 30			
	2024		2025
Sec. 2. POLLUTION CONTROL AGENCY			
Subdivision 1. Total Appropriation	\$	-0-	\$ 11,551,000
Appropriations by Fund			
	2024		2025
General	-0-		6,400,000
Environmental	-0-		5,151,000

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

Subd. 2. Air Regulatory Work; Environmental Justice Areas

\$2,975,000 the second year is from the environmental fund for prioritizing air regulatory program work in environmental

2.1 justice areas. This appropriation is available
2.2 until June 30, 2027. The base in fiscal year
2.3 2026 and thereafter is \$2,625,000.

2.4 **Subd. 3. Legal Services**

2.5 \$525,000 the second year is from the
2.6 environmental fund for Operations Division
2.7 legal services that support industrial
2.8 compliance programs.

2.9 \$3,500,000 the second year is for legal costs.
2.10 This is a onetime appropriation and is
2.11 available until June 30, 2027.

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

2.13 \$1,025,000 the second year is from the
2.14 environmental fund to construct and operate
2.15 a mobile emissions regulatory monitoring
2.16 trailer. This appropriation is available until
2.17 June 30, 2027. The base in fiscal year 2026
2.18 and thereafter is \$535,000.

2.19 **Subd. 5. Researching Climate Adaptation and**
2.20 **Resilience Study**

2.21 \$750,000 the second year is for the
2.22 Researching Climate Adaptation and
2.23 Resilience Costs for Minnesota Study. This is
2.24 a onetime appropriation and is available until
2.25 June 30, 2026.

2.26 **Subd. 6. Composting Grants for Multifamily**
2.27 **Buildings**

2.28 (a) \$2,000,000 the second year is to make
2.29 grants for pilot projects that encourage
2.30 composting by residents of multifamily
2.31 buildings. Notwithstanding Minnesota
2.32 Statutes, section 16B.98, subdivision 14, the
2.33 commissioner may use up to five percent of
2.34 this appropriation for administrative costs.

3.1 This is a onetime appropriation and is
3.2 available until June 30, 2027.

3.3 (b) Eligible applicants include: (1) a political
3.4 subdivision; (2) an owner of a multifamily
3.5 building; or (3) an organization that is exempt
3.6 from taxation under section 501(c)(3) of the
3.7 Internal Revenue Code.

3.8 (c) The commissioner must submit a report
3.9 on the grants awarded under this subdivision
3.10 to the chairs and ranking minority members
3.11 of the senate and house of representatives
3.12 committees with primary jurisdiction over
3.13 environment policy and finance. The report
3.14 must contain, at a minimum, a list of grantees,
3.15 the amount of each grant awarded, the
3.16 activities undertaken with grant funds, and, if
3.17 possible, the results of the grant with respect
3.18 to encouraging composting in multifamily
3.19 buildings. The report is due by October 1,
3.20 2027.

3.21 Subd. 7. **Electronic Recycling Study**

3.22 \$150,000 the second year is for a contract with
3.23 an independent third party to conduct a study
3.24 that examines the barriers to electronics
3.25 recycling and recommends ways those barriers
3.26 may be overcome. Notwithstanding Minnesota
3.27 Statutes, section 16B.98, subdivision 14, the
3.28 commissioner may use up to two percent of
3.29 this appropriation for administrative costs.

3.30 This is a onetime appropriation.

3.31 Subd. 8. **Critical Materials Recovery Advisory**
3.32 **Task Force**

3.33 \$319,000 the second year is from the
3.34 environmental fund for the costs of the Critical

4.1 Materials Recovery Advisory Task Force. This
4.2 is a onetime appropriation.

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

4.4 \$88,000 the second year is from the
4.5 environmental fund for the annual reporting
4.6 requirements of the purchase of deicing salt
4.7 by state agencies under Minnesota Statutes,
4.8 section 116.2021.

4.9 **Subd. 10. Boat Wrap Product Stewardship**
4.10 **Program**

4.11 \$219,000 the second year is from the
4.12 environmental fund for the cost of
4.13 administering the boat wrap product
4.14 stewardship program under Minnesota
4.15 Statutes, section 115A.1416. The base budget
4.16 for this appropriation is \$363,000 in fiscal year
4.17 2026, and \$219,000 in fiscal year 2027 and
4.18 thereafter.

4.19 **Subd. 11. Extending Appropriation Availability**

4.20 The appropriations in Laws 2023, chapter 60,
4.21 article 1, section 2, subdivision 2, paragraphs
4.22 (l), (m), and (n), are available until June 30,
4.23 2025.

4.24 **Subd. 12. Availability of Climate Resiliency and**
4.25 **Water Infrastructure Grants**

4.26 Of the amount appropriated under Laws 2023,
4.27 chapter 60, article 1, section 2, subdivision 2,
4.28 paragraph (k), for a climate resiliency and
4.29 water infrastructure grant program, up to
4.30 \$5,000,000 may be used to supplement any
4.31 federal grant that the commissioner receives
4.32 under the United States Environmental
4.33 Protection Agency's Climate Pollution
4.34 Reduction Grant (CPRG) program.

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Sec. 3. DEPARTMENT OF NATURAL RESOURCES

5.3

Subdivision 1. Total Appropriation

\$

768,000

\$

17,894,000

5.4

<u>Appropriations by Fund</u>		
	<u>2024</u>	<u>2025</u>
5.6 <u>General</u>	<u>-0-</u>	<u>8,300,000</u>
5.7 <u>Game and Fish</u>	<u>-0-</u>	<u>2,880,000</u>
5.8 <u>Natural Resources</u>	<u>768,000</u>	<u>6,297,000</u>
5.9 <u>Permanent School</u>	<u>-0-</u>	<u>417,000</u>

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

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Subd. 2. Legal Costs

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

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

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Subd. 3. Public Safety Costs

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

6.1 **Subd. 4. Electronic Licensing System**

6.2 \$2,600,000 the second year is to support the
6.3 development and implementation of a modern
6.4 electronic licensing system. Of this amount,
6.5 \$330,000 is from the water recreation account;
6.6 \$80,000 is from the snowmobile account;
6.7 \$204,000 is from the all-terrain vehicle
6.8 account; \$7,000 is from the off-highway
6.9 motorcycle account; \$4,000 is from the
6.10 off-road vehicle account; and \$1,975,000 is
6.11 from the game and fish fund. This is a onetime
6.12 appropriation and is available until June 30,
6.13 2026.

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

6.15 (a) \$300,000 the second year is to maintain
6.16 current law enforcement service levels. Of this
6.17 amount, \$30,000 is from the water recreation
6.18 account; \$15,000 is from the all-terrain vehicle
6.19 account; and \$255,000 is from the game and
6.20 fish fund.

6.21 (b) The base for fiscal year 2026 and thereafter
6.22 is \$1,080,000, and of this amount, \$108,000
6.23 is from the water recreation account; \$54,000
6.24 is from the all-terrain vehicle account; and
6.25 \$918,000 is from the game and fish fund.

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

6.27 \$1,418,000 the second year is for grants to
6.28 local units of government and
6.29 nongovernmental organizations to implement
6.30 local programs to prevent water pollution due
6.31 to garbage and human waste left on the ice of
6.32 state waters during winter-use activities.
6.33 Notwithstanding Minnesota Statutes, section
6.34 16B.98, subdivision 14, the commissioner may

7.1 use up to five percent of this appropriation for
7.2 administrative costs. This is a onetime
7.3 appropriation and is available until June 30,
7.4 2027.

7.5 **Subd. 7. Unsafe Ice Search and Rescue**
7.6 **Reimbursement**

7.7 \$200,000 the second year is to reimburse
7.8 county sheriffs and other local law
7.9 enforcement agencies for search and rescue
7.10 operations related to recreational activities on
7.11 unsafe ice under Minnesota Statutes, section
7.12 86B.1065. Activities eligible for
7.13 reimbursement under this appropriation must
7.14 be of an unusual and nonrecurring nature that
7.15 are over and above the county sheriff or other
7.16 agency's regular operating budget and include
7.17 but are not limited to rental of private
7.18 equipment and employment of personnel hired
7.19 expressly for the search and rescue operation.
7.20 Reimbursement under this appropriation is
7.21 limited to 50 percent of the reimbursable costs
7.22 subject to a maximum state payment of \$5,000
7.23 per agency for each search and rescue
7.24 operation. This is a onetime appropriation and
7.25 is available until June 30, 2027.

7.26 **Subd. 8. International Wolf Center**

7.27 \$1,332,000 the second year is for maintenance,
7.28 repair, energy efficiency improvements,
7.29 heating and ventilation system replacement,
7.30 and visitor enhancements to the building
7.31 currently leased to the International Wolf
7.32 Center in Ely, Minnesota. This is a onetime
7.33 appropriation and is available until June 30,
7.34 2027.

8.1 **Subd. 9. Outdoor School For All Minnesota**
8.2 **Students**

8.3 (a) \$2,000,000 the second year is for the
8.4 outdoor school for all Minnesota students
8.5 program under Minnesota Statutes, section
8.6 84.9766. Notwithstanding Minnesota Statutes,
8.7 section 16B.98, subdivision 14, the
8.8 commissioner may use up to five percent of
8.9 this appropriation for administrative costs.
8.10 This is a onetime appropriation and is
8.11 available until June 30, 2026.

8.12 (b) By January 1, 2027, the commissioner of
8.13 natural resources must submit a report on the
8.14 outdoor school for all Minnesota students
8.15 program to the chairs and ranking minority
8.16 members of the legislative committees with
8.17 jurisdiction over education and environment
8.18 policy and finance. The report must include
8.19 information on the awarded grants and any
8.20 measures that grantees have used to address
8.21 accessibility of outdoor educational
8.22 opportunities for underserved students and
8.23 students with disabilities.

8.24 **Subd. 10. Condemnation of Certain Land in**
8.25 **Mille Lacs County**

8.26 \$750,000 the second year is to initiate
8.27 condemnation proceedings of the lands
8.28 described in article 2, section 38. The
8.29 commissioner may use this appropriation for
8.30 project costs, including but not limited to
8.31 valuation expenses, legal fees, closing costs,
8.32 and transactional staff costs. This is a onetime
8.33 appropriation and is available until June 30,
8.34 2027.

9.1 **Subd. 11. Outreach and Education**

9.2 \$1,400,000 the second year is to create new
9.3 or expand existing outreach and education
9.4 programs for nonnative English-speaking
9.5 communities. Of this amount, \$200,000 is for
9.6 the commissioner of the Pollution Control
9.7 Agency and \$200,000 is for the Board of
9.8 Water and Soil Resources for this purpose. Of
9.9 the \$1,000,000 for the commissioner of natural
9.10 resources, \$200,000 is for a competitive grant
9.11 program for nonprofit organizations to connect
9.12 youth in underserved communities in
9.13 metropolitan area environmental justice areas
9.14 with outdoor experiences, and \$800,000 is for
9.15 the Fishing in the Neighborhood program for
9.16 outreach to new and underserved audiences.
9.17 This appropriation may be used for community
9.18 outreach consultants for reaching new
9.19 audiences. This is a onetime appropriation and
9.20 is available until June 30, 2028.

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

9.22 \$500,000 the second year is from the heritage
9.23 enhancement account in the game and fish
9.24 fund for a nonlethal beaver management grant
9.25 program in the metropolitan area.
9.26 Notwithstanding Minnesota Statutes, section
9.27 16B.98, subdivision 14, the commissioner may
9.28 use up to five percent of this appropriation for
9.29 administrative costs. This is a onetime
9.30 appropriation and is available until June 30,
9.31 2026.

9.32 **Subd. 13. Report on Recreational Use of**
9.33 **Permanent School Land**

9.34 \$417,000 the second year is transferred from
9.35 the forest suspense account to the permanent

10.1 school fund and is appropriated from the
10.2 permanent school fund for the Office of
10.3 School Trust Lands for conducting the study
10.4 of the recreational use of school trust lands.
10.5 This is a onetime transfer.

10.6 **Subd. 14. Nonpetroleum Gas Regulatory**
10.7 **Framework**

10.8 (a) \$768,000 the first year is from the minerals
10.9 management account in the natural resources
10.10 fund for the Gas Production Technical
10.11 Advisory Committee. This is a onetime
10.12 appropriation and is available until June 30,
10.13 2027.

10.14 (b) \$2,406,000 the second year is from the
10.15 minerals management account in the natural
10.16 resources fund to adopt a regulatory
10.17 framework for gas and oil production in
10.18 Minnesota and for rulemaking. This is a
10.19 onetime appropriation and is available until
10.20 June 30, 2028.

10.21 **Subd. 15. Legislative Report on Geologic Carbon**
10.22 **Sequestration**

10.23 \$301,000 the second year is from the minerals
10.24 management account in the natural resources
10.25 fund to develop a geologic carbon
10.26 sequestration report and chair the Geologic
10.27 Carbon Sequestration Technical Advisory
10.28 Committee. This is a onetime appropriation
10.29 and is available until June 30, 2027.

10.30 **Subd. 16. All-Terrain Vehicle Grant-in-Aid**
10.31 **Program**

10.32 \$1,500,000 the second year is from the
10.33 all-terrain vehicle account in the natural
10.34 resources fund for the grant-in-aid program
10.35 under Minnesota Statutes, section 84.927,

11.1 subdivision 2, clause (4). This is a onetime
11.2 appropriation.

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

11.4 \$1,200,000 the second year is from the
11.5 all-terrain vehicle account in the natural
11.6 resources fund for a grant to St. Louis County
11.7 to construct and maintain the Prospector Loop
11.8 all-terrain vehicle trail system. This is a
11.9 onetime appropriation.

11.10 **Subd. 18. Off-Highway Motorcycle Trail**
11.11 **Ambassador Program**

11.12 (a) \$20,000 the second year is from the
11.13 off-highway motorcycle account in the natural
11.14 resources fund for grants to qualifying
11.15 off-highway motorcycle organizations to assist
11.16 in providing safety and environmental
11.17 education and monitoring trails on public lands
11.18 according to Minnesota Statutes, section
11.19 84.9011. Grants awarded under this
11.20 subdivision must be issued through a formal
11.21 agreement with the organization.

11.22 (b) By December 15 each year, an
11.23 organization receiving a grant under this
11.24 subdivision must report to the commissioner
11.25 with details on how the money was expended
11.26 and what outcomes were achieved.

11.27 **Subd. 19. Outdoor Recreation Opportunities for**
11.28 **Underserved Communities**

11.29 \$200,000 the second year is from the natural
11.30 resources fund for projects and activities that
11.31 connect diverse and underserved Minnesotans
11.32 through expanding cultural environmental
11.33 experiences, exploration of their environment,
11.34 and outdoor recreational activities. This
11.35 appropriation is from revenue deposited in the

12.1 natural resources fund under Minnesota

12.2 Statutes, section 297A.94, paragraph (j). This

12.3 is a onetime appropriation and is added to the

12.4 appropriation in Laws 2023, chapter 60, article

12.5 1, section 3, subdivision 5, paragraph (m).

12.6 Subd. 20. **Aggregate resource inventory.**

12.7 \$150,000 the second year is from the heritage

12.8 enhancement account in the game and fish

12.9 fund for the aggregate resource mapping

12.10 program to update Information Circular 46,

12.11 Aggregate Resources Inventory of the

12.12 seven-county metropolitan area, Minnesota

12.13 (Minnesota Geological Survey 2000), with

12.14 particular emphasis on projected needs and

12.15 the estimated time until the aggregate resource

12.16 is exhausted and to perform duties under

12.17 Minnesota Statutes, section 84.94. This is a

12.18 onetime appropriation.

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

12.20 Sec. 4. **BOARD OF WATER AND SOIL**

12.21 **RESOURCES**

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

12.23 The amounts that may be spent for each

12.24 purpose are specified in the following

12.25 subdivisions.

12.26 Subd. 2. **Manure Management Grants**

12.27 \$2,000,000 the second year is for manure

12.28 management grants. Notwithstanding

12.29 Minnesota Statutes, section 16B.98,

12.30 subdivision 14, the board may use up to five

12.31 percent of this appropriation for administrative

12.32 costs. This is a onetime appropriation and is

12.33 available until June 30, 2026.

13.1 Subd. 3. Red River of the North; Adaptive
13.2 Phosphorus Management

13.3 (a) \$300,000 the second year is for a grant to
13.4 the Red River Basin Commission to facilitate
13.5 development of a feasibility assessment of
13.6 adaptive phosphorus management for the Red
13.7 River of the North. The commission may
13.8 contract with outside experts or academic
13.9 institutions in developing the assessment. The
13.10 assessment: (1) must address applicable
13.11 water-quality targets for phosphorus loading;
13.12 (2) must include an allocation of phosphorus
13.13 between point and nonpoint sources; (3) must
13.14 identify cost-effective nutrient reduction
13.15 implementation strategies; and (4) may include
13.16 other state water-quality goals and objectives.
13.17 This is a onetime appropriation and is
13.18 available until June 30, 2026.

13.19 (b) In developing the assessment, the Red
13.20 River Basin Commission must use available
13.21 data and analysis to the extent feasible and
13.22 incorporate input from an advisory group that
13.23 includes representatives of agriculture, soil
13.24 and water conservation districts, watershed
13.25 districts, municipalities, and other Minnesota
13.26 organizations represented on the board of
13.27 directors of the Red River Basin Commission.
13.28 The Red River Basin Commission may also
13.29 work with representatives from relevant
13.30 organizations from North Dakota, South
13.31 Dakota, and Manitoba.

13.32 (c) By June 30, 2026, the Red River Basin
13.33 Commission must submit the final assessment
13.34 to the chairs and ranking minority members
13.35 of the legislative committees with jurisdiction

14.1 over agriculture and environment policy and
14.2 finance.

14.3	Sec. 5. <u>METROPOLITAN COUNCIL</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>500,000</u>
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14.4 \$500,000 the second year is from the natural
14.5 resources fund for new fishing piers to
14.6 increase fishing opportunities on lakes in the
14.7 metropolitan parks system. The council shall
14.8 solicit applications from member park systems
14.9 for proposals under this section. This is a
14.10 onetime appropriation and is from revenue
14.11 deposited in the natural resources fund under
14.12 Minnesota Statutes, section 297A.94,
14.13 paragraph (h), clause (3). This appropriation
14.14 is available until June 30, 2026.

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

14.16	Subd. 3. Ecological and Water Resources	48,738,000	45,797,000
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14.17 Appropriations by Fund

14.18		2024	2025
14.19	General	27,083,000	26,142,000
14.20	Natural Resources	13,831,000	13,831,000
14.21	Game and Fish	7,824,000	5,824,000

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

14.33 (b) \$6,056,000 the first year and \$6,056,000
14.34 the second year are from the water

15.1 management account in the natural resources
15.2 fund for only the purposes specified in
15.3 Minnesota Statutes, section 103G.27,
15.4 subdivision 2.

15.5 (c) \$124,000 the first year and \$124,000 the
15.6 second year are for a grant to the Mississippi
15.7 Headwaters Board for up to 50 percent of the
15.8 cost of implementing the comprehensive plan
15.9 for the upper Mississippi within areas under
15.10 the board's jurisdiction. By December 15,
15.11 2025, the board must submit a report to the
15.12 chairs and ranking minority members of the
15.13 legislative committees and divisions with
15.14 jurisdiction over environment and natural
15.15 resources on the activities funded under this
15.16 paragraph and the progress made in
15.17 implementing the comprehensive plan.

15.18 (d) \$10,000 the first year and \$10,000 the
15.19 second year are for payment to the Leech Lake
15.20 Band of Chippewa Indians to implement the
15.21 band's portion of the comprehensive plan for
15.22 the upper Mississippi River.

15.23 (e) \$300,000 the first year and \$300,000 the
15.24 second year are for grants for up to 50 percent
15.25 of the cost of implementing the Red River
15.26 mediation agreement. The base for this
15.27 appropriation in fiscal year 2026 and beyond
15.28 is \$264,000.

15.29 (f) \$2,598,000 the first year and \$2,598,000
15.30 the second year are from the heritage
15.31 enhancement account in the game and fish
15.32 fund for only the purposes specified in
15.33 Minnesota Statutes, section 297A.94,
15.34 paragraph (h), clause (1).

16.1 (g) \$1,150,000 the first year and \$1,150,000
16.2 the second year are from the nongame wildlife
16.3 management account in the natural resources
16.4 fund for nongame wildlife management.
16.5 Notwithstanding Minnesota Statutes, section
16.6 290.431, \$100,000 the first year and \$100,000
16.7 the second year may be used for nongame
16.8 wildlife information, education, and
16.9 promotion.

16.10 (h) Notwithstanding Minnesota Statutes,
16.11 section 84.943, \$48,000 the first year and
16.12 \$48,000 the second year from the critical
16.13 habitat private sector matching account may
16.14 be used to publicize the critical habitat license
16.15 plate match program.

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

16.18 (1) financial reimbursement and technical
16.19 support to soil and water conservation districts
16.20 or other local units of government for
16.21 groundwater-level monitoring;

16.22 (2) surface water monitoring and analysis,
16.23 including installing monitoring gauges;

16.24 (3) groundwater analysis to assist with
16.25 water-appropriation permitting decisions;

16.26 (4) permit application review incorporating
16.27 surface water and groundwater technical
16.28 analysis;

16.29 (5) precipitation data and analysis to improve
16.30 irrigation use;

16.31 (6) information technology, including
16.32 electronic permitting and integrated data
16.33 systems; and

17.1 (7) compliance and monitoring.

17.2 (j) Notwithstanding Minnesota Statutes,
17.3 section 297A.94, paragraph (k), \$2,410,000
17.4 the first year and \$410,000 the second year
17.5 are from the heritage enhancement account in
17.6 the game and fish fund and \$500,000 the first
17.7 year and \$500,000 the second year are from
17.8 the general fund for grants to the Minnesota
17.9 Aquatic Invasive Species Research Center at
17.10 the University of Minnesota to prioritize,
17.11 support, and develop research-based solutions
17.12 that can reduce the effects of aquatic invasive
17.13 species in Minnesota by preventing spread,
17.14 controlling populations, and managing
17.15 ecosystems and to advance knowledge to
17.16 inspire action by others. This appropriation is
17.17 available until June 30, 2028.

17.18 (k) \$268,000 the first year and \$268,000 the
17.19 second year are for increased capacity for
17.20 broadband utility licensing for state lands and
17.21 public waters. This is a onetime appropriation
17.22 and is available until June 30, 2028.

17.23 (l) \$998,000 the first year and \$568,000 the
17.24 second year are for protecting and restoring
17.25 carbon storage in state-administered peatlands
17.26 by reviewing and updating the state's peatland
17.27 inventory, piloting a restoration project, and
17.28 piloting trust fund buyouts. This is a onetime
17.29 appropriation and is available until June 30,
17.30 2028.

17.31 (m) \$250,000 the first year is for a grant to the
17.32 Minnesota Lakes and Rivers Advocates to
17.33 work with civic leaders to purchase, install,
17.34 and operate waterless cleaning stations for
17.35 watercraft; conduct aquatic invasive species

18.1 education; and implement education upgrades
18.2 at public accesses to prevent invasive starry
18.3 stonewort spread beyond the lakes already
18.4 infested. This is a onetime appropriation and
18.5 is available until June 30, 2025.

18.6 (n) \$1,720,000 the first year is to prevent and
18.7 manage invasive carp. This includes activities
18.8 related to the Mississippi River Lock and Dam
18.9 and stakeholder engagement. Up to \$325,000
18.10 may be used for a grant to the Board of
18.11 Regents of the University of Minnesota to
18.12 study the Mississippi River Lock Dam 5
18.13 spillway and provide preliminary design to
18.14 optimize management to reduce invasive carp
18.15 passage.

18.16 (o) Up to \$6,000,000 the first year is available
18.17 for transfer from the critical habitat private
18.18 sector matching account to the reinvest in
18.19 Minnesota fund to expand Grey Cloud Island
18.20 Scientific and Natural Area and for other
18.21 scientific and natural area acquisition,
18.22 restoration, and enhancement according to
18.23 Minnesota Statutes, section 84.943,
18.24 subdivision 5b.

18.25 (p) \$40,000 the first year is for a grant to the
18.26 Stearns Coalition of Lake Associations to
18.27 manage aquatic invasive species. The
18.28 unencumbered balance of the general fund
18.29 appropriation in Laws 2021, First Special
18.30 Session chapter 6, article 1, section 3,
18.31 subdivision 3, paragraph (a), for the grant to
18.32 the Stearns Coalition of Lake Associations,
18.33 estimated to be \$40,000, is canceled no later
18.34 than June 29, 2023.

19.1 (q) \$200,000 the first year is for a grant to the
19.2 Board of Regents of the University of
19.3 Minnesota for the University of Minnesota
19.4 Water Council to develop a scope of work,
19.5 timeline, and budget for a plan to promote and
19.6 protect clean water in Minnesota for the next
19.7 50 years according to this act.

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

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

19.12 **ARTICLE 2**

19.13 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

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

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

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

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

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

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

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

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

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

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

20.3 Subdivision 1. **Establishment.** The commissioner of natural resources must establish
20.4 and administer a program to provide grants to learning centers eligible under subdivision
20.5 2 for outdoor education programs serving students in grades 4 to 8.

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

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

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

20.11 (2) provide students with opportunities to directly experience and understand nature and
20.12 the natural world, including field study opportunities for student learning;

20.13 (3) use a research-based environmental, ecological, agricultural, or other
20.14 natural-resource-based educational curriculum;

20.15 (4) be integrated with local school curricula to help students meet academic standards;

20.16 (5) provide students with opportunities to develop:

20.17 (i) leadership;

20.18 (ii) critical thinking;

20.19 (iii) self-sufficiency;

20.20 (iv) decision-making skills; and

20.21 (v) social and emotional skills, including understanding the impact of nature and
20.22 movement on one's mental health; and

20.23 (6) address accessibility of outdoor educational opportunities for underserved students,
20.24 including students with disabilities.

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

20.27 (a) A county sheriff may be reimbursed for all costs that are over and above the county
20.28 sheriff's regular operating budget and that are incurred from search and rescue operations
20.29 due to recreational activities on unsafe ice. Reimbursement may include reimbursements
20.30 made by the commissioner of natural resources with available appropriations, reimbursements

21.1 under section 86B.106, or other available federal, state, and local funds. Reimbursement
21.2 under this section is limited to 50 percent of the reimbursable costs subject to a maximum
21.3 state payment of \$5,000 per agency for each search and rescue operation.

21.4 (b) Nothing in this section is to be construed to make the state or a political subdivision
21.5 liable in a contribution claim by a person liable for reimbursement under section 86B.106.

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

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

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

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

21.16 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals ~~or petroleum,~~
21.17 gas, or oil must be approved by the Executive Council, and any other mineral lease issued
21.18 pursuant to this section that covers 160 or more acres must be approved by the Executive
21.19 Council. The rents, royalties, terms, conditions, and covenants of all such leases ~~shall~~ must
21.20 be fixed by the commissioner according to rules adopted by the commissioner, but no lease
21.21 shall be for a longer term than 50 years, and all rents, royalties, terms, conditions, and
21.22 covenants ~~shall~~ must be fully set forth in each lease issued. No nonferrous metallic mineral
21.23 lease shall be canceled by the state for failure to meet production requirements prior to the
21.24 36th year of the lease. The rents and royalties ~~shall~~ must be credited to the funds as provided
21.25 in section 93.22. For purposes of this section, "gas" includes both hydrocarbon and
21.26 nonhydrocarbon gases.

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

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

21.30 Except as provided in section 103I.681, a person must not engage in or carry out
21.31 production of gas or oil from consolidated or unconsolidated formations in the state unless
21.32 the person has first obtained a permit for the production of gas or oil from the commissioner

22.1 of natural resources. Any permit under this section must be protective of natural resources
22.2 and require a demonstration of control of the extraction area through ownership, lease, or
22.3 agreement. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon
22.4 gases. For purposes of this section, "production" includes extraction and beneficiation of
22.5 gas or oil.

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

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

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

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

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

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

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

22.21 (b) An agency adopting rules under this section must use the expedited procedure in
22.22 section 14.389. Rules adopted or amended under this authority are exempt from the provisions
22.23 of section 14.125. The agency must publish notice of intent to adopt expedited rules within
22.24 24 months of the effective date of this section.

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

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

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

23.1 Sec. 9. [93.516] GAS AND OIL LEASING.

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

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

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

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

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

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

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

23.30 (5) on gas and oil produced and sold by the lessee from the lease area, the lessee must
23.31 pay a production royalty to the Department of Natural Resources of not less than 18.75
23.32 percent of the gross sales price of the product sold free on board at the delivery point, and
23.33 the royalty must be credited as provided in section 93.22. For purposes of this section, "gross

24.1 sales price" means the total consideration paid by the first purchaser that is not an affiliate
24.2 of the lessee for gas or oil produced from the leased premises.

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

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

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

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

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

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

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

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

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

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

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

24.17 (9) for persons age 18 or over to take bear, \$44;

24.18 (10) to take elk, for a party of not more than two persons, \$287;

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

24.20 ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;

24.21 ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;

24.22 ~~(14)~~ (13) to take prairie chickens, \$23;

24.23 ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during
24.24 the regular firearms season, \$5;

24.25 ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;

24.26 ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader
24.27 during the muzzleloader season, \$5;

24.28 ~~(18)~~ (17) for persons age 10, 11, or 12 to take bear, no fee;

- 25.1 ~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;
- 25.2 ~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period
- 25.3 selected by the licensee, \$19, of which an amount equal to one-half of the fee for the
- 25.4 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
- 25.5 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
- 25.6 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
- 25.7 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
- 25.8 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition
- 25.9 account;
- 25.10 ~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;
- 25.11 ~~(22)~~ (21) to take wolf, \$30;
- 25.12 ~~(23)~~ (22) for persons age 12 and under to take turkey, no fee;
- 25.13 ~~(24)~~ (23) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 25.14 ~~(25)~~ (24) for persons age 10, 11, or 12 to take deer by archery, no fee; and
- 25.15 ~~(26)~~ (25) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 25.16 muzzleloader season, no fee.
- 25.17 Sec. 11. Minnesota Statutes 2022, section 97A.475, subdivision 3, is amended to read:
- 25.18 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to
- 25.19 nonresidents, are:
- 25.20 (1) for persons age 18 or over to take small game, \$90.50;
- 25.21 (2) for persons age 18 or over to take deer with firearms during the regular firearms
- 25.22 season, \$180;
- 25.23 (3) for persons age 18 or over to take deer by archery, \$180;
- 25.24 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
- 25.25 season, \$180;
- 25.26 (5) for persons age 18 or over to take bear, \$225;
- 25.27 (6) for persons age 18 or over to take turkey, \$91;
- 25.28 (7) for persons age 13 or over and under age 18 to take turkey, \$5;
- 25.29 (8) to take raccoon or bobcat, \$178;
- 25.30 ~~(9) to take Canada geese during a special season, \$4;~~

- 26.1 ~~(10)~~ (9) to take light geese during the light goose conservation order, \$2.50;
- 26.2 ~~(11)~~ (10) to take sandhill crane during the sandhill crane season, \$3;
- 26.3 ~~(12)~~ (11) for persons age 13 or over and under age 18 to take deer with firearms during
- 26.4 the regular firearms season in any open season option or time period, \$5;
- 26.5 ~~(13)~~ (12) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 26.6 ~~(14)~~ (13) for persons age 13 or over and under age 18 to take deer during the muzzleloader
- 26.7 season, \$5;
- 26.8 ~~(15)~~ (14) for persons age 13 or over and under 18 to take bear, \$5;
- 26.9 ~~(16)~~ (15) for persons age 18 or over to take small game for a consecutive 72-hour period
- 26.10 selected by the licensee, \$75, of which an amount equal to one-half of the fee for the
- 26.11 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the
- 26.12 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of
- 26.13 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the
- 26.14 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half
- 26.15 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife
- 26.16 acquisition account;
- 26.17 ~~(17)~~ (16) for persons age 16 or 17 to take small game, \$5;
- 26.18 ~~(18)~~ (17) to take wolf, \$250;
- 26.19 ~~(19)~~ (18) for persons age 12 and under to take turkey, no fee;
- 26.20 ~~(20)~~ (19) for persons age 10, 11, or 12 to take deer by firearm, no fee;
- 26.21 ~~(21)~~ (20) for persons age 10, 11, or 12 to take deer by archery, no fee;
- 26.22 ~~(22)~~ (21) for persons age 10, 11, or 12 to take deer by muzzleloader during the
- 26.23 muzzleloader season, no fee; and
- 26.24 ~~(23)~~ (22) for persons age 10, 11, or 12 to take bear, no fee.
- 26.25 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph
- 26.26 (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this
- 26.27 surcharge.

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

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

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

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

27.11 (3) to establish and alter such reasonable pollution standards for any waters of the state
27.12 in relation to the public use to which they are or may be put as it shall deem necessary for
27.13 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter
27.14 116;

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

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

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

27.25 (ii) prohibiting or directing the abatement of any discharge of sewage, industrial waste,
27.26 or other wastes, into any waters of the state or the deposit thereof or the discharge into any
27.27 municipal disposal system where the same is likely to get into any waters of the state in
27.28 violation of this chapter and, with respect to the pollution of waters of the state, chapter
27.29 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying
27.30 the schedule of compliance within which such prohibition or abatement must be
27.31 accomplished;

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

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

28.9 (v) establishing, and from time to time revising, standards of performance for new sources
28.10 taking into consideration, among other things, classes, types, sizes, and categories of sources,
28.11 processes, pollution control technology, cost of achieving such effluent reduction, and any
28.12 nonwater quality environmental impact and energy requirements. Said standards of
28.13 performance for new sources shall encompass those standards for the control of the discharge
28.14 of pollutants which reflect the greatest degree of effluent reduction which the agency
28.15 determines to be achievable through application of the best available demonstrated control
28.16 technology, processes, operating methods, or other alternatives, including, where practicable,
28.17 a standard permitting no discharge of pollutants. New sources shall encompass buildings,
28.18 structures, facilities, or installations from which there is or may be the discharge of pollutants,
28.19 the construction of which is commenced after the publication by the agency of proposed
28.20 rules prescribing a standard of performance which will be applicable to such source.
28.21 Notwithstanding any other provision of the law of this state, any point source the construction
28.22 of which is commenced after May 20, 1973, and which is so constructed as to meet all
28.23 applicable standards of performance for new sources shall, consistent with and subject to
28.24 the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution
28.25 Control Act, not be subject to any more stringent standard of performance for new sources
28.26 during a ten-year period beginning on the date of completion of such construction or during
28.27 the period of depreciation or amortization of such facility for the purposes of section 167
28.28 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first.
28.29 Construction shall encompass any placement, assembly, or installation of facilities or
28.30 equipment, including contractual obligations to purchase such facilities or equipment, at
28.31 the premises where such equipment will be used, including preparation work at such
28.32 premises;

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

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

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

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

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

(xi) requiring parties who enter into a negotiated agreement to settle an enforcement matter with the agency to reimburse the agency according to this clause for oversight costs

30.1 that are incurred by the agency and associated with implementing the negotiated agreement.
30.2 The agency may recover oversight costs exceeding \$25,000. Oversight costs may include
30.3 but are not limited to any costs associated with inspections, sampling, monitoring, modeling,
30.4 risk assessment, permit writing, engineering review, economic analysis and review, and
30.5 other record or document review. The agency's legal and litigation costs are not covered by
30.6 this clause. The commissioner has discretion as to whether to apply this clause in cases
30.7 when the agency is using schedules of compliance to bring a class of regulated parties into
30.8 compliance. Reimbursement amounts are appropriated to the commissioner;

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

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

30.17 (8) to conduct such investigations, issue such notices, public and otherwise, and hold
30.18 such hearings as are necessary or which it may deem advisable for the discharge of its duties
30.19 under this chapter and, with respect to the pollution of waters of the state, under chapter
30.20 116, including, but not limited to, the issuance of permits, and to authorize any member,
30.21 employee, or agent appointed by it to conduct such investigations or, issue such notices and
30.22 hold such hearings;

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

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

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

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

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

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

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

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

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

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

Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755, this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover

32.1 civil penalties; injunction; action to compel or cease performance; or other appropriate
32.2 action, in accordance with the provisions of said chapters and this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 34.1 (3) a description of the methods by which the boat wrap will be collected in all areas in
34.2 the state without relying on end-of-life fees, including:
- 34.3 (i) an explanation of how the collection system will be convenient and adequate to serve
34.4 the needs of boat owners, marinas, and boat storage businesses in both urban and rural areas
34.5 on an ongoing basis; and
- 34.6 (ii) a discussion of how existing sites for collecting materials for recycling will be
34.7 considered when selecting collection sites;
- 34.8 (4) a description of how the adequacy of the collection program will be measured,
34.9 monitored, and maintained;
- 34.10 (5) the names and locations of collectors, transporters, and recyclers that will manage
34.11 discarded boat wrap;
- 34.12 (6) a description of how the discarded boat wrap and the boat wrap's components will
34.13 be safely and securely transported, tracked, and handled from collection through final
34.14 recycling and processing;
- 34.15 (7) a description of the method that will be used to reuse, deconstruct, or recycle the
34.16 discarded boat wrap to ensure that the boat wrap's components, to the extent feasible, are
34.17 transformed or remanufactured into finished products for use or into new materials capable
34.18 of being processed into finished products;
- 34.19 (8) a description of the promotion and outreach activities that will be undertaken to
34.20 encourage participation in the collection and recycling programs and how the activities'
34.21 effectiveness will be evaluated and the program modified, if necessary;
- 34.22 (9) evidence of adequate insurance and financial assurance that may be required for
34.23 collection, handling, and disposal operations;
- 34.24 (10) five-year performance goals, including an estimate of the percentage of discarded
34.25 boat wrap that will be collected, reused, and recycled during each of the first five years of
34.26 the stewardship plan. The stewardship plan must state the methodology used to determine
34.27 these goals. The performance goals must include a specific goal for the amount of discarded
34.28 boat wrap that will be collected and recycled during each year of the plan. The performance
34.29 goals must be based on:
- 34.30 (i) the most recent collection data available for the state;
- 34.31 (ii) the estimated amount of boat wrap disposed of annually;

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

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

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

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

35.11 Subd. 7. **Agency review and approval.** Within 90 days after receiving a proposed
35.12 stewardship plan, the commissioner must determine whether the plan complies with
35.13 subdivision 5. If the commissioner approves a plan, the commissioner must notify the
35.14 applicant of the plan approval in writing. If the commissioner rejects a plan, the commissioner
35.15 must notify the applicant in writing of the reasons for rejecting the plan. An applicant whose
35.16 plan is rejected by the commissioner must submit a revised plan to the commissioner within
35.17 60 days after receiving notice of rejection.

35.18 Subd. 8. **Plan availability.** The commissioner must make a draft stewardship plan
35.19 available on the agency website and at the agency headquarters for public review and
35.20 comment at least 30 days before the commissioner's decision regarding plan approval. The
35.21 commissioner must make an approved stewardship plan available on the agency website
35.22 and at the agency headquarters.

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

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

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

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

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

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

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

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

36.18 Subd. 13. **Agency responsibilities.** The commissioner must maintain on the agency
36.19 website a list of all compliant producers and brands participating in stewardship plans that
36.20 the commissioner has approved and a list of all producers and brands the commissioner has
36.21 identified as noncompliant with this section.

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

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

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

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

(4) samples of educational materials provided to consumers and an evaluation of the effectiveness of the materials and the methods used to disseminate the materials; and
(5) an independent financial audit of stewardship organization activities.

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

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

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

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

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

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

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

(4) to require parties who enter into a negotiated agreement to settle an enforcement matter with the agency to reimburse the agency according to this clause for oversight costs that are incurred by the agency and associated with implementing the negotiated agreement. The agency may recover oversight costs exceeding \$25,000. Oversight costs may include but are not limited to any costs associated with inspections, sampling, monitoring, modeling, risk assessment, permit writing, engineering review, economic analysis and review, and other record or document review. The agency's legal and litigation costs are not covered by this clause. The commissioner has discretion as to whether to apply this clause in cases

38.1 where the agency is using schedules of compliance to bring a class of regulated parties into
38.2 compliance. Reimbursement amounts are appropriated to the commissioner.

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

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

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

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

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

38.18 **116.11 EMERGENCY POWERS.**

38.19 Subdivision 1. **Imminent and substantial danger.** If there is imminent and substantial
38.20 danger to the health and welfare of the people of the state, or of any of them, as a result of
38.21 the pollution of air, land, or water, the ~~agency~~ commissioner may by emergency order direct
38.22 the immediate discontinuance or abatement of the pollution without notice and without a
38.23 hearing or at the request of the ~~agency~~ commissioner, the attorney general may bring an
38.24 action in the name of the state in the appropriate district court for a temporary restraining
38.25 order to immediately abate or prevent the pollution. The ~~agency~~ commissioner's order or
38.26 temporary restraining order ~~shall remain~~ is effective until notice, hearing, and determination
38.27 pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order
38.28 of the ~~agency~~ commissioner in these cases ~~shall be~~ is appealable in accordance with chapter
38.29 14.

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

38.32 (1) falsification of records;

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

39.3 (3) chronic or substantial permit violations; or

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

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

39.9 (1) suspend or revoke a permit;

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

39.11 (3) require financial assurances;

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

39.13 (5) require additional agency oversight; or

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

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

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

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

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

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

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

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

(i) of any tube diameter or tube length;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41.6 (5) "specialty application mercury vapor lamp ballast" means a mercury vapor lamp
41.7 ballast:

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

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

41.13 (b) Effective January 1, 2025, a person may not sell, offer for sale, or distribute in the
41.14 state as a new manufactured product a screw- or bayonet-base type compact fluorescent
41.15 lamp, a mercury vapor lamp, or a mercury vapor lamp ballast, whether sold separately, in
41.16 a retrofit kit, or in a luminaire. Effective January 1, 2026, a person may not sell, offer for
41.17 sale, or distribute in the state as a new manufactured product a pin-base type compact
41.18 fluorescent lamp or a linear fluorescent lamp.

41.19 (c) This subdivision does not apply to:

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

41.22 (i) photocopying;

41.23 (ii) printing, directly or in preprocessing;

41.24 (iii) lithography;

41.25 (iv) film and video projection; or

41.26 (v) holography;

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

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

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

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

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

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

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

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

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

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

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

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

42.22 **Sec. 24. [282.0197] SALE OF LAND LOCATED WITHIN BOUNDARY OF INDIAN**
42.23 **RESERVATIONS.**

42.24 Except as provided in section 282.012, if a parcel of land subject to sale under sections
42.25 282.01 to 282.13 includes land within the boundary of an Indian reservation, the county
42.26 auditor must first offer the land to the affected band of Indians for sale at the appraised
42.27 value. The cost of any survey or appraisal must be added to and made a part of the appraised
42.28 value. To determine whether the band wants to buy the land, the county auditor must give
42.29 written notice to the band. If the band wants to buy the land, the band must submit a written
42.30 offer to the county auditor within two weeks after receiving the notice. If the offer is for at
42.31 least the appraised value, the county auditor must accept the offer.

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

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

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

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

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

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

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

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

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

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

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

43.31 (3) an analysis of:

- 44.1 (i) waste prevention program impacts and opportunities;
- 44.2 (ii) how much additional capacity is needed after prevention for reuse, recycling,
- 44.3 composting, and anaerobic digestion systems to achieve that goal; and
- 44.4 (iii) what steps can be taken to implement that additional capacity, including working
- 44.5 collaboratively with local governments, industry, and community-based organizations to
- 44.6 invest in such facilities and to work together to seek additional state and federal funding
- 44.7 assistance;
- 44.8 (4) strategic programmatic, regulatory, and policy initiatives that will be required to
- 44.9 produce source reduction, rethink and redesign products and packaging to more efficiently
- 44.10 use resources, and maximize diversion from disposal of materials in a way that prevents
- 44.11 pollution and does not discharge to land, water, or air or threaten the environment or human
- 44.12 health;
- 44.13 (5) recommendations for reducing the environmental and human health impacts of waste
- 44.14 management, especially across environmental justice areas as defined under Minnesota
- 44.15 Statutes, section 115A.03, and ensuring that the benefits of these resource management
- 44.16 investments, including the creation of well-paying green jobs, flow to disadvantaged
- 44.17 communities that are marginalized, underserved, and overburdened by pollution and that
- 44.18 land, water, air, and climate impacts are considered; and
- 44.19 (6) a review of feasibility, assumptions, costs, and milestones necessary to meet study
- 44.20 goals.

44.21 (b) The commissioner must obtain input from counties and cities inside and outside the

44.22 seven-county metropolitan area; reuse, recycling, and composting facilities; anaerobic

44.23 digestion facilities; waste haulers; environmental organizations; community-based

44.24 organizations; Tribal representatives; and diverse communities located in environmental

44.25 justice areas that contain a waste facility. The commissioner must provide for an open public

44.26 comment period of at least 60 days on the draft report. Written public comments and

44.27 commissioner responses to all those comments must be included in the final report.

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

44.29 Subd. 9. **Report to legislature.** No later than ~~March~~ February 15, ~~2025~~ 2026, the

44.30 commissioner must submit a report to the chairs and ranking minority members of the

44.31 legislative committees with primary jurisdiction over environment policy and finance on

44.32 the results of the grant program, including:

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

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

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

Sec. 28. KEEP IT CLEAN GRANTS.

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

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

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

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

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

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

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

Sec. 29. STRATEGIC LAND ASSET MANAGEMENT REPORT.

By February 1, 2025, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment on how the Department of Natural Resource's Strategic Land Asset Management (SLAM) program approaches potential transfers of land to Tribal Nations. The report must explain how the department works collaboratively with Tribal Nations and others to consider potential transfers of land and

46.1 shared land management opportunities. It must also include a list of those opportunities
46.2 identified by the department.

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

46.4 Subdivision 1. **Definition.** For the purposes of this section, "critical materials" means
46.5 materials on the final 2023 Critical Materials List published by the United States Secretary
46.6 of Energy in the Federal Register on August 4, 2023, as amended, as required under section
46.7 7002 of the Energy Act of 2020.

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

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

46.12 (2) the commissioner of employment and economic development or the commissioner's
46.13 designee;

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

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

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

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

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

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

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

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

46.24 (11) one representative of a Minnesota Tribal government, as defined in Minnesota
46.25 Statutes, section 10.65, subdivision 2;

46.26 (12) one representative from the Minnesota Resource Recovery Association;

46.27 (13) one representative from an electronics manufacturer that operates an e-waste
46.28 recycling program and is also an electronics retailer;

46.29 (14) one representative from the Natural Resources Research Institute in Duluth;

47.1 (15) one representative of a utility providing retail electric service to customers in
47.2 Minnesota; and

47.3 (16) one representative from a recovery infrastructure operator, who is a nonvoting
47.4 member of the task force.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 34. GAS PRODUCTION TECHNICAL ADVISORY COMMITTEE.

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

(1) the Pollution Control Agency;

(2) the Environmental Quality Board;

(3) the Department of Health;

(4) the Department of Revenue;

(5) the University of Minnesota; and

(6) federal agencies.

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

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

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

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

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

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

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

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

51.5 (1) the Pollution Control Agency;

51.6 (2) the Environmental Quality Board;

51.7 (3) the Department of Health;

51.8 (4) the Department of Revenue;

51.9 (5) the University of Minnesota; and

51.10 (6) federal agencies.

51.11 (c) A majority of the committee members must be from state agencies, and all members
51.12 must have expertise in at least one of the following areas: geology, hydrogeology, mineralogy,
51.13 air emissions, well and boring construction and monitoring, direct air capture technology,
51.14 mineral carbonization, Underground Injection Control class VI permitting and primacy
51.15 programming, environmental review, property law, or taxation. The committee must hold
51.16 a meeting to gather and consider input from industry, environmental groups, other
51.17 stakeholders, and Tribes.

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

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

51.22 Sec. 36. **MANURE MANAGEMENT GRANTS.**

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

51.28 (b) Funded activities may include projects that limit agricultural use of vulnerable land,
51.29 such as establishing karst feature buffers or conservation easements, and cost-share assistance
51.30 for constructing manure management and storage facilities. All funded projects must be
51.31 designed to result in improved water quality or reduced greenhouse gas emissions. Feedlot
51.32 grant recipients must agree to prepare and complete a nutrient management plan and must

52.1 operate at fewer than 1,000 animal units. Grants for expanded liquid manure storage capacity
52.2 must not exceed 12 months of storage based on current animal numbers. Anaerobic digesters
52.3 are not eligible for grants under this section.

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

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

52.11 Sec. 37. **RESEARCHING CLIMATE ADAPTATION AND RESILIENCE COSTS**
52.12 **FOR MINNESOTA.**

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

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

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

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

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

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

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

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

- 53.1 (i) working lands and natural lands;
- 53.2 (ii) water, including but not limited to surface waters, rivers, drinking water, and Lake
- 53.3 Superior;
- 53.4 (iii) air, including but not limited to surface temperature and air quality; and
- 53.5 (iv) the biodiversity of Minnesota's biomes;
- 53.6 (2) Minnesota's built environment, including but not limited to impacts on:
- 53.7 (i) residential, commercial, and public buildings; and
- 53.8 (ii) critical infrastructure, including but not limited to the infrastructure that manages
- 53.9 stormwater, wastewater, drinking water, transportation, electricity, gas, and communications
- 53.10 technologies; and
- 53.11 (3) Minnesota's social environment, including but not limited to impacts on:
- 53.12 (i) human settlement and migration;
- 53.13 (ii) statewide and regional economies, including but not limited to impacts on industries
- 53.14 like tourism, agriculture, and forest products; and
- 53.15 (iii) public health, including but not limited to impacts related to emergency response,
- 53.16 asthma, heat exposure, and vector-borne illnesses.
- 53.17 (c) The report should recommend best practices for integrating costs estimates with
- 53.18 University of Minnesota's Minnesota CliMAT (Climate Mapping and Analysis Tool) or
- 53.19 any related preceding or successor modeling tools.
- 53.20 (d) To prepare the report, the commissioner must engage subject-area experts and other
- 53.21 stakeholders, as needed, to contribute to the report.
- 53.22 (e) By February 1, 2025, the commissioner shall submit a written report to the chairs
- 53.23 and ranking minority members of the legislative committees with primary jurisdiction over
- 53.24 energy, environment, health, transportation, and capital investment summarizing the findings
- 53.25 of the research.
- 53.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 53.27 **Sec. 38. CONDEMNATION OF CERTAIN LAND IN MILLE LACS COUNTY.**
- 53.28 (a) Funds appropriated in this act to the commissioner of natural resources to condemn
- 53.29 land in Mille Lacs County must be used to initiate condemnation proceedings of the lands
- 53.30 described in paragraph (d). The commissioner may use this appropriation for project costs,

54.1 including but not limited to valuation expenses, legal fees, closing costs, transactional staff
54.2 costs, and the condemnation award. This is a onetime appropriation and is available until
54.3 spent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55.8 Subd. 4. **Report.** The commissioner must report to the legislature by February 1, 2025,
55.9 on the uses and effectiveness of the nonlethal beaver management grant program and make
55.10 recommendations for further changes to the program, including possible future funding
55.11 amounts and sources of funding.

55.12 Sec. 40. **ELECTRONICS RECYCLING STUDY.**

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

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

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

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

55.19 (4) opportunities and methods to recover precious metals from electronic recycling
55.20 processes;

55.21 (5) measures to reduce emissions of greenhouse gases from electronic recycling facilities;
55.22 and

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

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

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

56.1 Sec. 41. **REPEALER.**

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

56.3 **ARTICLE 3**

56.4 **ENVIRONMENTAL REVIEW AND PERMITTING**

56.5 Section 1. **[84.0265] ENVIRONMENTAL REVIEW AND PERMITTING;**
56.6 **COORDINATED PROJECT PLANS.**

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

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

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

56.12 (3) "eligible project" means a project that requires the commissioner to prepare an
56.13 environmental assessment worksheet or an environmental impact statement under chapter
56.14 116D and associated permits, unless the project is sponsored by the Department of Natural
56.15 Resources; and

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

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

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

56.30 Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an
56.31 application for an eligible project to the commissioner may request that the commissioner

57.1 prepare a coordinated project plan to complete any required environmental review and
57.2 associated agency actions for the eligible project.

57.3 (b) Within 60 days of receiving a request under paragraph (a), the commissioner must
57.4 prepare a coordinated project plan in consultation with the requestor and other state agencies
57.5 identified under paragraph (c). If an eligible project requires or otherwise includes the
57.6 preparation of an environmental impact statement, the commissioner is required to prepare
57.7 a coordinated project plan that first covers the period through a final scoping decision.
57.8 Within 60 days of completion of the final scoping decision, the commissioner must update
57.9 the coordinated project plan to include the remainder of the environmental review process
57.10 as well as applicable state permits and other state regulatory decisions. The coordinated
57.11 project plan is subject to modification in accordance with subdivision 7.

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

57.14 (d) If an eligible project requires environmental review and the Department of Natural
57.15 Resources is the responsible governmental unit, then the Department of Natural Resources
57.16 is the lead agency responsible for preparation of a coordinated project plan under this section.
57.17 If an eligible project requires environmental review and the Pollution Control Agency is
57.18 the responsible governmental unit, then the Pollution Control Agency is the lead agency
57.19 responsible for preparation of a coordinated project under section 116.035.

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

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

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

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

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

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

58.4 (b) When an environmental assessment worksheet is prepared for an eligible project for
58.5 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
58.6 4410, the decision on the need for an environmental impact statement must be made as
58.7 expeditiously as possible but no later than 18 months after the environmental assessment
58.8 worksheet is deemed complete by the commissioner.

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

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

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

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

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

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

58.31 (c) If the combined modifications to one or more deadlines established in a coordinated
58.32 project plan extend the initially anticipated final decision date for an eligible project
58.33 application by more than 20 percent, the commissioner must report to the chairs and ranking

59.1 minority members of the legislative committees and divisions with jurisdiction over natural
 59.2 resources policy within 30 days to explain the reason the modifications are necessary. The
 59.3 commissioner must also notify the chairs and ranking minority members within 30 days of
 59.4 any subsequent extensions to the final decision date. The notification must include the reason
 59.5 for the extension and the history of any prior extensions. For purposes of calculating the
 59.6 percentage of time that modifications have extended the anticipated final decision date,
 59.7 modifications made necessary by reasons wholly outside the control of state agencies must
 59.8 not be considered.

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

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

59.16 Sec. 2. **[116.035] ENVIRONMENTAL REVIEW AND PERMITTING;**
 59.17 **COORDINATED PROJECT PLANS.**

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

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

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

59.23 (3) "eligible project" means a project that requires the commissioner to prepare an
 59.24 environmental assessment worksheet or an environmental impact statement under chapter
 59.25 116D and associated permits; and

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

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

59.31 Subd. 3. **Early communication; identifying issues.** To the extent practicable, the
 59.32 commissioner must establish and provide an expeditious process for a person that requests

to confer with the agency and other state agencies about an eligible project. The agency must provide information about any identified challenging issues regarding the potential environmental impacts related to an eligible project, including any issues that could substantially delay a state agency from completing agency decisions and issues that must be addressed before an environmental assessment worksheet, environmental impact statement, final scoping decision, permit action, or other required action by a state agency can be started.

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

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

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

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

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

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

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

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

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

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

61.10 (b) When an environmental assessment worksheet is prepared for an eligible project for
61.11 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
61.12 4410, the decision on the need for an environmental impact statement must be made as
61.13 expeditiously as possible but no later than 18 months after the environmental assessment
61.14 worksheet is deemed complete by the commissioner.

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

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

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

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

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

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

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

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

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

62.23 **ARTICLE 4**
62.24 **STATE LANDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 1. [85.012] [Subd. 27b.] Hill-Annex Mine State Park, Itasca County. Hill-Annex Mine State Park is abolished as a state park. The Hill-Annex site must be closed to public use while mining and mineral extraction leases are in place. When mining activity is complete and leases are not in place, the commissioner of natural resources must

develop an advisory task force that includes representatives of the Western Mesabi Mine Planning Board, the Iron Range Resources and Rehabilitation Board, and the Office of School Trust Lands to develop options for the future of the Hill-Annex property for submission to the commissioner. This group must explore the types of use, management, and development that will be suitable for the site's conditions after mining and that would provide a benefit to the local and regional community..

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

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

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

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

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

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

(2) that part of Government Lot 1, Section 19, Township 46, Range 25, Aitkin County, Minnesota, described as follows: commencing at the southwest corner of said Government Lot 1; thence North 85 degrees 14 minutes 46 seconds East, assumed bearing, 1,000.00 feet along the south line of said Government Lot 1 to the point of beginning of the tract to be

described; thence continuing North 85 degrees 14 minutes 46 seconds East 50.79 feet to an iron monument; thence North 19 degrees 46 minutes 21 seconds West 459.76 feet, more or less, to the shore of Rabbit Lake; thence southwesterly along said shore to its intersection with a line bearing North 20 degrees 00 minutes 16 seconds West from the point of beginning; thence South 20 degrees 00 minutes 16 seconds East 433 feet, more or less, to the point of beginning. Together with and subject to the 33.00-foot-wide easement described in the deed to Kendle recorded as Document Number 193583 on file in the office of the county recorder in and for said county. Also subject to any other easements, reservations, or restrictions of record (0.52 acres)(parcel number 09-0-031708).

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

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

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

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

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

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

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

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

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

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

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

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

67.4 All that part of Government Lot 1, Section 23, and all that part of Government Lot 1,
67.5 Section 24, Township 33 North, Range 21 West of the 4th Principal Meridian bounded by
67.6 the following described lines: commencing at the northeast corner of said Section 23; thence
67.7 South 00 degrees 00 minutes West, 1,831.3 feet on and along the east line of said Section
67.8 23 to the point of beginning; thence South 38 degrees 27 minutes East, 70.0 feet; thence
67.9 South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59 minutes West,
67.10 286.9 feet; thence South 45 degrees 33 minutes West, 167.4 feet; thence North 73 degrees
67.11 20 minutes West, 231.8 feet; thence North 59 degrees 33 minutes West, 420.7 feet; thence
67.12 North 30 degrees 17 minutes East, 327.6 feet; thence North 64 degrees 19 minutes East,
67.13 360.4 feet; thence South 87 degrees 03 minutes East, 197.8 feet; thence South 65 degrees
67.14 09 minutes East, 354.3 feet and to the point of beginning. Including all riparian rights to
67.15 the contained 11.5 acres, more or less, and subject to all existing road easements. Together
67.16 with that particular channel easement as described in Document #119723, on file and of
67.17 record in the Office of the Recorder, Chisago County, Minnesota, with said easement being
67.18 stated in said document as a perpetual easement to construct and maintain a channel over
67.19 and across the area described in Document #119723 as a strip of land 75 feet wide in
67.20 Government Lot 1 of Section 24, Township 33 North, Range 21 West of the 4th Principal
67.21 Meridian, bounded by the water's edge of Green Lake and the following described lines:
67.22 commencing at the northwest corner of said Section 24; thence South 00 degrees 00 minutes
67.23 West, 1,831.3 feet on and along the west line of said section; thence South 38 degrees 27
67.24 minutes East, 70.0 feet; thence South 11 degrees 58 minutes West, 58.9 feet to a point on
67.25 the centerline of said strip of land and the point of beginning; thence South 11 degrees 58
67.26 minutes West, 40.4 feet; thence North 80 degrees 00 minutes East, 290 feet, more or less,
67.27 to the water's edge of said Green Lake and there terminating. And also from the point of
67.28 beginning; thence North 11 degrees 58 minutes East, 40.4 feet; thence North 80 degrees 00
67.29 minutes East, 220 feet, more or less, to the water's edge of said Green Lake and there
67.30 terminating.

67.31 ALSO

67.32 Together with that particular access easement as described in Document #119723, on
67.33 file and of record in the Office of the Recorder, Chisago County, Minnesota, with said
67.34 easement being stated in said document as a perpetual road easement to construct and
67.35 maintain a 33-foot-wide road for ingress and egress over and across the following described

lands: that part of Government Lot 1 of Section 23, Township 33 North, Range 21 West of the 4th Principal Meridian, bounded by the following described lines: commencing at the northeast corner of said Section 23; thence South 00 degrees 00 minutes West, 1,831.3 feet on and along the east line of said section; thence South 38 degrees 27 minutes East, 70.0 feet; thence South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59 minutes West, 223.6 feet to a point on the southerly boundary of the above described lands being conveyed in fee and the point of beginning; thence South 76 degrees 59 minutes West, 63.3 feet on and along said southerly boundary; thence South 45 degrees 33 minutes West, 167.4 feet on and along said southerly boundary; thence North 72 degrees 57 minutes West, 666.8 feet to a point on the southeasterly right-of-way line of U.S. Highway No. 8; thence South 38 degrees 09 minutes West, 35.4 feet on and along said right-of-way line; thence South 72 degrees 57 minutes East, 679.7 feet; thence South 73 degrees 20 minutes East, 251.3 feet; thence North 45 degrees 33 minutes West, 240.9 feet to the point of beginning.

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

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

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

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

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

A strip of land 150 feet in width extending over and across the Southwest Quarter of the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth Principal Meridian, Hubbard County, Minnesota, said strip of land lying being 75 feet in width on each side of the centerline of the main track (now removed) of the former St. Paul, Minneapolis and Manitoba Railway Company (now BNI), as originally located and established over and across said Southwest Quarter of the Southwest Quarter of Section 24 and lying between the north line of the Fish Hook River and the north line of said Southwest Quarter of the Southwest Quarter of Section 24, LESS and EXCEPT the following described

tract: that part of the South Half of the Southwest Quarter, Section 24, Township 140 North, Range 35 West, Hubbard County, Minnesota, described as follows: commencing at a found iron monument which designates the northwesterly corner of Lot 1, Block 4, AUDITOR'S PLAT No. 2, plat of which is on file and of record in the Office of the County Recorder, Hubbard County; thence on a bearing based on the Hubbard County Coordinate System (NAD83, 1996 Adjustment) of South 32 degrees 45 minutes 05 seconds East, along the southwesterly line of said Lot 1, a distance of 177.13 feet to the southwesterly corner of said Lot 1; thence South 48 degrees 30 minutes 52 seconds West, a distance of 71.23 feet to an iron monument on the southwesterly line of Mill Road; thence North 32 degrees 32 minutes 42 seconds West, along the southwesterly line of Mill Road, a distance of 85.20 feet to an iron monument; thence North 22 degrees 10 minutes 58 seconds West along said southwesterly line of Mill Road, a distance of 85.84 feet to an iron monument; thence North 81 degrees 01 minutes 23 seconds West, a distance of 127.05 feet to the intersection with the easterly right-of-way line of the Heartland State Trail (former Burlington Northern Railroad) and an iron monument and the point of beginning of the land to be herein described; thence continue North 81 degrees 01 minutes 23 seconds West, a distance 37.00 feet; thence South 09 degrees 06 minutes 28 seconds West, a distance of 44.69 feet; thence South 13 degrees 37 minutes 49 seconds East, a distance of 95.72 feet to an iron monument and the intersection with said easterly right-of-way line; thence North 09 degrees 06 minutes 28 seconds East, along said easterly right-of-way line, a distance of 133.06 feet, more or less, to the point of beginning. Said strip of land containing 2.52 acres, more or less.

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

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

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

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

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

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

(2) a strip of land 50 feet in width extending over and across the Southwest Quarter of the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth Principal Meridian, Hubbard County, Minnesota, said strip of land lying South of the south line of the Fish Hook River, on the easterly side of the centerline of the main track (now removed) of the former Wadena and Park Rapids Railway Company (now BNI), as originally located and established over and across said Southwest Quarter of the Southwest Quarter of Section 24, said strip of land containing 0.16 acres, more or less.

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

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

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

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

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

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

(2) Government Lot 6 of Section 9, Township 112 North, Range 34 West, excepting therefrom: commencing at the southwest corner of United States Government Lot 6 in said Section 9, running thence North on a division line, between Lots 6 and 7, 1,482.5 feet; thence East and parallel with the south line of said Lot 6 about 872 feet to the Minnesota River; thence down the Minnesota River to a point due North of the southeast corner of said Lot 6; thence South 500 feet to the southeast corner of said Lot 6; thence West along the

71.1 south line of said Lot 6 to the place of beginning, said exception containing 40 acres, more
71.2 or less, and being a part of said Lot 6.

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

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

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

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

71.13 (c) The land that may be sold is located in Roseau County and is described as: All that
71.14 part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 163 North,
71.15 Range 41 West of the Fifth Principal Meridian, Roseau County, Minnesota, described as
71.16 follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter
71.17 of said Section 23; thence on a bearing based on the Roseau County Coordinate System
71.18 (NAD83, 1996 Adjustment) of South 89 degrees 49 minutes 33 seconds East, along the
71.19 north line of said Northeast Quarter of the Southeast Quarter, a distance of 1,319.93 feet to
71.20 the northeast corner of said Northeast Quarter of the Southeast Quarter, said northeast corner
71.21 also being a point on the northwesterly right-of-way line of the exterior ditch of the northwest
71.22 embankment of the Roseau Lake rehabilitation project; thence South 52 degrees 53 minutes
71.23 46 seconds West, along said northwesterly right-of-way line, a distance of 1,651.76 feet,
71.24 more or less, to the west line of said Northeast Quarter of the Southeast Quarter; thence
71.25 North 00 degrees 08 minutes 50 seconds West, along said west line, a distance of 1,000.46
71.26 feet to the point of beginning. Said parcel contains 15.1 acres, more or less.

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

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

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

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

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

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

72.10 (2) beginning at a point 170 feet West of the northeast corner of said forty; thence West
72.11 a distance of 170 feet to a point; thence South a distance of 256.5 feet to a point; thence
72.12 continuing a parallel line East a distance of 170 feet to a point; thence continuing a parallel
72.13 line North a distance of 256.5 feet to the point of beginning and being in the Northwest
72.14 Quarter of the Northeast Quarter, containing approximately 1 acre of land, Township 57,
72.15 Range 21, Section 21 (part of parcel number 141-0050-03594);

72.16 (3) the North Half and the Northwest Quarter of the Southwest Quarter and the West
72.17 Half of the Southeast Quarter, Township 52, Range 13, Section 23 (part of parcel number
72.18 485-0010-03610);

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

72.22 (5) that part lying within the East Half of Lot 1 lying South of St. Louis County Road
72.23 23 described as follows: commencing at the northwest corner of Section 19, Township 65,
72.24 Range 21; thence East along the section line 661.2 feet; thence at right angles South 285
72.25 feet to the point of beginning; thence South 315 feet; thence at right angle East 250 feet;
72.26 thence at right angle North 315 feet; thence West to the point of beginning, except that part
72.27 of the Northwest Quarter of the Northwest Quarter described as follows: commencing at
72.28 the northwest corner; thence North 89 degrees 38 minutes 14 seconds East along the north
72.29 line 661.2 feet; thence South 0 degrees 21 minutes 46 seconds East 456.90 feet; thence
72.30 North 89 degrees 38 minutes 14 seconds East 19.82 feet to the easterly right-of-way of
72.31 Westley Drive and the point of beginning; thence South 3 degrees 59 minutes 44 seconds
72.32 West along said easterly right-of-way 76.03 feet; thence North 89 degrees 38 minutes 14
72.33 seconds East 207.13 feet; thence North 0 degrees 21 minutes 46 seconds West 162.42 feet;

thence North 57 degrees 40 minutes 44 seconds West 210.75 feet to the intersection of said easterly right-of-way; thence South 19 degrees 7 minutes 59 seconds West along said easterly right-of-way 33.23 feet; thence South 3 degrees 59 minutes 44 seconds West along said easterly right-of-way 30.28 feet; thence North 89 degrees 38 minutes 14 seconds East 33.58 feet; thence South 31 degrees 11 minutes 36 seconds East 112.47 feet; thence South 67 degrees 3 minutes 53 seconds West 110.25 feet to said easterly right-of-way and the point of beginning, Township 65, Range 21, Section 19 (parcel number 760-0040-00533).

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

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

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

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

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

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

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

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

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

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

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

74.1 Sec. 15. **REPEALER.**

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

74.4 **ARTICLE 5**

74.5 **PACKAGING WASTE AND COST REDUCTION ACT**

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

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

74.9 Sec. 2. **[115A.1441] DEFINITIONS.**

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

74.12 Subd. 2. **Advisory board.** "Advisory board" or "board" means the Producer
74.13 Responsibility Advisory Board established under section 115A.1444.

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

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

74.19 Subd. 5. **Collection rate.** "Collection rate" means the amount of a covered material by
74.20 covered materials type collected by service providers and transported for recycling or
74.21 composting divided by the total amount of the type of a covered material by covered materials
74.22 type sold or distributed into the state by the relevant unit of measurement established in
74.23 section 115A.1451.

74.24 Subd. 6. **Compostable material.** "Compostable material" means a covered material
74.25 that:

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

74.29 (2) meets, and is labeled to reflect that it meets, the American Society for Testing and
74.30 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and

75.1 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
75.2 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

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

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

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

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

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

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

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

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

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

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

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

75.30 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of
75.31 materials, that:

76.1 (1) are packaging for infant formula, as defined in United States Code, title 21, section
76.2 321(z);

76.3 (2) are packaging for medical food, as defined in United States Code, title 21, section
76.4 360ee(b)(3);

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

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

76.12 (5) are medical equipment or products or their components, including consumable
76.13 medical equipment or products and their components, and the packaging or packaging
76.14 components for any products used in health care settings, including hospitals and clinics
76.15 that are regulated by the United States Food and Drug Administration or used for infection
76.16 prevention and dispensing of medication;

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

76.20 (7) are drugs, biological products, parasitocides, medical devices, or in vitro diagnostics
76.21 used to treat, or administered to, animals and regulated by the United States Food and Drug
76.22 Administration under the Federal Food, Drug, and Cosmetic Act, United States Code, title
76.23 21, section 301 et seq., by the United States Department of Agriculture under the federal
76.24 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq.;

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

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

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

76.31 (11) are packaging used to contain hazardous or flammable products regulated by the
76.32 2012 federal Occupational Safety and Health Administration Hazard Communications
76.33 Standard, Code of federal Regulations, title 29, section 1910.200, that prevents the packaging

77.1 from being waste reduced or made reusable, recyclable, or compostable, as determined by
77.2 the commissioner; or

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

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

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

77.9 (1) retained by a producer responsibility organization;

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

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

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

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

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

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

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

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

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

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

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

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

78.8 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means
78.9 the portion of a product composed of postconsumer material, expressed as a percentage of
78.10 the total weight of the product.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

79.24 (i) where another person has mutually signed an agreement with a producer as defined
79.25 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
79.26 and the person has joined a registered producer responsibility organization as the responsible
79.27 producer for that covered material under this act. In the event that another person is assigned
79.28 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)
79.29 must provide written certification of that contractual agreement to the producer responsibility
79.30 organization; and

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

80.4 (b) "Producer" does not include:

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

80.6 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
80.7 organizations;

80.8 (3) de minimis producers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81.10 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material in
81.11 aggregate or by individual covered materials type, collected for reuse by the producer or
81.12 service provider in a calendar year, divided by the total amount of reusable covered materials
81.13 sold or distributed into the state by the relevant unit of measurement established in section
81.14 115A.1451.

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

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

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

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

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

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

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

81.31 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,
81.32 sorts, processes, recovers, or otherwise prepares covered materials for reuse, recycling, or

82.1 composting. A political subdivision that provides or that contracts or otherwise arranges
82.2 with another party to provide reuse, collection, recycling, or composting services for covered
82.3 materials within its jurisdiction may be a service provider regardless of whether it provided,
82.4 contracted for, or otherwise arranged for similar services before the approval of the applicable
82.5 stewardship plan.

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

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

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

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

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

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

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

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

82.29 (1) contact information for a person responsible for implementing an approved
82.30 stewardship plan;

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

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

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

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

83.12 (b) Following the approval of the initial producer responsibility organization and the
83.13 initial stewardship plan, if more than a single producer responsibility organization is
83.14 established, the producers and producer responsibility organizations must establish a
83.15 coordinating body and process to prevent redundancy. The stewardship plans of all producer
83.16 responsibility organizations must be integrated into a single stewardship plan that covers
83.17 all requirements of this act and encompasses all producers when submitted to the
83.18 commissioner for approval. The annual reports of all producer responsibility organizations
83.19 must be integrated into a single annual report that covers all requirements of this act and
83.20 encompasses all producers when submitted to the commissioner.

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

83.32 (b) The commissioner must reconcile the fees paid by a producer responsibility
83.33 organization under this subdivision with the actual costs incurred by the agency on an annual

84.1 basis, by means of credits or refunds to or additional payments required of a producer
84.2 responsibility organization, as applicable.

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

84.7 **(1) contact information for a person responsible for implementing an approved**
84.8 **stewardship plan;**

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

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

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

84.17 **(5) documentation demonstrating adequate financial responsibility and financial controls**
84.18 **to ensure proper management of funds and payment of the annual fee required under**
84.19 **subdivision 2.**

84.20 **(b) Notwithstanding the other provisions of this section, the commissioner may not allow**
84.21 **registration of more than one producer responsibility organization under this section before**
84.22 **the first stewardship plan approved by the commissioner expires. If more than one producer**
84.23 **responsibility organization applies to register under this section before the first stewardship**
84.24 **plan is approved by the commissioner, the commissioner must select the producer**
84.25 **responsibility organization that will represent producers until the first stewardship plan**
84.26 **expires and must return the registration fee paid by applicants who are not selected. When**
84.27 **selecting a producer responsibility organization, the commissioner must consider whether**
84.28 **the producer responsibility organization:**

84.29 **(1) has a governing board consisting of producers that represent a diversity of covered**
84.30 **materials introduced; and**

84.31 **(2) demonstrates adequate financial responsibility and financial controls to ensure proper**
84.32 **management of funds.**

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

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

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

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

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

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

(2) address of the service provider.

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

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

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

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

- 86.1 (1) two members representing manufacturers of covered materials or a statewide or
86.2 national trade association representing those manufacturers;
- 86.3 (2) two members representing recycling facilities that manage covered materials;
- 86.4 (3) one member representing a waste hauler or a statewide association representing waste
86.5 haulers;
- 86.6 (4) one member representing retailers of covered materials or a statewide trade association
86.7 representing those retailers;
- 86.8 (5) one member representing a statewide nonprofit environmental organization;
- 86.9 (6) one member representing a community-based nonprofit environmental justice
86.10 organization;
- 86.11 (7) one member representing a waste facility that receives and sorts covered materials
86.12 and transfers them to another facility for reuse, recycling, or composting;
- 86.13 (8) one member representing a waste facility that receives compostable materials for
86.14 composting or a statewide trade association that represents such facilities;
- 86.15 (9) two members representing an entity that develops or offers for sale covered materials
86.16 that are designed for reuse and maintained through a reuse system or infrastructure or a
86.17 statewide or national trade association that represents such entities;
- 86.18 (10) three members representing organizations of political subdivisions, with at least
86.19 one member representing a political subdivision outside the metropolitan area;
- 86.20 (11) two members representing other stakeholders or additional members of interests
86.21 represented under clauses (1) to (10) as determined by the commissioner; and
- 86.22 (12) one member representing the commissioner.
- 86.23 (b) In making appointments under paragraph (a), the commissioner:
- 86.24 (1) may not appoint members who are state legislators or registered lobbyists;
- 86.25 (2) may not appoint members who are employees of a producer required to be members
86.26 of a producer responsibility organization in this state under this act; and
- 86.27 (3) must endeavor to appoint members from all regions of the state.
- 86.28 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision
86.29 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members
86.30 serve for a term of four years, except that the initial term for nine of the initial appointees
86.31 must be two years so that membership terms are staggered. Members may be reappointed

87.1 but may not serve more than eight consecutive years. Removing members and filling of
87.2 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,
87.3 chapter 15 does not apply to the board.

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

87.6 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If
87.7 there is a vacancy in the membership of the board, a majority of the remaining voting
87.8 members of the board constitutes a quorum.

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

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

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

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

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

87.22 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board
87.23 in developing policies and procedures governing the disclosure of actual or perceived
87.24 conflicts of interest that advisory board members may have as a result of their employment
87.25 or financial holdings of themselves or of family members. Each advisory board member is
87.26 responsible for reviewing the conflict of interest policies and procedures. An advisory board
87.27 member must disclose any instance of actual or perceived conflicts of interest at each meeting
87.28 of the advisory board at which recommendations regarding stewardship plans, programs,
87.29 operations, or activities are made by the advisory board.

87.30 Sec. 6. **[115A.1445] COMMISSIONER RESPONSIBILITIES.**

87.31 The commissioner must:

- 88.1 (1) appoint the initial membership of the advisory board by January 1, 2025, according
88.2 to section 115A.1444;
- 88.3 (2) provide administrative and operating support to the advisory board, as required by
88.4 section 115A.1444, subdivision 10;
- 88.5 (3) complete a preliminary needs assessment by December 31, 2025, an initial needs
88.6 assessment by December 31, 2026, and update the needs assessment every five years
88.7 thereafter, according to section 115A.1450;
- 88.8 (4) approve stewardship plans and amendments to stewardship plans according to section
88.9 115A.1451;
- 88.10 (5) provide lists established according to the requirements of section 115A.1453 to all
88.11 producer responsibility organizations by March 1, 2027;
- 88.12 (6) establish or approve requirements according to section 115A.1451, subdivision 7;
- 88.13 (7) post on the agency's website:
- 88.14 (i) the most recent registration materials submitted by producer responsibility
88.15 organizations, including all information submitted under section 115A.1443, subdivision
88.16 1;
- 88.17 (ii) a list of registered service providers;
- 88.18 (iii) the most recent needs assessments;
- 88.19 (iv) any stewardship plan or amendment submitted by a producer responsibility
88.20 organization under section 115A.1451 that is in draft form during the public comment
88.21 period;
- 88.22 (v) the most recent lists established according to section 115A.1453;
- 88.23 (vi) the list of exempt materials and covered materials exempt from performance targets
88.24 and statewide requirements as approved in the stewardship plan;
- 88.25 (vii) links to producer responsibility organization websites;
- 88.26 (viii) comments of the public, advisory board, and producer responsibility organizations
88.27 on the documents listed in items (iii), (iv), (v), and (viii), and the responses of the
88.28 commissioner to those comments; and
- 88.29 (ix) links to adopted rules implementing this act;
- 88.30 (8) provide producer responsibility organizations with information regarding Minnesota
88.31 and federal laws that prohibit toxic substances in covered materials;

89.1 (9) require each producer responsibility organization to secure an independent auditor
89.2 to perform an annual financial audit of program operations and approve the selection of
89.3 each auditor; and

89.4 (10) consider and respond in writing to all written comments received from the advisory
89.5 board.

89.6 Sec. 7. **[115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**
89.7 **RESPONSIBILITIES.**

89.8 The Producer Responsibility Advisory Board must:

89.9 (1) convene its initial meeting by March 1, 2025;

89.10 (2) consult with the commissioner regarding the scope of the needs assessments and to
89.11 provide written comments on needs assessments, according to section 115A.1450, subdivision
89.12 2;

89.13 (3) advise on the development of stewardship plans and amendments to stewardship
89.14 plans under section 115A.1451;

89.15 (4) submit comments to producer responsibility organizations and to the commissioner
89.16 on any matter relevant to the administration of this act; and

89.17 (5) provide written comments to the commissioner during any rulemaking process
89.18 undertaken by the commissioner under section 115A.1459.

89.19 Sec. 8. **[115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**
89.20 **RESPONSIBILITIES.**

89.21 A producer responsibility organization must:

89.22 (1) annually register with the commissioner, according to section 115A.1443;

89.23 (2) submit a stewardship plan to the commissioner by March 1, 2027, and every five
89.24 years thereafter, according to section 115A.1451;

89.25 (3) implement stewardship plans approved by the commissioner under section 115A.1451
89.26 and to comply with the requirements of this act;

89.27 (4) forward upon receipt from the commissioner the lists established according to section
89.28 115A.1453 to all service providers that participate in a stewardship plan administered by
89.29 the producer responsibility organization;

89.30 (5) collect producer fees according to section 115A.1454;

- 90.1 (6) submit the reports required by section 115A.1456;
- 90.2 (7) ensure that producers operating under a stewardship plan administered by the producer
90.3 responsibility organization comply with the requirements of the stewardship plan and with
90.4 this act;
- 90.5 (8) expel a producer from the producer responsibility organization if efforts to return
90.6 the producer to compliance with the plan or with the requirements of this act are unsuccessful.
90.7 The producer responsibility organization must notify the commissioner when a producer
90.8 has been expelled under this clause;
- 90.9 (9) consider and respond in writing to comments received from the advisory board,
90.10 including justifications for not incorporating any recommendations;
- 90.11 (10) provide producers with information regarding state and federal laws that prohibit
90.12 substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172
90.13 to 325F.179, and all laws prohibiting toxic substances in covered materials;
- 90.14 (11) maintain a website according to section 115A.1457;
- 90.15 (12) notify the commissioner within 30 days if a change is made to the contact information
90.16 for a person responsible for implementing the stewardship plan, a change to the board
90.17 members, or a change to the executive director;
- 90.18 (13) assist service providers in identifying and using responsible markets;
- 90.19 (14) reimburse service providers in a timely manner and according to reimbursement
90.20 rates approved in a stewardship plan as established according to section 115A.1451; and
- 90.21 (15) comply with all other applicable requirements of this act.

90.22 Sec. 9. **[115A.1448] PRODUCER RESPONSIBILITIES.**

90.23 Subdivision 1. **Registration required; prohibition of sale.** (a) After January 1, 2025,
90.24 a producer must be a member of a producer responsibility organization registered in this
90.25 state.

90.26 (b) After January 1, 2029, no producer may introduce covered materials, either separately
90.27 or when used to package another product, unless the producer operates under a written
90.28 agreement with a producer responsibility organization to operate under an approved
90.29 stewardship plan.

90.30 (c) After January 1, 2032, no producer may introduce covered materials unless the
90.31 covered materials are:

91.1 (1) reusable and capable of being managed through a reuse system that meets the reuse
91.2 rate and return rate required under section 115A.1451, subdivision 7;

91.3 (2) capable of refill and supported by a refill system;

91.4 (3) included on the list established under section 115A.1453, subdivision 1; or

91.5 (4) included on the list established under section 115A.1453, subdivision 2.

91.6 (d) A producer responsibility organization may petition the commissioner for a two-year
91.7 extension to comply with the requirements of paragraph (c). The commissioner may approve
91.8 the extension if the petition demonstrates that the market or technical issues prevent a
91.9 covered material from being considered reusable or included in the lists established under
91.10 section 115A.1453. The producer responsibility organization may petition the commissioner
91.11 for additional extensions in annual increments until January 1, 2040, if the producer
91.12 responsibility organization demonstrates that market or technical issues persist.

91.13 Subd. 2. **Duties.** A producer must:

91.14 (1) implement the requirements of the stewardship plan under which the producer
91.15 operates;

91.16 (2) pay producer fees according to section 115A.1454; and

91.17 (3) comply with all other applicable requirements of this act.

91.18 **Sec. 10. [115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

91.19 A service provider receiving reimbursement or funding under an approved stewardship
91.20 plan must:

91.21 (1) ensure the collection, transportation, and management of covered materials generated
91.22 in the state pursuant to the lists established under section 115A.1453 or covered materials
91.23 that are capable of refill or reuse;

91.24 (2) register with the commissioner and submit invoices to the producer responsibility
91.25 organization for reimbursement for services rendered;

91.26 (3) meet performance standards established in an approved stewardship plan under
91.27 section 115A.1451;

91.28 (2) ensure that covered materials are sent to responsible markets;

91.29 (3) provide documentation to the producer responsibility organization on the amounts,
91.30 covered materials types, and volumes of covered materials collected, transported, and
91.31 managed for recycling, composting, or reuse; and

92.1 (6) comply with all other applicable requirements of this act.

92.2 Sec. 11. [115A.1450] NEEDS ASSESSMENTS.

92.3 Subdivision 1. Needs assessments required. (a) By December 31, 2025, and every five
92.4 years thereafter, the commissioner must complete a preliminary needs assessment according
92.5 to this section.

92.6 (b) By December 31, 2026, and every five years thereafter, the commissioner must
92.7 complete a statewide needs assessment according to this section. The commissioner may
92.8 adjust what is required to be included in a specific needs assessment to inform the next
92.9 stewardship plan.

92.10 Subd. 2. Input from interested parties. In conducting a needs assessment, the
92.11 commissioner must:

92.12 (1) initiate a consultation process to obtain recommendations from the advisory board,
92.13 political subdivisions, service providers, producer responsibility organizations, and other
92.14 interested parties regarding the type and scope of information that should be collected and
92.15 analyzed in the statewide needs assessment required by this section;

92.16 (2) contract with a third party who is not a producer or a producer responsibility
92.17 organization to conduct the needs assessment; and

92.18 (3) prior to finalizing the needs assessment, make the draft needs assessment available
92.19 for comment by the advisory board, producer responsibility organizations, and the public.
92.20 The commissioner must respond in writing to the comments and recommendations of the
92.21 advisory board and producer responsibility organizations.

92.22 Subd. 3. Content of preliminary needs assessment. A preliminary needs assessment
92.23 must be completed for a preceding period of no less than 12 months and no more than 36
92.24 months, that includes:

92.25 (1) tons of collected covered materials;

92.26 (2) recycling and composting program characteristics, including a description of
92.27 single-stream and dual-stream recycling systems used in the state and prevalence of use,
92.28 average frequency of collection of covered materials for recycling and composting, types
92.29 of collection containers used, and commonly accepted materials for recycling and
92.30 composting;

92.31 (3) total number and types of single-family and multifamily households and residential
92.32 properties receiving recycling and composting collection services;

93.1 (4) processing capacity at recycling facilities, including total tons processed and number
93.2 of bales created, the range of material composition and bales produced, and current
93.3 technologies utilized;

93.4 (5) size and number of depot, container, or drop-off locations;

93.5 (6) size and number of transfer stations and transfer locations;

93.6 (7) average term length of residential recycling and composting collection contracts
93.7 issued by political subdivisions and an assessment of contract cost structures;

93.8 (8) average recycling facility processing fees charged to collectors delivering covered
93.9 materials for recycling;

93.10 (9) available markets in the state for covered materials and the capacity of those markets;
93.11 and

93.12 (10) covered materials sales by volume, weight, and material types introduced by
93.13 producers.

93.14 Subd. 4. **Content of needs assessment.** A needs assessment must include at least the
93.15 following:

93.16 (1) an evaluation of the performance of:

93.17 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered
93.18 materials type, as applicable, including collection rates, recycling rates, composting rates,
93.19 reuse rates, and return rates for each covered materials type;

93.20 (ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered
93.21 materials; and

93.22 (iii) the extent to which postconsumer recycled content, by the best estimate, is or could
93.23 be incorporated into each covered materials type, as applicable;

93.24 (2) an evaluation of a representative sample of management of covered materials with
93.25 mixed municipal solid waste, as source-separated recyclable materials, and as
93.26 source-separated compostable materials as received by waste management, recycling, and
93.27 composting facilities in the state, and relevant findings from any publicly available waste
93.28 stream evaluations conducted within the previous year, to evaluate the amount and portion
93.29 of covered materials being disposed of that would otherwise be recyclable or compostable;

93.30 (3) proposals for a range of outcomes for each covered materials type to be accomplished
93.31 within a five-year time frame in multiple units of measurement, including but not limited
93.32 to unit-based, weight-based, and volume-based, for each of the following:

- 94.1 (i) waste reduction;
- 94.2 (ii) reuse rate and return rates;
- 94.3 (iii) recycling rates;
- 94.4 (iv) composting rates; and
- 94.5 (v) postconsumer recycled content, if applicable;
- 94.6 (4) proposals for a range of outcomes for the categories established in section 115A.1451,
- 94.7 subdivision 7, that consider:
- 94.8 (i) information contained in or used to prepare a needs assessment according to this
- 94.9 subdivision;
- 94.10 (ii) goals and requirements of the Waste Management Act under this chapter;
- 94.11 (iii) statewide goals for greenhouse gas emission reductions under section 216H.02;
- 94.12 (iv) need for continuous progress toward generating less waste from covered materials
- 94.13 and the complete reuse, recycling, or composting of the covered materials that are generated,
- 94.14 in doing so reducing impacts to human health and the environment;
- 94.15 (v) a preference for statewide requirements that accomplish and further the goals and
- 94.16 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
- 94.17 achievable; and
- 94.18 (vi) information from packaging and paper producer responsibility programs operating
- 94.19 in other jurisdictions;
- 94.20 (5) an evaluation of the following factors for each covered material collected for recycling
- 94.21 or composting:
- 94.22 (i) availability of recycling and composting collection services;
- 94.23 (ii) recycling and composting processing infrastructure;
- 94.24 (iii) capacity and technology for sorting covered materials;
- 94.25 (iv) availability of responsible end markets;
- 94.26 (v) presence and amount of processing residuals, contamination, and toxic substances;
- 94.27 (vi) quantity of material estimated to be available and recoverable;
- 94.28 (vii) projected future conditions for items (i) to (vi); and
- 94.29 (viii) other criteria or factors determined by the commissioner;

- 95.1 (6) recommended collection methods by covered materials type to maximize collection
95.2 efficiency, feedstock quality, level of service, and convenience for collection of covered
95.3 materials included on lists established in section 115A.1453;
- 95.4 (7) proposed plans and metrics for how to measure progress in achieving performance
95.5 targets and statewide requirements;
- 95.6 (8) an evaluation of options for third-party certification of activities to meet obligations
95.7 of this act;
- 95.8 (9) an inventory of the current system including:
- 95.9 (i) infrastructure, capacity, performance, funding level, and method and sources of
95.10 financing for the existing waste reduction, reuse, collection, transportation, processing,
95.11 recycling, and composting systems for covered materials operating in the state;
- 95.12 (ii) an estimate of total annual collection and processing service costs based on registered
95.13 service provider costs; and
- 95.14 (iii) availability and cost of waste reduction, reuse, recycling, and composting services
95.15 for covered materials at single-family residences, at multifamily residences, and in public
95.16 places where political subdivisions arrange for collection of recyclable or compostable
95.17 materials, including identification of disparities in the availability of these services in
95.18 environmental justice areas compared with other areas and proposals for reducing or
95.19 eliminating those disparities;
- 95.20 (10) an evaluation of investments needed to increase waste reduction, reuse, recycling,
95.21 and composting rates of covered materials according to the range of proposed performance
95.22 targets and statewide requirements including investments that would:
- 95.23 (i) maintain or improve operations of existing infrastructure and accounts for waste
95.24 reduction, reuse, recycling, and composting of covered materials;
- 95.25 (ii) expand the availability and accessibility of recycling collection services for recyclable
95.26 covered materials to all residents of the state at a comparable level of convenience as
95.27 collection services for mixed municipal solid waste; and
- 95.28 (iii) establish and expand the availability and accessibility of reuse services for reusable
95.29 covered materials;
- 95.30 (11) a recommended methodology for applying criteria and formulas to establish
95.31 reimbursement rates as described in section 115A.1455;

(12) an assessment of the viability and robustness of markets for recyclable covered materials and the degree to which these markets can be considered responsible markets;

(13) an assessment of the level and causes of contamination of source-separated recyclable materials, source-separated compostable materials and collected reusables, and the impacts of contamination on service providers, including the cost to manage this contamination;

(14) an assessment of what toxic substances might be intentionally added to covered materials and best practices to eliminate or mitigate their use or presence in covered materials;

(15) an assessment of current best practices to increase public awareness, educate, and complete outreach activities accounting for culturally responsive materials and methods and an evaluation of the efficacy of these efforts including assessments and evaluations of current best practices and efforts on:

(i) using product labels as a means of informing consumers about environmentally sound use and management of covered materials;

(ii) increasing public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, reuse, recycling, and composting services; and

(iii) encouraging behavior change to increase participation in waste reduction, reuse, recycling, and composting programs;

(16) identification of the covered materials with the most significant environmental impact, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts; and

(17) other items identified by the commissioner that would aid the creation of the stewardship plan, its administration, and the enforcement of this act.

Subd. 5. **Needs assessment as baseline.** When determining the extent to which any statewide requirement or performance target under this act has been achieved, information contained in a needs assessment must serve as the baseline for that determination, when applicable.

Subd. 6. **Participation required.** (a) A service provider or other person with data or information necessary to complete a needs assessment must provide the data or information to the commissioner upon request. A service provider or other person who does not want to be identified with information submitted to the commissioner under this subdivision may request to proceed under a nondisclosure agreement. A nondisclosure agreement is limited

to the items under section 115A.06, subdivision 13. Once a request is made, the requestor, the commissioner, and all third parties participating in the completion of the needs assessment in whatever capacity must enter into a nondisclosure agreement. Once these parties have entered into a nondisclosure agreement, the requestor must submit the necessary data or information to the contractor selected by the commissioner according to subdivision 2, who must aggregate and anonymize the data or information, excluding location data necessary to assess needs, received from all parties proceeding under a nondisclosure agreement under this subdivision and must then submit the aggregated anonymized information to the commissioner or to the party or parties contracted to complete the needs assessment, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts.

(b) The commissioner, any employee of the agency, or any agent thereof, when authorized by the commissioner, may enter upon any property, public or private, for the purpose of obtaining information necessary for completing the evaluation in subdivision 4, clause (2).

Sec. 12. [115A.1451] STEWARDSHIP PLAN.

Subdivision 1. **Stewardship plan required.** By March 1, 2027, and every five years thereafter, a producer responsibility organization must submit a stewardship plan to the commissioner that describes the proposed operation by the organization of programs to fulfill the requirements of this act and that incorporates the findings and results of needs assessments. Once approved, a stewardship plan remains in effect for five years, as amended, or until a subsequent stewardship plan is approved.

Subd. 2. **Advisory board review of draft plan and amendments.** A producer responsibility organization must submit a draft stewardship plan or draft amendment to the advisory board at least 60 days prior to submitting the draft plan or draft amendment to the commissioner to allow the advisory board to submit comments and must address advisory board comments and recommendations prior to submission of the draft plan or draft amendment to the commissioner.

Subd. 3. **Content of stewardship plans.** A proposed stewardship plan must include at least the following:

(1) performance targets as applicable to each covered materials type to be accomplished within a five-year period, established in subdivision 5, paragraph (a);

(2) a description of the anticipated method of collection, how reimbursements will support a level of convenience for collection, service convenience metrics, processing

98.1 infrastructure and management methods to be used for each covered materials type, and
98.2 how these will meet the statewide requirements established in subdivision 7 for covered
98.3 materials:

98.4 (i) included on the list established in section 115A.1453, subdivision 1;
98.5 (ii) included on the list established in section 115A.1453, subdivision 2;
98.6 (iii) that are reusable covered materials managed through a reuse system; and
98.7 (iv) that are capable of refill and managed through a system of waste reduction;

98.8 (3) proposals for exemptions from performance targets and statewide requirements for
98.9 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable
98.10 due to federal or state health and safety requirements, identifying the specific federal or
98.11 state requirements and their impact on the covered materials;

98.12 (4) a plan for how the producer responsibility organization will measure recycling, waste
98.13 reduction, reuse, composting, and inclusion of postconsumer recycled content, according
98.14 to subdivision 6 and by covered materials type as applicable;

98.15 (5) third-party certifications as required by the commissioner or voluntarily undertaken;

98.16 (6) a budget identifying funding needs for each of the five calendar years covered by
98.17 the plan, producer fees, a description of the process used to calculate the fees, and an
98.18 explanation of how the fees meet the requirements of section 115A.1454;

98.19 (7) set goals for infrastructure investments, including a description of how the process
98.20 to offer and select opportunities will be conducted in an open, competitive, and fair manner;
98.21 how it will address gaps in the system not met by service providers; and potential financial
98.22 and legal instruments to be used;

98.23 (8) an explanation of how the program will be paid for by the producer responsibility
98.24 organization through fees from producers, without any new or additional consumer-facing
98.25 fee to members of the public, businesses, service providers, the state or any political
98.26 subdivisions, or any other person who is not a producer, unless the fee is:

98.27 (i) a deposit made in connection with a product's refill, reuse, or recycling that can be
98.28 redeemed by a consumer; or

98.29 (ii) a charge for service by a service provider, regardless of whether registered;

98.30 (9) a description of activities to be undertaken during the next five calendar years, which
98.31 must at a minimum describe how the producer responsibility organization, acting on behalf
98.32 of producers, will:

- 99.1 (i) minimize the environmental impacts and human health impacts of covered materials,
99.2 including assessing each covered material's generation of hazardous waste, generation of
99.3 greenhouse gases, environmental justice impacts, public health impacts, and other impacts;
- 99.4 (ii) incorporate as program objectives the improved design of covered materials according
99.5 to section 115A.1454, subdivision 1, clause (2);
- 99.6 (iii) provide funding to expand and increase the convenience of waste reduction, reuse,
99.7 collection, recycling, and composting services according to the order of the waste
99.8 management hierarchy under section 115A.02;
- 99.9 (iv) provide for reasonable reimbursement rates for statewide coverage of recycling
99.10 services for covered materials on the lists established in section 115A.1453 to single-family
99.11 residences, multifamily residences, and political subdivisions arranging for collection,
99.12 transportation, and processing of recyclable materials at a comparable level of convenience
99.13 as services for mixed municipal solid waste according to section 115A.1455; and
- 99.14 (v) monitor to ensure that postconsumer recycled materials are delivered to responsible
99.15 markets;
- 99.16 (10) describe how the producer responsibility organization will promote the opportunity
99.17 for all service providers to register with the commissioner and to submit for reimbursement
99.18 with the producer responsibility organization;
- 99.19 (11) a description of how the program will reimburse service providers under an approved
99.20 stewardship plan, including but not limited to:
- 99.21 (i) the use of differentiated rates developed according to the requirements and factors
99.22 established under section 115A.1455, subdivision 4;
- 99.23 (ii) clear and reasonable timelines for reimbursement, with a frequency of no less than
99.24 monthly unless agreed to by a service provider and a producer responsibility organization;
99.25 and
- 99.26 (iii) a process to resolve disputes that arise between the producer responsibility
99.27 organization and a service provider regarding the determination and payment of
99.28 reimbursements;
- 99.29 (12) performance standards for service providers that are reimbursed under an approved
99.30 stewardship plan, including but not limited to the following, as applicable to the service
99.31 provided:

100.1 (i) requirements that service providers must accept all covered materials on the lists
100.2 established by the commissioner under section 115A.1453; and

100.3 (ii) labor standards and safety practices, including but not limited to safety programs,
100.4 health benefits, and living wages;

100.5 (13) a description of how the producer responsibility organization will treat and protect
100.6 nonpublic data submitted by service providers;

100.7 (14) a description of how the producer responsibility organization will provide technical
100.8 assistance to:

100.9 (i) service providers in order to deliver covered materials to responsible markets;

100.10 (ii) producers regarding toxic substances in covered materials and actions producers can
100.11 take to reduce intentionally added toxic substances in covered materials, including verification
100.12 by suppliers through certificates of compliance, upon request; and

100.13 (iii) producers to make changes in product design that reduce the environmental impact
100.14 of covered materials or that increase the recoverability or marketability of covered materials
100.15 for reuse, recycling, or composting;

100.16 (15) a description of how the producer responsibility organization will increase public
100.17 awareness, educate, and complete outreach activities accounting for culturally responsive
100.18 materials and methods and evaluate the efficacy of these efforts including how the producer
100.19 responsibility organization will:

100.20 (i) assist producers in improving product labels as a means of informing consumers
100.21 about refilling, reusing, recycling, composting, and other environmentally sound methods
100.22 of managing covered materials;

100.23 (ii) increase public awareness of how to use and manage covered materials in an
100.24 environmentally sound manner and how to access waste reduction, reuse, recycling, and
100.25 composting services; and

100.26 (iii) encourage behavior change to increase participation in waste reduction, reuse,
100.27 recycling, and composting programs;

100.28 (16) a summary of consultations held with the advisory board and other stakeholders to
100.29 provide input to the stewardship plan, a list of recommendations that were incorporated into
100.30 the stewardship plan as a result, and a list of rejected recommendations and the reasons for
100.31 rejection; and

101.1 (17) strategies to incorporate findings from any relevant studies required by the
101.2 legislature.

101.3 Subd. 4. **Plan and amendment review and approval procedure.** (a) The commissioner
101.4 must review and approve, deny, or request additional information for a draft stewardship
101.5 plan or a draft plan amendment no later than 120 days after the date the commissioner
101.6 receives it from a producer responsibility organization. The commissioner must post the
101.7 draft plan or draft amendment on the agency's website and allow public comment for no
101.8 less than 45 days before approving, denying, or requesting additional information on the
101.9 draft plan or draft amendment.

101.10 (b) If the commissioner denies, or requests additional information for, a draft plan or
101.11 draft amendment, the commissioner must provide the producer responsibility organization
101.12 with the reasons, in writing, that the plan or plan amendment does not meet the plan
101.13 requirements of subdivision 3. The producer responsibility organization shall have 60 days
101.14 from the date that the rejection or request for additional information is received to submit
101.15 to the commissioner any additional information necessary for the approval of the draft plan
101.16 or draft amendment. The commissioner shall review and approve or disapprove the revised
101.17 draft plan or draft amendment no later than 60 days after the date the commissioner receives
101.18 it.

101.19 (c) A producer responsibility organization may resubmit a draft plan or draft amendment
101.20 to the commissioner on not more than two occasions. If after the second resubmission, the
101.21 commissioner determines that the draft plan or draft amendment does not meet the plan
101.22 requirements of this act, the commissioner must modify the draft plan or draft amendment
101.23 as necessary for it to meet the requirements of this act and approve it.

101.24 (d) Upon recommendation by the advisory board, or upon the commissioner's own
101.25 initiative, the commissioner may require an amendment to a stewardship plan if the
101.26 commissioner determines that an amendment is necessary to ensure that the producer
101.27 responsibility organization maintains compliance with the requirements of this act.

101.28 Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose
101.29 performance targets based on the needs assessment that meet the statewide requirements in
101.30 subdivision 7 that must be included in a stewardship plan approved under this section.
101.31 Performance targets must include reuse rates, return rates, recycling rates, composting rates,
101.32 and targets for waste reduction, and postconsumer recycled content by covered materials
101.33 type that are to be achieved by the end of the stewardship plan's term. The producer

102.1 responsibility organization must select the unit that is most appropriate to measure each
102.2 performance target as informed by the needs assessment.

102.3 (b) The commissioner may require that a producer responsibility organization obtain
102.4 third-party certification of any activity or achievement of any standard required by this act.
102.5 The commissioner must provide a producer responsibility organization with notice of at
102.6 least one year prior to requiring use of third-party certification under this paragraph if such
102.7 certifications are readily available, applicable, and of reasonable cost.

102.8 (c) Proposed performance targets must demonstrate continuous improvement in reducing
102.9 environmental impacts and human health impacts of covered materials over time.

102.10 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of
102.11 determining whether recycling performance targets are being met, except as modified by
102.12 the commissioner, a stewardship plan must provide for the measurement of the amount of
102.13 recycled material to be at the point at which material leaves a recycling facility and must
102.14 account for:

102.15 (1) levels of estimated contamination documented by the facility;

102.16 (2) any exclusions for fuel or energy capture; and

102.17 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179,
102.18 and all other laws pertaining to toxic substances in covered materials.

102.19 (b) For purposes of determining whether waste reduction performance targets are being
102.20 met, a stewardship plan must provide for the measurement of the amount of waste reduction
102.21 of covered materials in a manner that can determine the extent to which the amount of
102.22 material used for a covered material is eliminated beyond what is necessary to efficiently
102.23 deliver a product without damage or spoilage, or other means of covered material redesign
102.24 to reduce overall use and environmental impacts.

102.25 (c) For purposes of determining whether reuse targets are being met, a stewardship plan
102.26 must provide for the measurement of the amount of reusable covered materials to be at the
102.27 point at which reusable covered materials meet the following criteria as demonstrated by
102.28 the producer and approved by the commissioner:

102.29 (1) whether the average minimum number of cycles of reuses within a recognized reuse
102.30 system has been met based on the number of times an item must be reused for it to have
102.31 lower environmental impacts than the single-use versions of those items; and

102.32 (2) whether the demonstrated or research-based anticipated return rate of the covered
102.33 material to the reuse system has been met.

103.1 (d) For other targets, the producer responsibility organization must propose a calculation
103.2 point for review and approval as part of the stewardship plan based on findings from the
103.3 needs assessment.

103.4 Subd. 7. **Statewide requirements.** (a) The commissioner must establish or approve
103.5 statewide requirements and the date the statewide requirements must be met for the following
103.6 categories:

103.7 (1) recycling rate;

103.8 (2) composting rate;

103.9 (3) reuse rate;

103.10 (4) return rate;

103.11 (5) the percentage of covered materials introduced that must be waste reduced; and

103.12 (6) the percentage of postconsumer recycled content that covered materials introduced
103.13 must contain, including an overall percentage for all covered materials, as applicable,
103.14 excluding compostable materials that cannot include postconsumer recycled content because
103.15 unique chemical or physical properties or health and safety requirements prohibit introduction
103.16 of postconsumer recycled content.

103.17 (b) The commissioner may use the following information and criteria when establishing
103.18 statewide requirements under paragraph (a):

103.19 (1) needs assessments under section 115A.1450;

103.20 (2) goals and requirements of the Waste Management Act under this chapter;

103.21 (3) statewide goals for greenhouse gas emission reductions under section 216H.02;

103.22 (4) need for continuous progress toward generating less waste from covered materials
103.23 and the complete reuse, recycling, or composting of the covered materials that are generated,
103.24 in doing so reducing impacts to human health and the environment;

103.25 (5) a preference for statewide requirements that accomplish and further the goals and
103.26 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
103.27 achievable; and

103.28 (6) information from packaging and paper producer responsibility programs operating
103.29 in other jurisdictions.

103.30 (c) The commissioner must consult with the product stewardship organization on the
103.31 proposed statewide requirements and must submit proposed statewide requirements under

104.1 paragraph (a) to the advisory board and consider the board's recommendations before
104.2 finalizing the statewide requirements.

104.3 (d) Every five years, the commissioner must review the statewide requirements established
104.4 under paragraph (a). If the commissioner decides an update is not warranted at that time,
104.5 the commissioner must submit the reasoning to the advisory board and consider the board's
104.6 recommendations before making a final decision. If the commissioner decides an update is
104.7 warranted, the process in paragraphs (b) and (c) must be utilized.

104.8 (e) The producer responsibility organization must ensure the statewide requirements are
104.9 met.

104.10 Sec. 13. **[115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**
104.11 **MATERIALS LISTS.**

104.12 Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a
104.13 list of covered materials determined to be recyclable or compostable statewide through
104.14 systems where covered materials are commingled into a recyclables stream and a separate
104.15 compostables stream. These covered materials must be collected at a comparable level of
104.16 convenience as collection services for mixed municipal solid waste.

104.17 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner
104.18 must complete a list of covered materials determined to be recyclable or compostable and
104.19 collected statewide through systems other than the system required for covered materials
104.20 on the list established in subdivision 1.

104.21 Subd. 3. **Input from interested parties.** The commissioner must consult with the
104.22 advisory board, producer responsibility organizations, service providers, political
104.23 subdivisions, and other interested parties to develop or amend the recyclable or compostable
104.24 covered materials lists and must review any petitions by interested parties for addition or
104.25 removal of covered materials from the lists created under this section.

104.26 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner
104.27 may consider the following criteria:

104.28 (1) current availability of recycling collection services;

104.29 (2) recycling collection and processing infrastructure;

104.30 (3) capacity and technology for sorting covered materials;

104.31 (4) availability of responsible end markets;

104.32 (5) presence and amount of processing residuals and contamination;

105.1 (6) quantity of material estimated to be available and recoverable;

105.2 (7) projected future conditions for clauses (1) to (6);

105.3 (8) if collected for recycling, the covered material type and form must be one that is

105.4 regularly sorted and aggregated into defined streams for recycling processes or the packaging

105.5 format must be specified in a relevant Institution of Scrap Recycling Industries specification;

105.6 and

105.7 (9) other criteria or factors determined by the commissioner.

105.8 Subd. 6. **Amendment.** The commissioner may amend a list completed under this section

105.9 at any time and must provide amended lists to producer responsibility organizations as soon

105.10 as possible after adopting an amendment. Producer responsibility organizations must provide

105.11 amended lists to service providers as soon as possible after receiving the amendment and

105.12 work to incorporate changes in relevant service provider reimbursement rates within a year.

105.13 Sec. 14. **[115A.1454] PRODUCER FEES.**

105.14 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect

105.15 a fee from each producer that must:

105.16 (1) be based on the total amount of covered materials each producer introduces in the

105.17 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of

105.18 measurement;

105.19 (2) incentivize using materials and design attributes that reduce the environmental impacts

105.20 and human health impacts, as determined by the commissioner, of covered materials by the

105.21 following methods:

105.22 (i) eliminating intentionally added toxic substances in covered materials;

105.23 (ii) reducing the amount of packaging per individual covered material that is necessary

105.24 to efficiently deliver a product without damage or spoilage without reducing its ability to

105.25 be recycled or reducing the amount of paper used to manufacture individual paper products;

105.26 (iii) increasing covered materials managed in a reuse system;

105.27 (iv) increasing the proportion of postconsumer material in covered materials;

105.28 (v) enhancing recyclability or compostability of a covered material; and

105.29 (vi) increasing the amount of inputs derived from renewable and sustainable sources;

(3) discourage using materials and design attributes in a producer's covered materials whose environmental impacts and human health impacts, as determined by the commissioner, can be reduced by the methods listed under clause (2);

(4) prioritize reuse by charging covered materials that are managed through a reuse system only once, upon initial entry into the marketplace; and

(5) generate revenue sufficient to pay in full:

(i) the annual registration fee required under section 115A.1443;

(ii) financial obligations to complete activities described in an approved stewardship plan and to reimburse service providers under section 115A.1455;

(iii) the operating costs of the producer responsibility organization; and

(iv) for the establishment and maintenance of a financial reserve that is sufficient to operate the program in a fiscally prudent and responsible manner.

Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount needed to pay the costs described in subdivision 1, clause (5), must be used to improve or enhance program outcomes or to reduce producer fees according to provisions of an approved stewardship plan.

Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for lobbying, as defined in section 3.084, subdivision 1.

Sec. 15. [115A.1455] SERVICE PROVIDER; REIMBURSEMENT.

Subdivision 1. **Service provider reimbursement required.** The reimbursements provided for waste reduction, reuse, processing, recycling, or composting services under an approved stewardship plan shall only be provided to service providers that meet the performance standards requirements established under an approved stewardship plan.

Subd. 2. **Collection of recyclables.** If a household does not have access to collection services at a comparable level of convenience as collection services for mixed municipal solid waste for covered materials on the recyclable covered materials list established under section 115A.1453, subdivision 1, the producer responsibility organization must ensure that collection service is available to the household through a service provider.

Subd. 3. **Bidding processes.** (a) For infrastructure investments included under an approved stewardship plan, a producer responsibility organization must use the competitive bidding processes established in section 16C.28, subdivision 1, and publicly post bid opportunities except that preference must be given to existing facilities, providers of services,

107.1 and holders of service accounts in the state for waste reduction, reuse, collection, recycling,
107.2 and composting of covered materials.

107.3 (b) No producer or producer responsibility organization may own or partially own
107.4 infrastructure that is used to fulfill obligations under this act except in the following
107.5 circumstances:

107.6 (1) a producer may hold an ownership stake in infrastructure used to fulfill obligations
107.7 under this act so long as the stake was held prior to enactment of this act and said ownership
107.8 stake is fully disclosed by the producer to the producer responsibility organization; or

107.9 (2) if, after a bidding process described in paragraph (a), no service provider bids on the
107.10 contract, the producer responsibility organization may make infrastructure investments
107.11 identified under an approved stewardship plan to implement the requirements in this act.

107.12 Subd. 4. **Reimbursement rates.** (a) An approved stewardship plan must provide
107.13 reimbursement rates for services, collection, transportation, and management of covered
107.14 materials, exclusive of exempt materials, and incorporate relevant cost information identified
107.15 by the initial needs assessment. Reimbursement rates shall be established equivalent to 50
107.16 percent of the cost per ton by July 1, 2027, 75 percent of the cost per ton by July 1, 2028,
107.17 and 90 percent of the cost per ton by July 1, 2029, and each year thereafter and varied per
107.18 ton, as follows:

107.19 (1) a fixed amount for each ton of covered material collected by a service provider that
107.20 reflects conditions that affect collection, recycling, and composting costs in the region or
107.21 jurisdiction in which the services are provided, including but not limited to:

107.22 (i) the number and size of households;

107.23 (ii) population density;

107.24 (iii) collections methods employed;

107.25 (iv) public education efforts;

107.26 (v) distance to consolidation or transfer facilities; reuse, recycling, or composting
107.27 facilities; or to responsible markets;

107.28 (vi) other factors that may contribute to regional or jurisdictional cost differences;

107.29 (vii) proportion of covered compostable materials within all source-separated compostable
107.30 materials collected or managed through composting; and

107.31 (viii) the general quality of materials recycled or composted by service providers;

- 108.1 (2) a fixed amount for each ton of covered material recycled or composted by a service
108.2 provider in the prior calendar year based upon:
- 108.3 (i) the average costs associated with the transportation and processing from a central
108.4 location within a political subdivision, of collected covered material from the political
108.5 subdivision to a recycling or composting facility;
- 108.6 (ii) the processing of and removal of contamination from covered material by a recycling
108.7 or composting facility;
- 108.8 (iii) the recycling or composting of covered materials in the state or in another jurisdiction
108.9 less the average fair market value for that covered material based on the market indices for
108.10 the region, updated monthly;
- 108.11 (iv) costs associated with the management of contaminated materials removed from
108.12 collected covered material; and
- 108.13 (v) the proportion of covered compostable materials within all source-separated
108.14 compostable materials collected or managed through composting;
- 108.15 (3) an additional fixed amount, in excess of the rate provided under clause (2), for each
108.16 material type per ton for covered materials that are not included on the lists established
108.17 according to section 115A.1453, subdivision 1, that are recycled or composted by a service
108.18 provider in the prior calendar year less the average fair market value for that covered material
108.19 based on the market indices for the region, updated monthly;
- 108.20 (4) a fixed amount for mixed recycling tons are managed through a process that includes
108.21 percentages of covered materials included on the lists established according to section
108.22 115A.1453, subdivision 1, and additional covered materials. The per ton fixed amount shall
108.23 be prorated for the values in clause (2), items (i) and (ii), based upon the most recent waste
108.24 characterization for mixed recycling ton averages;
- 108.25 (5) a fixed amount, based on population served, for administrative costs of service
108.26 providers, including education, public awareness campaigns, and outreach program costs
108.27 as applicable; and
- 108.28 (6) a fixed amount for the cost of managing covered materials capable of refill or reusable
108.29 covered materials for the costs associated with collection, cleaning, sanitation, distribution,
108.30 and management of contamination.
- 108.31 (b) A service provider may retain all revenue from the sale of covered materials. Nothing
108.32 in this act may restrict a service provider from charging a fee for collection or processing
108.33 of covered materials to the extent that reimbursement from a producer responsibility

organization does not cover all costs of services, including operating profits and returns on investments required by a service provider to provide sustainability of the services.

Subd. 5. Local government authority. (a) Nothing in this section shall be construed to require a political subdivision to agree to operate under a stewardship plan, nor does it restrict the authority of a political subdivision to provide waste management services to residents or to contract with any entity to provide waste management services. Any political subdivision that is also a service provider is eligible to be registered with the commissioner and reimbursed per the rates and schedule approved in subdivision 4. If a majority of political subdivisions in the state chooses not to participate in the program by January 1, 2030, the commissioner shall revise the statewide requirements established under section 115A.1451, subdivision 7.

(b) Nothing in this act restricts the authority of a political subdivision to provide waste management services to residents, to contract with any entity to provide waste management services, or to exercise its authority granted under section 115A.94. A producer responsibility organization may not restrict or otherwise interfere with a political subdivision exercising its authority under section 115A.94 to organize collection of solid waste, including materials collected for recycling or composting, or to extend, renew, or otherwise manage any contracts entered into as a result of exercising such authority or otherwise resulting from a competitive procurement process.

Subd. 6. Dispute resolution. There must be a dispute resolution process for disputes related to reimbursements utilizing third-party mediators.

Sec. 16. [115A.1456] REPORTING.

Subdivision 1. Producer responsibility organization annual report. (a) By July 1, 2031, and each July 1 thereafter, a producer responsibility organization must submit a written report to the commissioner that contains, at a minimum, the following information for the previous calendar year:

(1) the amount of covered materials introduced by each covered materials type, reported in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

(2) progress toward the performance targets reported in the same units used to establish producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide and for each county including:

(i) the amount of covered materials successfully waste reduced, reused, recycled, and composted by covered materials type and the strategies or collection method used; and

- 110.1 (ii) information about third-party certifications obtained;
- 110.2 (3) the total cost to implement the program and a detailed description of program
- 110.3 expenditures including:
- 110.4 (i) the total amount of producer fees collected in the current calendar year; and
- 110.5 (ii) a description of infrastructure investments made during the previous year;
- 110.6 (4) a copy of a financial audit of program operations conducted by an independent auditor
- 110.7 approved by the commissioner that meets the requirements of the Financial Accounting
- 110.8 Standards Board's Accounting Standards Update 2016-14, Not-for-Profit Entities (Topic
- 110.9 958), as amended;
- 110.10 (5) a description of program performance problems that emerged in specific locations
- 110.11 and efforts taken or proposed by the producer responsibility organization to address them;
- 110.12 (6) a discussion of technical assistance provided to producers regarding toxic substances
- 110.13 in covered materials and actions taken by producers to reduce intentionally added toxic
- 110.14 substances in covered materials beyond compliance with prohibitions already established
- 110.15 in law;
- 110.16 (7) a description of public awareness, education, and outreach activities undertaken
- 110.17 including any evaluations conducted of their efficacy, plans for next calendar year's activities,
- 110.18 and an evaluation of the process established by the producer responsibility organization to
- 110.19 answer questions from consumers regarding collection, recycling, composting, waste
- 110.20 reduction, and reuse activities;
- 110.21 (8) a summary of consultations held with the advisory board and how any feedback was
- 110.22 incorporated into the report as a result of the consultations, together with a list of rejected
- 110.23 recommendations and the reasons for rejection;
- 110.24 (9) a list of any producers found to be out of compliance with this act, and actions taken
- 110.25 by the producer responsibility organization to return the producer to compliance, and
- 110.26 notification of any producers that are no longer participating in the producer responsibility
- 110.27 organization or have been expelled due to their lack of compliance;
- 110.28 (10) any proposed amendments to the stewardship plan to improve program performance
- 110.29 or reduce costs, including changes to producer fees, infrastructure investments, or
- 110.30 reimbursement rates;
- 110.31 (11) any recommendations for additions or removal of covered materials to or from the
- 110.32 recyclable or compostable covered materials lists developed under section 115A.1453; and

111.1 (12) any information requested by the commissioner to assist with determining
111.2 compliance with this act.

111.3 (b) Every fourth year after a stewardship plan is approved by the commissioner, a
111.4 performance audit of the program must be completed. The performance audit must conform
111.5 to audit standards established by the United States Government Accountability Office; the
111.6 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally
111.7 recognized organization approved by the commissioner.

111.8 Subd. 2. **Report following unmet target.** A producer responsibility organization that
111.9 fails to meet a performance target approved in a stewardship plan must, within 90 days of
111.10 filing an annual report under this section, file with the commissioner an explanation of the
111.11 factors contributing to the failure and propose an amendment to the stewardship plan
111.12 specifying changes in operations that the producer responsibility organization will make
111.13 that are designed to achieve the following year's targets. If a performance target is unmet
111.14 due to lack of political subdivision participation in the program, the commissioner shall
111.15 revise the statewide requirements developed under section 115A.1451, subdivision 7. If a
111.16 revision to the statewide performance targets is required and completed by the commissioner,
111.17 the producer responsibility organization may revise the performance targets at the same
111.18 time. An amendment filed under this subdivision must be reviewed by the advisory board
111.19 and reviewed and approved by the commissioner in the manner specified in section
111.20 115A.1451, subdivisions 2 and 4.

111.21 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,
111.22 the commissioner must submit a report to the governor and to the chairs and ranking minority
111.23 members of the legislative committees with jurisdiction over solid waste. The report must
111.24 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during
111.25 the previous five years, a summary of the needs assessment, a link to reports filed under
111.26 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the
111.27 program an analysis of the impacts of exempting certain materials from the definition of
111.28 covered materials and of exempting certain persons from the definition of producer, a list
111.29 of efforts undertaken by the commissioner to enforce and secure compliance with this act,
111.30 and any other information the commissioner deems to be relevant.

111.31 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility
111.32 organizations with data necessary to complete the reports required by this section upon
111.33 request.

112.1 Sec. 17. [115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION
112.2 WEBSITES.

112.3 A producer responsibility organization must maintain a website that uses best practices
112.4 for accessibility and contains at least:

112.5 (1) information regarding a process that members of the public can use to contact the
112.6 producer responsibility organization with questions;

112.7 (2) a directory of all service providers operating under the stewardship plan administered
112.8 by the producer responsibility organization, grouped by location or political subdivision,
112.9 and information about how to request service;

112.10 (3) registration materials submitted to the commissioner under section 115A.1443;

112.11 (4) the draft and approved stewardship plan and any draft and approved amendments;

112.12 (5) information on how to manage materials included in lists established under section
112.13 115A.1453;

112.14 (6) the list of exempt materials as defined in this act and covered materials exempt from
112.15 performance targets and statewide requirements as approved in the stewardship plan;

112.16 (6) the most recent needs assessment and all past needs assessments;

112.17 (7) annual reports filed by the producer responsibility organization;

112.18 (8) a link to administrative rules implementing this act;

112.19 (9) comments of the advisory board on the documents listed in clauses (4) and (7), and
112.20 the responses of the producer responsibility organization to those comments;

112.21 (10) the names of producers and brands that are not in compliance with section
112.22 115A.1448;

112.23 (11) a list, that is updated at least monthly, of all member producers that will operate
112.24 under the stewardship plan administered by the producer responsibility organization and,
112.25 for each producer, a list of all brands of the producer's covered materials introduced in the
112.26 state; and

112.27 (12) education materials on waste reduction, reuse, recycling, and composting for
112.28 producers and the general public.

113.1 Sec. 18. **[115A.1458] ANTICOMPETITIVE CONDUCT.**

113.2 A producer responsibility organization that arranges collection, recycling, composting,
113.3 waste reduction, or reuse services under this act may engage in anticompetitive conduct to
113.4 the extent necessary to plan and implement collection, recycling, composting, waste
113.5 reduction, or reuse systems to meet the obligations under this act, and is immune from
113.6 liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

113.7 Sec. 19. **[115A.1459] RULEMAKING.**

113.8 The commissioner may adopt rules to implement this act. The 18-month time limit under
113.9 section 14.125 does not apply to the commissioner's rulemaking authority under this section.

113.10 Sec. 20. **[115A.1460] PROVIDING INFORMATION.**

113.11 Upon request of the commissioner for purposes of determining compliance with this
113.12 act, or for purposes of implementing this act, a person must furnish to the commissioner
113.13 any information that the person has or may reasonably obtain.

113.14 Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

113.15 (a) It is the intent of the legislature that if a bottle deposit return system is enacted in the
113.16 future, it will be harmonized with this act in a manner that ensures that:

113.17 (1) materials covered in that system are exempt from this act or related financial
113.18 obligations are reduced;

113.19 (2) colocation of drop-off facilities and alternative collection sites is maximized;

113.20 (3) education and outreach is integrated between the two programs; and

113.21 (4) waste reduction and reuse strategies are prioritized between the two programs.

113.22 (b) Any implementation of a deposit return system is created with at least a two-year
113.23 transition period prior to the expiry of the currently approved stewardship plan and conducted
113.24 in a manner that does not create sudden and significant operational or financial disruption
113.25 to the implementation of a stewardship plan under section 115A.1451, including provisions
113.26 of recycling or reuse services contained in the plan.

114.1 Sec. 22. [115A.1462] ENFORCEMENT.

114.2 (a) The commissioner must enforce this act as provided under this section and sections
114.3 115.071 and 116.072. The commissioner may revoke a registration of a producer
114.4 responsibility organization or producer found to have violated this act.

114.5 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and
114.6 except as otherwise provided in paragraph (c), a person that violates or fails to perform a
114.7 duty imposed by this act or any rule adopted thereunder is liable for a civil penalty not to
114.8 exceed \$25,000 per day of violation.

114.9 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a
114.10 producer responsibility organization or producer that violates a provision of or fails to
114.11 perform a duty imposed by this act, a rule adopted thereunder, or requirements of a
114.12 stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed
114.13 \$25,000 per day of violation. For a second violation occurring within five years after the
114.14 approval of a stewardship plan, a producer responsibility organization or producer is liable
114.15 for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent
114.16 violation occurring within five years after the approval of a stewardship plan, a producer
114.17 responsibility organization or producer is liable for a civil penalty not to exceed \$100,000
114.18 per day of violation.

114.19 Sec. 23. WORKPLACE CONDITIONS AND EQUITY STUDY.

114.20 (a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract
114.21 with a third party that is not a producer or a producer responsibility organization to conduct
114.22 a study of the recycling, composting, and reuse facilities operating in the state. The study
114.23 must analyze, at a minimum information about:

114.24 (1) working conditions, wage and benefit levels, and employment levels of minorities
114.25 and women at those facilities;

114.26 (2) barriers to ownership of recycling, composting, and reuse operations faced by women
114.27 and minorities;

114.28 (3) the degree to which residents of multifamily buildings have less convenient access
114.29 to recycling, composting, and reuse opportunities than those living in single-family homes;

114.30 (4) the degree to which environmental justice areas have access to fewer recycling,
114.31 composting, and reuse opportunities compared to other parts of the state;

(5) the degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(6) strategies to increase participation in reuse, recycling, and composting; and

(7) the degree to which residents and workers in environmental justice areas are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and provide recommendations to mitigate those impacts.

(b) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans as required under Minnesota Statutes, section 115A.1451, including adjustments to service provider reimbursements as established under Minnesota Statutes, section 115A.1455.

Sec. 24. **COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health and natural resources, must contract with a third party that is not a producer or a producer responsibility organization to conduct a study to identify the contribution of covered products to litter and water pollution in Minnesota. The report must at a minimum:

(1) analyze historical and current environmental and human health impacts of littered covered materials and their associated toxic substances in the environment;

(2) estimate the cost of cleanup and prevention; and

(3) provide recommendations for how to reduce and mitigate the impacts of litter in the state.

(b) The contracted third party must consult with units of local government, the commissioners of health and natural resources, and environmental justice organizations.

(c) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans, as required under Minnesota Statutes, section 115A.1451."

Delete the title and insert:

116.1 "A bill for an act

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

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

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

116.5 regarding environment and natural resources; modifying and creating environment

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

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

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

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

116.10 modifying environmental review and permitting requirements; authorizing sales,

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

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

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

116.14 2022, sections 84.788, subdivisions 5a, 6; 85.015, subdivision 1b; 93.25,

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

116.16 97A.475, subdivisions 2, 3; 115.071, subdivisions 1, 4, by adding subdivisions;

116.17 116.07, subdivision 9, by adding subdivisions; 116.11; 116.92, by adding a

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

116.19 1; 325E.3892, subdivision 2; Laws 2023, chapter 60, article 1, section 3, subdivision

116.20 3; article 3, section 35; article 8, section 6, subdivision 9; proposing coding for

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

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

116.23 subdivision 33."

116.24 And when so amended the bill do pass and be re-referred to the Committee on Finance.

116.25 Amendments adopted. Report adopted.

116.26 .....

116.27 (Committee Chair)

116.28 April 25, 2024.....

116.29 (Date of Committee recommendation)