

1.1 Senator moves to amend S.F. No. 2781 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

1.5 Section 1. Minnesota Statutes 2024, section 84.03, is amended to read:

1.6 **84.03 ADDITIONAL DUTIES AND POWERS.**

1.7 (a) So far as practicable the commissioner shall collect and arrange statistics and other
1.8 information in reference to the lands and general and special resources of the state.

1.9 (b) The commissioner is hereby authorized and empowered to take such measures as
1.10 the commissioner may deem advisable to advertise, both within and without the state, sales
1.11 of all state lands, and to secure, compile, and issue such valuable statistics of the resources
1.12 of the state.

1.13 (c) The commissioner may adopt and promulgate reasonable rules, not inconsistent with
1.14 law, governing the use and enjoyment of state land reserved from sale, state parks, state
1.15 water-access sites, state trails, state monuments, state scientific and natural areas, state
1.16 wilderness areas, and recreational areas owned by other state, local and federal agencies
1.17 and operated under agreement by the Department of Natural Resources, which shall have
1.18 the force and effect of law. A reasonable fee may be fixed, charged, and collected by the
1.19 commissioner for the privilege of the use of any or all of the foregoing privileges and
1.20 facilities.

1.21 ~~(d) The commissioner, on or before November 15 of each even-numbered year, shall~~
1.22 ~~report to the legislature the commissioner's acts and doings, with recommendation for the~~
1.23 ~~improvement or conservation of state parks, state water-access sites, state trails, and state~~
1.24 ~~monuments, state scientific and natural areas, state forests, state wildlife management areas,~~
1.25 ~~public hunting grounds, public shooting grounds, food and cover planting areas, wildlife~~
1.26 ~~lands, recreational or public hunting areas, state wild and scenic rivers, state wilderness~~
1.27 ~~areas, and all other recreational lands under the jurisdiction of the Department of Natural~~
1.28 ~~Resources, and for desirable accessions thereto, such report to include an inventory of the~~
1.29 ~~tracts and parcels of land, and rights, interests, and easements therein, held by the state or~~
1.30 ~~withdrawn from sale for any of these purposes, with the value thereof, and a list of the name,~~
1.31 ~~location, size, and description of each state trail, state scientific and natural area, state wildlife~~
1.32 ~~management area, state water-access site, and state wild, scenic, or recreational river~~
1.33 ~~designated by the commissioner, and each public hunting grounds, public shooting grounds,~~

~~food and cover planting area, wildlife lands, and recreational or public hunting area acquired by the commissioner since the last report. The commissioner shall maintain a long range plan governing the use of the public domain under the commissioner's jurisdiction.~~

Sec. 2. [84.1515] WILD RICE POLICY.

It is the policy of the state to recognize the innate significance of uncultivated wild rice's ability to exist and thrive in Minnesota. The legislature finds that wild rice:

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2024, section 84.8035, subdivision 1, is amended to read:

Subdivision 1. **Pass required; fee.** (a) Except as provided under paragraph (c), a person may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail or use area unless ~~the vehicle displays an~~ operator carries a valid off-road vehicle state trail pass issued according to this section. The pass must be available ~~to be viewed for inspection by~~ a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of the fee. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for off-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) An off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

(2) a person operating an off-road vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a person operating an off-road vehicle that is registered according to section 84.798.

(d) The fee for an annual nonresident off-road vehicle state trail pass is \$20. The nonresident pass is valid from January 1 through December 31. The fee for a nonresident three-year pass is \$30.

(e) The fee for a resident off-road vehicle state trail pass is \$20. The resident pass is valid for 30 consecutive days after the date of issuance.

Sec. 4. Minnesota Statutes 2024, section 84D.01, is amended by adding a subdivision to read:

Subd. 6a. **Eviscerated.** "Eviscerated" means to have the internal organs removed from the body cavity or to have the gills severed to ensure that an organism is dead.

Sec. 5. Minnesota Statutes 2024, section 84D.05, subdivision 1, is amended to read:

Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell, propagate, transport, or introduce a prohibited invasive species, except:

(1) under a permit issued by the commissioner under section 84D.11;

(2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

(3) under a restricted species permit issued under section 17.457;

(4) a person may possess, import, purchase, sell, and transport bighead carp, grass carp, and silver carp if they are dead and eviscerated;

~~(4)~~ (5) when being transported to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying the species or reporting the presence of the species;

~~(5)~~ (6) when being transported for disposal as part of a harvest or control activity when specifically authorized under a permit issued by the commissioner according to section 103G.615, when being transported for disposal as specified under a commercial fishing

4.1 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
4.2 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

4.3 ~~(6)~~ (7) when being removed from watercraft and equipment, or caught while angling,
4.4 and immediately returned to the water from which they came;

4.5 ~~(7)~~ (8) when being transported from riparian property to a legal disposal site that is at
4.6 least 100 feet from any surface water, ditch, or seasonally flooded land, provided the
4.7 prohibited invasive species are in a covered commercial vehicle specifically designed and
4.8 used for hauling trash; or

4.9 ~~(8)~~ (9) as the commissioner may otherwise prescribe by rule.

4.10 Sec. 6. Minnesota Statutes 2024, section 97B.001, subdivision 4, is amended to read:

4.11 Subd. 4. **Entering posted land prohibited; signs.** (a) Except as provided in subdivision
4.12 6, a person may not:

4.13 (1) enter, for outdoor recreation purposes, any land that is posted under this subdivision
4.14 without first obtaining permission of the owner, occupant, or lessee; or

4.15 (2) knowingly enter, for outdoor recreation purposes, any land that is posted under this
4.16 subdivision without first obtaining permission of the owner, occupant, or lessee. A person
4.17 who violates this clause is subject to the penalty provided in section 97A.315, subdivision
4.18 1, paragraph (b).

4.19 (b) The owner, occupant, or lessee of private land, or an authorized manager of public
4.20 land may prohibit outdoor recreation on the land by posting signs once each year that:

4.21 (1) state "no trespassing" or similar terms;

4.22 (2) display letters at least two inches high;

4.23 (3) either:

4.24 (i) are signed by the owner, occupant, lessee, or authorized manager; or

4.25 (ii) include the legible name and telephone number of the owner, occupant, lessee, or
4.26 authorized manager; and

4.27 (4) either:

4.28 (i) are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded
4.29 area where boundary lines are not clear, at intervals of 500 feet or less; or

(ii) mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

(c) A person may not ~~erect a sign that prohibits outdoor recreation or trespassing act~~ under paragraph (b) or (d) where the person does not have a property right, title, or interest to use the land.

(d) As an alternative to posting signage under paragraph (b), the owner, occupant, or lessee of private land or an authorized manager of public land may prohibit outdoor recreation on the land by:

(1) applying purple paint to trees along the perimeter of the area to which the person wants to prohibit entrance. Paint applied under this paragraph must be applied:

(i) at least three feet off the ground;

(ii) to trees that are at least one inch wide; and

(iii) in a strip that is at least eight inches tall; and

(2) posting signs once each year that mark the primary corners of the area to which the person wants to prohibit entrance.

Sec. 7. Minnesota Statutes 2024, section 97B.037, is amended to read:

97B.037 CROSSBOW HUNTING AND FISHING.

(a) Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, turkey, common carp, or native rough fish by crossbow during the respective regular archery seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular archery deer, bear, turkey, common carp, or native rough fish season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking deer, bear, turkey, common carp, or native rough fish by crossbow under this section must have a valid license to take the respective game.

(b) This section expires June 30, ~~2025~~ 2026.

Sec. 8. Minnesota Statutes 2024, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. **Shotgun use area.** (a) During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area ~~is that portion of the state lying within the following~~

described boundary: Beginning on the west boundary of the state at the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning consists of the counties that have passed a resolution as provided under paragraph (b).

(b) A county board may adopt an ordinance after notice and public hearing to limit the type of firearms that may be used to hunt deer within the county. To be included in the shotgun use area beginning January 1, the county board must submit the resolution to the commissioner of natural resources on or before October 1 of the prior year.

Sec. 9. Minnesota Statutes 2024, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected. Additionally, the commissioner may award points toward a preference under this section to a person who is at least six years of age, so that by the time the person is old enough to be a bear hunter the person has accumulated a number of preference points.

(b) If the commissioner limits the number of persons that may hunt bear in an area under paragraph (a), the commissioner must reserve one permit and give first preference for that permit to a resident of a Minnesota veterans home.

(c) A person selected through a drawing must purchase a license by August 1. Any remaining available licenses not purchased shall be issued to any eligible person as prescribed

7.1 by the commissioner on a first-come, first-served basis beginning three business days after
7.2 August 1.

7.3 Sec. 10. Minnesota Statutes 2024, section 97B.667, subdivision 3, is amended to read:

7.4 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a
7.5 beaver under this section, the road authority or government unit must contact a conservation
7.6 officer for a special beaver permit if the beaver will be killed within two weeks before or
7.7 after the trapping season for beaver, and the conservation officer must issue the permit for
7.8 any beaver subject to this section. A permit is not required:

7.9 (1) for a licensed trapper during the open trapping season for beaver; or

7.10 (2) when the trapping season for beaver is closed and it is not within two weeks before
7.11 or after the trapping season for beaver.

7.12 (b) A road authority or government unit that kills or arranges to have killed a beaver
7.13 under this section must notify a conservation officer or employee of the Fish and Wildlife
7.14 Division within ten days after the animal is killed.

7.15 (c) Unless otherwise directed by a conservation officer, the road authority, local
7.16 government unit, the landowner, or their agent may dispose of or retain beaver killed under
7.17 this section. ~~Human consumption of a retained beaver is prohibited.~~

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

7.19 Sec. 11. **[97B.902] OPENING HOUR FOR TRAPPING SEASONS.**

7.20 A season for taking fur-bearing animals by trapping begins at sunrise on the opening
7.21 day prescribed by rule adopted by the commissioner.

7.22 Sec. 12. Minnesota Statutes 2024, section 97B.945, is amended to read:

7.23 **97B.945 SETTING TRAPS NEAR WATER RESTRICTED.**

7.24 (a) Except as provided in paragraph (b), a person may not set a trap within 50 feet of
7.25 any water other than temporary surface water within 30 days before the open season for
7.26 mink and muskrat without a special permit by the commissioner.

7.27 (b) A person may set a foot-encapsulating trap within 50 feet of any water within 30
7.28 days before the open season for mink and muskrat without a special permit by the
7.29 commissioner. For purposes of this paragraph, "foot-encapsulating trap" means a trap for
7.30 which:

- 8.1 (1) the triggering and restraining mechanisms are enclosed within a housing and are
8.2 only accessible through a single opening when set; and
8.3 (2) the opening does not exceed two inches in diameter.

8.4 Sec. 13. Minnesota Statutes 2024, section 97C.395, is amended to read:

8.5 **97C.395 OPEN SEASONS FOR ANGLING.**

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

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

8.11 (2) for brown trout, brook trout, lake trout, rainbow trout, and splake, between January
8.12 1 through October 31 as prescribed by the commissioner by rule except as provided in
8.13 section 97C.415, subdivision 2; and

8.14 (3) for salmon, as prescribed by the commissioner by rule.

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

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

8.21 Sec. 14. Minnesota Statutes 2024, section 97C.835, subdivision 2, is amended to read:

8.22 Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish,
8.23 round whitefish, pygmy whitefish, rainbow smelt, common carp, burbot, and native rough
8.24 fish may be taken by licensed commercial fishing operators from Lake Superior, in
8.25 accordance with this section.

8.26 Sec. 15. Minnesota Statutes 2024, section 103G.005, subdivision 15, is amended to read:

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

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

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

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

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

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

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

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

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

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

9.15 (10) natural and altered watercourses designated by the commissioner as trout streams;
9.16 and

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

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

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

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

9.22 ~~(3) their inclusion in or exclusion from the public waters inventory required under section~~
9.23 ~~103G.201. This clause is effective July 1, 2027.~~

9.24 Sec. 16. Minnesota Statutes 2024, section 103G.201, is amended to read:

9.25 **103G.201 PUBLIC WATERS INVENTORY.**

9.26 (a) The commissioner shall maintain a public waters inventory map of each county that
9.27 shows the waters of this state that are designated as public waters under the public waters
9.28 inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall
9.29 provide access to a copy of the maps. As county public waters inventory maps are revised

10.1 according to this section, the commissioner shall send a notification or a copy of the maps
10.2 to the auditor of each affected county.

10.3 (b) The commissioner ~~must~~ may revise the map of public waters established under Laws
10.4 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as
10.5 public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under
10.6 section 103G.005, subdivision 19. The commissioner may only reclassify public waters
10.7 wetlands as public waters if:

10.8 (1) they are assigned a shoreland management classification by the commissioner under
10.9 sections 103F.201 to 103F.221;

10.10 (2) they are classified as lacustrine wetlands or deepwater habitats according to
10.11 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al.,
10.12 1979 edition); or

10.13 (3) the state or federal government has become titleholder to any of the beds or shores
10.14 of the public waters wetlands, subsequent to the preparation of the public waters inventory
10.15 map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state
10.16 or federal agency declares that the water is necessary for the purposes of the public
10.17 ownership.

10.18 (c) The commissioner must provide notice of the reclassification to the local government
10.19 unit, the county board, the watershed district, if one exists for the area, and the soil and
10.20 water conservation district. Within 60 days of receiving notice from the commissioner, a
10.21 party required to receive the notice may provide a resolution stating objections to the
10.22 reclassification. If the commissioner receives an objection from a party required to receive
10.23 the notice, the reclassification is not effective. If the commissioner does not receive an
10.24 objection from a party required to receive the notice, the reclassification of a wetland under
10.25 paragraph (b) is effective 60 days after the notice is received by all of the parties.

10.26 (d) The commissioner shall give priority to the reclassification of public waters wetlands
10.27 that are or have the potential to be affected by public works projects.

10.28 (e) The commissioner ~~may~~ must revise the public waters inventory map of each county:

10.29 (1) to reflect the changes authorized in paragraph (b); and

10.30 (2) as needed, to:

10.31 (i) correct errors in the original inventory;

11.1 (ii) add or subtract trout stream tributaries within sections that contain a designated trout
11.2 stream following written notice to the landowner;

11.3 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50
11.4 acres and the shoreland has been zoned for residential development; and

11.5 (iv) add or subtract public waters that have been created or eliminated as a requirement
11.6 of a permit authorized by the commissioner under section 103G.245.

11.7 (f) \$1,000,000 is appropriated from the general fund each year in fiscal years 2025
11.8 through 2032 to the commissioner to update the public water inventory as required in this
11.9 section. The commissioner must develop and implement a process to update the public
11.10 water inventory. This paragraph expires June 30, 2032.

11.11 Sec. 17. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
11.12 read:

11.13 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of the Pollution
11.14 Control Agency.

11.15 Sec. 18. **[115.033] OUTDOOR USE OF RAINWATER AND STORMWATER.**

11.16 (a) A state agency, political subdivision of the state, joint powers organization, or special
11.17 purpose unit of government with authority to establish water-quality standards may allow
11.18 using untreated rainwater or stormwater for outdoor purposes when the probability of
11.19 consumption or immersion by humans or animals is low or nonexistent.

11.20 (b) For purposes of this section, "using untreated rainwater or stormwater for outdoor
11.21 purposes" does not include using the water:

11.22 (1) as a source of drinking water;

11.23 (2) for swimming or immersion; or

11.24 (3) for agricultural activities that produce food crops for humans or livestock.

11.25 Sec. 19. Minnesota Statutes 2024, section 116.182, subdivision 5, is amended to read:

11.26 Subd. 5. **Rules.** (a) The agency shall adopt rules for the administration of the financial
11.27 assistance program. For wastewater treatment projects, the rules must include:

11.28 (1) application requirements;

12.1 (2) criteria for the ranking of projects in order of priority based on factors including the
12.2 type of project and the degree of environmental impact, and scenic and wild river standards;
12.3 and

12.4 (3) criteria for determining essential project components.

12.5 (b) Notwithstanding any provision in Minnesota Rules, chapter 7077, to the contrary,
12.6 for purposes of Minnesota Rules, parts 7077.0117, 7077.0118, and 7077.0119, the
12.7 commissioner must assign 40 points if a municipality is proposing a project to address
12.8 emerging contaminants, as defined by the United States Environmental Protection Agency.
12.9 This paragraph expires June 30, 2030.

12.10 Sec. 20. Minnesota Statutes 2024, section 116.943, subdivision 1, is amended to read:

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

12.13 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

12.14 (c) "Air care product" means a chemically formulated consumer product labeled to
12.15 indicate that the purpose of the product is to enhance or condition the indoor environment
12.16 by eliminating odors or freshening the air.

12.17 (d) "Automotive maintenance product" means a chemically formulated consumer product
12.18 labeled to indicate that the purpose of the product is to maintain the appearance of a motor
12.19 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior
12.20 or interior surfaces of motor vehicles. Automotive maintenance product does not include
12.21 automotive paint or paint repair products.

12.22 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

12.23 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,
12.24 or institutional cleaning purposes, including but not limited to an air care product, an
12.25 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
12.26 product.

12.27 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

12.28 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
12.29 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
12.30 baking sheets, baking molds, trays, bowls, and cooking utensils.

12.31 (i) "Cosmetic" means articles, excluding soap:

13.1 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
13.2 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
13.3 promoting attractiveness, or altering the appearance; and

13.4 (2) intended for use as a component of any such article.

13.5 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has
13.6 determined by rule under this section to be essential for health, safety, or the functioning
13.7 of society and for which alternatives are not reasonably available.

13.8 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
13.9 characteristics, including but not limited to stain resistance or water resistance.

13.10 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a
13.11 product where the continued presence of PFAS is desired in the final product or one of the
13.12 product's components to perform a specific function.

13.13 (m) "Juvenile product" means a product designed or marketed for use by infants and
13.14 children under 12 years of age:

13.15 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
13.16 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
13.17 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
13.18 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
13.19 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
13.20 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
13.21 crib; stroller; and toddler mattress; ~~and~~

13.22 (2) not including a children's electronic product such as a personal computer, audio and
13.23 video equipment, calculator, wireless phone, game console, handheld device incorporating
13.24 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
13.25 or power cord; or an adult mattress; and

13.26 (3) not including:

13.27 (i) an off-highway vehicle made for children;

13.28 (ii) an all-terrain vehicle made for children;

13.29 (iii) an off-highway motorcycle made for children;

13.30 (iv) a snowmobile made for children;

13.31 (v) an electric-assisted bicycle made for children; or

14.1 (vi) a replacement part for a vehicle described in items (i) through (v).

14.2 (n) "Manufacturer" means the person that creates or produces a product or whose brand
14.3 name is affixed to the product. In the case of a product imported into the United States,
14.4 manufacturer includes the importer or first domestic distributor of the product if the person
14.5 that manufactured or assembled the product or whose brand name is affixed to the product
14.6 does not have a presence in the United States.

14.7 (o) "Medical device" has the meaning given "device" under United States Code, title
14.8 21, section 321, subsection (h).

14.9 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
14.10 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

14.11 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared
14.12 for sale to consumers, including but not limited to its product components, sold or distributed
14.13 for personal, residential, commercial, or industrial use, including for use in making other
14.14 products.

14.15 (r) "Product component" means an identifiable component of a product, regardless of
14.16 whether the manufacturer of the product is the manufacturer of the component.

14.17 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but
14.18 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes
14.19 related tuning products.

14.20 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,
14.21 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,
14.22 nylon, and polyester.

14.23 (u) "Textile furnishings" means textile goods of a type customarily used in households
14.24 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,
14.25 towels, and tablecloths.

14.26 (v) "Upholstered furniture" means an article of furniture that is designed to be used for
14.27 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling
14.28 material.

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

15.1 Sec. 21. Minnesota Statutes 2024, section 116.943, subdivision 5, is amended to read:

15.2 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for
15.3 sale, or distribute for sale in this state the following products if the product contains
15.4 intentionally added PFAS:

15.5 (1) carpets or rugs;

15.6 (2) cleaning products;

15.7 (3) cookware;

15.8 (4) cosmetics;

15.9 (5) dental floss;

15.10 (6) fabric treatments;

15.11 (7) juvenile products;

15.12 (8) menstruation products;

15.13 (9) textile furnishings;

15.14 (10) ski wax; or

15.15 (11) upholstered furniture.

15.16 (b) Paragraph (a) does not prohibit the sale, offering for sale, or distribution of a product
15.17 that contains intentionally added PFAS only in internal components that do not come into
15.18 direct contact with a person's skin or mouth during reasonably foreseeable use or abuse of
15.19 the product.

15.20 ~~(b)~~ (c) The commissioner may by rule identify additional products by category or use
15.21 that may not be sold, offered for sale, or distributed for sale in this state if they contain
15.22 intentionally added PFAS and designate effective dates. A prohibition adopted under this
15.23 paragraph must be effective no earlier than January 1, 2025, and no later than January 1,
15.24 2032. The commissioner must prioritize the prohibition of the sale of product categories
15.25 that, in the commissioner's judgment, are most likely to contaminate or harm the state's
15.26 environment and natural resources if they contain intentionally added PFAS.

15.27 ~~(c)~~ (d) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for
15.28 sale in this state any product that contains intentionally added PFAS, unless the commissioner
15.29 has determined by rule that the use of PFAS in the product is a currently unavoidable use.
15.30 The commissioner may specify specific products or product categories for which the
15.31 commissioner has determined the use of PFAS is a currently unavoidable use. The

16.1 commissioner may not determine that the use of PFAS in a product is a currently unavoidable
16.2 use if the product is listed in paragraph (a).

16.3 ~~(d)~~ (e) The commissioner may not take action under paragraph ~~(b)~~ (c) or ~~(e)~~ (d) with
16.4 respect to a pesticide, as defined under chapter 18B, a fertilizer, an agricultural liming
16.5 material, a plant amendment, or a soil amendment as defined under chapter 18C, unless the
16.6 commissioner of agriculture approves the action.

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

16.8 Sec. 22. Minnesota Statutes 2024, section 325E.3892, subdivision 1, is amended to read:

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

16.11 (b) "Covered product" means any of the following products or product components:

16.12 (1) jewelry;

16.13 (2) toys;

16.14 (3) cosmetics and personal care products;

16.15 (4) puzzles, board games, card games, and similar games;

16.16 (5) play sets and play structures;

16.17 (6) outdoor games;

16.18 (7) school supplies, except ink pens and mechanical pencils;

16.19 (8) pots and pans;

16.20 (9) cups, bowls, and other food containers;

16.21 (10) craft supplies and jewelry-making supplies;

16.22 (11) chalk, crayons, children's paints, and other art supplies except professional artist
16.23 materials, including but not limited to oil-based paints, water-based paints, paints, pastels,
16.24 pigments, ceramic glazes, and markers;

16.25 (12) fidget spinners;

16.26 (13) costumes, costume accessories, and children's and seasonal party supplies;

16.27 (14) ~~keys~~, key chains, and key rings; and

16.28 (15) clothing, footwear, headwear, and accessories.

16.29 (c) "Pastels" means a crayon composed of powdered pigments bonded with gum or resin.

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

17.2 Sec. 23. Minnesota Statutes 2024, section 325E.3892, subdivision 2, is amended to read:

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

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

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

17.7 (b) This section does not apply to:

17.8 (1) covered products containing lead or cadmium, or both, when regulation is preempted
17.9 by federal law; or

17.10 (2) covered products that contain lead only in solder used in internal components or in
17.11 pen tips so long as:

17.12 (i) the product is not imported, manufactured, sold, held for sale, distributed, or offered
17.13 for use in this state after July 1, 2028; and

17.14 (ii) the manufacturer of the product submits biennial reports to the commissioner of the
17.15 Pollution Control Agency that explain the barriers to removing lead from the product,
17.16 progress toward adoption of lead-free alternatives, and a timeline for full adoption of those
17.17 alternatives.

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

17.19 Sec. 24. Minnesota Statutes 2024, section 325F.072, subdivision 3, is amended to read:

17.20 Subd. 3. **Prohibition.** (a) No person, political subdivision, or state agency shall
17.21 manufacture or knowingly sell, offer for sale, distribute for sale, or distribute for use in this
17.22 state, and no person shall use in this state, class B firefighting foam containing PFAS
17.23 chemicals.

17.24 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
17.25 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
17.26 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
17.27 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
17.28 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
17.29 exempt under this paragraph effective one year after the day of revocation.

(c) This subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for purposes of use at an airport, as defined under section 360.013, subdivision 39, until the state fire marshal makes a determination that:

(1) the Federal Aviation Administration has provided policy guidance on the transition to fluorine-free firefighting foam;

(2) a fluorine-free firefighting foam product is included in the Federal Aviation Administration's Qualified Product Database; and

(3) a firefighting foam product included in the database under clause (2) is commercially available in quantities sufficient to reliably meet the requirements under Code of Federal Regulations, title 14, part 139.

(d) Until the state fire marshal makes a determination under paragraph (c), the operator of an airport using class B firefighting foam containing PFAS chemicals must, on or before December 31 each calendar year, submit a report to the state fire marshal regarding the status of the airport's conversion to class B firefighting foam products without intentionally added PFAS, the disposal of class B firefighting foam products with intentionally added PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

(e) Until January 1, 2028, this subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for use in hangar fixed firefighting systems at an airport, as defined under section 360.013, subdivision 39. The commissioner of the Pollution Control Agency, in consultation with the state fire marshal, may provide the operator of an airport using class B firefighting foam containing PFAS chemicals one year extensions beyond this date upon a showing that the need for additional time is beyond the operator's control and that public safety and the environment will be protected during the period of the extension.

Sec. 25. Minnesota Statutes 2024, section 446A.07, subdivision 8, is amended to read:

Subd. 8. **Other uses of revolving fund.** (a) The clean water revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

(1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;

(2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loan guarantees, loans, or set-aside for similar revolving funds established by a governmental unit other than state agencies, or state agencies under sections 17.117, 103F.725, subdivision 1a, and 116J.617;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the Pollution Control Agency of administering the fund and conducting activities required under the Federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act;

(b) The clean water revolving fund may be used to provide additional subsidization as permitted under the federal Water Pollution Control Act and other federal law to provide principal forgiveness or grants:

~~(7) to provide principal forgiveness or grants to the extent permitted under the Federal Water Pollution Control Act and other federal law,~~ (1) based on the affordability criteria and requirements established for the ~~wastewater~~ water infrastructure funding program under section 446A.072; ~~and~~

~~(8) to provide loans, principal forgiveness, or grants to the extent permitted under the Federal Water Pollution Control Act and other federal law~~ (2) for 25 percent of project costs up to a maximum of \$1,000,000 for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; and

(3) for 50 percent of project costs up to a maximum of \$3,000,000 for projects that address emerging contaminants as defined by the United States Environmental Protection Agency.

~~(b) Amounts spent under paragraph (a), clause (6), may not exceed the amount allowed under the Federal Water Pollution Control Act.~~

~~(c) Principal forgiveness or grants provided under paragraph (a), clause (8), may not exceed 25 percent of the eligible project costs as determined by the Pollution Control Agency for project components directly related to green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities, up to a maximum of \$1,000,000.~~

20.1 Sec. 26. Minnesota Statutes 2024, section 473.355, subdivision 2, is amended to read:

20.2 Subd. 2. **Grants.** (a) The Metropolitan Council must establish a grant program to provide
20.3 grants to cities, counties, townships, Tribal governments, and implementing agencies for
20.4 the following purposes:

20.5 (1) removing and planting shade trees on public land to provide environmental benefits;

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

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

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

20.11 Sec. 27. Minnesota Statutes 2024, section 473.859, subdivision 2, is amended to read:

20.12 Subd. 2. **Land use plan.** (a) A land use plan must include the water management plan
20.13 required by section 103B.235, and shall designate the existing and proposed location,
20.14 intensity and extent of use of land and water, including lakes, wetlands, rivers, streams,
20.15 natural drainage courses, and adjoining land areas that affect water natural resources, for
20.16 agricultural, residential, commercial, industrial and other public and private purposes, or
20.17 any combination of such purposes.

20.18 (b) A land use plan must contain a protection element, as appropriate, for historic sites,
20.19 the matters listed in the water management plan required by section 103B.235, and an
20.20 element for protection and development of access to direct sunlight for solar energy systems.

20.21 (c) A land use plan must also include a housing element containing standards, plans and
20.22 programs for providing adequate housing opportunities to meet existing and projected local
20.23 and regional housing needs, including but not limited to the use of official controls and land
20.24 use planning to promote the availability of land for the development of low and moderate
20.25 income housing.

20.26 (d) A land use plan must also include an assessment of the impact of all land use
20.27 designations and easements on access to aggregate resources and the local government's
20.28 goals, intentions, and priorities concerning aggregate and other natural resources,
20.29 transportation infrastructure, land use compatibility, habitat, agricultural preservation, and
20.30 other planning priorities, considering information regarding supply from the Minnesota
20.31 Geological Survey Information Circular No. 46.

(e) A land use plan must also include an inventory and projections pertaining to greenhouse gas emissions and vehicle miles traveled that are generated from activity that occurs within the local government's jurisdiction. The inventory and projections must include the emission sources from transportation, land use, energy use, solid waste, and, where available and applicable, livestock and agriculture. The inventory and projections must include the estimated impact of strategies, including efficient land use and compact growth, that reduce or naturally sequester greenhouse gas emissions across sectors.

Sec. 28. **EXTENSION OF CERTAIN TIMBER PERMITS.**

If the holder of a timber permit that expires in 2025 has been unable to cut and remove some or all of the timber described in the permit, then, notwithstanding any provisions to the contrary in Minnesota Statutes, chapter 90, the commissioner of natural resources must grant an extension of the permit for two years without penalty or interest upon written request to the commissioner by the holder of the permit.

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

Sec. 29. **AUDIT OF AGGREGATE TAX AND THE USE OF THE REVENUES COLLECTED BY COUNTIES.**

The Office of the Legislative Auditor is directed to conduct a program audit of the aggregate production tax established by Minnesota Statutes, section 298.75, to include the following by individual participating county and covering all fiscal years since the county established the tax:

(1) a report on total revenues collected by fiscal year;

(2) a report on how revenues are distributed between maintenance, construction, and reconstruction of roads, highways, and bridges;

(3) a report as to the funding priority given to roads, highways, and bridges that service or are impacted by aggregate operations;

(4) a report as to whether the county distributes aggregate tax revenues on a project or formula basis;

(5) a report as to distribution and expenditure of funds for aggregate mine reclamation activities; and

22.1 (6) a report on how tax revenue deposited in the special reserve fund established in
22.2 Minnesota Statutes, section 298.75, subdivision 7, paragraph (c), clause (3), has been
22.3 expended since each county began collecting the tax.

22.4 Sec. 30. **RECOMMENDATIONS FOR LOCAL GOVERNMENT PERMITTING**
22.5 **CHANGES TO PROTECT AGGREGATE RESOURCES.**

22.6 By February 1, 2027, the commissioner of natural resources, in consultation with the
22.7 Minnesota Asphalt Paving Association, the Aggregate and Ready Mix Association of
22.8 Minnesota, the Association of Minnesota Counties, and other interested stakeholders, must
22.9 make recommendations to the chairs and ranking minority members of the legislative
22.10 committees with primary jurisdiction over environment and local government for statutory
22.11 changes that would facilitate local government permitting processes that adequately protect
22.12 the state's aggregate resources and foster environmentally responsible reclamation of former
22.13 aggregate mining sites.

22.14 Sec. 31. **REPEALER.**

22.15 Minnesota Statutes 2024, sections 103E.067; 116C.04, subdivision 11; 116C.991; and
22.16 116D.04, subdivision 5b, are repealed.

22.17 **ARTICLE 2**

22.18 **ELECTRONIC WASTE AND BATTERY STEWARDSHIP**

22.19 Section 1. Minnesota Statutes 2024, section 115.071, subdivision 1, is amended to read:

22.20 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
22.21 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to ~~325E.1251~~ 325E.12
22.22 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
22.23 and permits adopted or issued by the agency thereunder or under any other law now in force
22.24 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced
22.25 by any one or any combination of the following: criminal prosecution; action to recover
22.26 civil penalties; injunction; action to compel or cease performance; or other appropriate
22.27 action, in accordance with the provisions of said chapters and this section.

22.28 **EFFECTIVE DATE.** This section is effective January 1, 2028.

23.1 Sec. 2. Minnesota Statutes 2024, section 115A.121, is amended to read:

23.2 **115A.121 TOXICS AND POLLUTION PREVENTION EVALUATION;**
23.3 **CONSOLIDATED REPORT.**

23.4 The commissioner shall prepare and adopt a report on pollution prevention activities
23.5 required in chapters 115A, 115D, and 325E. ~~The report must include activities required~~
23.6 ~~under section 115A.1320.~~ The commissioner must submit the report to the senate and house
23.7 of representatives committees having jurisdiction over environment and natural resources
23.8 by December 31, 2013, and every four years thereafter.

23.9 **EFFECTIVE DATE.** This section is effective January 1, 2027.

23.10 Sec. 3. **[115A.1331] STEWARDSHIP PROGRAM FOR CIRCUIT BOARDS,**
23.11 **BATTERIES, AND ELECTRICAL PRODUCTS; DEFINITIONS.**

23.12 (a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this
23.13 section.

23.14 (b) "Battery" means one or more galvanic cells, including any structural members,
23.15 insulative casing, and terminals.

23.16 (c) "Board" means the Covered Products Reimbursement Board established under section
23.17 115A.1333.

23.18 (d) "Brand" means a trademark, including both a registered and an unregistered trademark;
23.19 a logo; a name; a symbol; a word; an identifier; or a traceable mark that identifies a covered
23.20 product or other electrical product and identifies the owner or licensee of the brand as the
23.21 producer of the product.

23.22 (e) "Circuit board" means a nonconductive substrate onto which one or more layers of
23.23 conductive paths have been printed or wires attached for mounting and interconnecting
23.24 electronic components, such as resistors, capacitors, diodes, transistors, integrated circuit
23.25 chips, and connecting wires. Circuit boards include printed circuit boards, printed wiring
23.26 boards, and any other style or type of circuit board.

23.27 (f) "Collection site" means a physical location where a collector collects covered products
23.28 and other electrical products from members of the public and businesses. Collection site
23.29 includes a location regardless of whether it is operated permanently, temporarily, or for
23.30 purposes of a collection event.

24.1 (g) "Collector" means a person that collects covered products and other electrical products
24.2 on behalf of the stewardship organization and receives reimbursement from the stewardship
24.3 organization for the collector's costs to collect and manage the products.

24.4 (h) "Covered battery" means a battery of any type, physical size, or energy capacity
24.5 including but not limited to batteries designed and marketed for sale or resale for use in
24.6 lawn care equipment as defined in section 181A.116, off-highway vehicles, snowmobiles,
24.7 watercraft, tools, household items, lights, or devices powered by an internal combustion
24.8 engine. A covered battery does not include:

24.9 (1) a lead acid battery subject to sections 325E.115 and 325E.1151;

24.10 (2) a battery designed, manufactured, and intended solely for use in manufacturing,
24.11 industrial, or other commercial settings; or

24.12 (3) a battery designed, manufactured, and intended solely for use in a medical device,
24.13 as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section
24.14 301 et seq.

24.15 (i) "Covered circuit board" means any circuit board except a circuit board from:

24.16 (1) a major appliance;

24.17 (2) an appliance or tool powered by electrical power of equal to or greater than 240 volts
24.18 alternating current; or

24.19 (3) an appliance or tool designed, manufactured, and intended solely for use in
24.20 manufacturing, industrial, or other commercial settings.

24.21 (j) "Covered product" means:

24.22 (1) a covered circuit board;

24.23 (2) a covered battery;

24.24 (3) a cathode-ray tube; or

24.25 (4) a product that has a covered circuit board, a covered battery, or a cathode-ray tube
24.26 contained within it or otherwise attached or connected to it, except:

24.27 (i) a medical device, as defined in the Federal Food, Drug, and Cosmetic Act, United
24.28 States Code, title 21, section 301 et seq.;

24.29 (ii) any device powered by an internal combustion engine;

24.30 (iii) an off-highway vehicle, watercraft, or snowmobile; and

25.1 (iv) a motor vehicle, as defined in section 168.002.

25.2 (k) "Covered services" means collection, sorting, storage, transport, processing, repair,
25.3 refurbishment, reuse, recycling, reclamation of useful materials from, or disposal of covered
25.4 products, other electrical products, and residual materials.

25.5 (l) "De minimis producer" means a producer that, in the most recent calendar year, had
25.6 fewer than 100 covered products that were sold in or into the state and for which the producer
25.7 was responsible.

25.8 (m) "Facilitate a sale" means to assist a person in transferring title or possession of a
25.9 covered product or other electrical product, regardless of whether title or possession is ever
25.10 acquired by the person facilitating a sale, such as by operating an online marketplace,
25.11 publishing an offer for sale on a website, physically storing inventory of products, entering
25.12 into a contract to allow another person to list a product for sale, processing payment on
25.13 behalf of another person, entering into a contract with a buyer or a seller related to a sale,
25.14 or otherwise providing a sales process. Facilitate a sale does not include acting solely as:

25.15 (1) an advertiser;

25.16 (2) a payment processor; or

25.17 (3) a common carrier.

25.18 (n) "Full collection site" means a collection site that meets the requirements of section
25.19 115A.1341, subdivision 1, paragraph (b).

25.20 (o) "Household hazardous waste collection program" means a program established under
25.21 section 115A.96 to collect and manage household hazardous waste as defined in that section.

25.22 (p) "Independent auditor" means an independent and actively licensed certified public
25.23 accountant that is:

25.24 (1) retained by the stewardship organization;

25.25 (2) not otherwise employed by or affiliated with the stewardship organization; and

25.26 (3) qualified to conduct an audit under section 115A.1337, subdivision 5, paragraph (b),
25.27 clause (8).

25.28 (q) "Off-highway vehicle" has the meaning given in section 84.771.

25.29 (r) "Organohalogenated chemical" has the meaning given in section 325F.071.

25.30 (s) "Other electrical product" means an appliance or tool that is powered by electricity
25.31 provided through a flexible cord with an attached standardized plug intended for temporary,

- 26.1 manual connection to the electrical distribution system in a residential or commercial
26.2 structure. Other electrical product does not include:
- 26.3 (1) a covered product;
26.4 (2) a major appliance;
26.5 (3) an appliance or tool powered by electrical power of greater than 240 volts alternating
26.6 current; or
- 26.7 (4) an appliance or tool designed, manufactured, and intended solely for use in
26.8 manufacturing, industrial, or other commercial settings.
- 26.9 (t) "Partial collection site" means a collection site that meets the requirements of section
26.10 115A.1341, subdivision 1, paragraph (c), and does not meet the requirements of paragraph
26.11 (b) of that subdivision.
- 26.12 (u) "Participant" means a producer that is named by the stewardship organization as
26.13 meeting the producer's obligations under sections 115A.1331 to 115A.1347 to contract with
26.14 a stewardship organization and to pay for a stewardship program that meets the producer's
26.15 obligations on the producer's behalf.
- 26.16 (v) "Producer" means, with respect to a covered product or other electrical product that
26.17 is sold, including online sales; offered for sale or promotional purposes; or distributed in
26.18 or into the state:
- 26.19 (1) a person that manufactured:
- 26.20 (i) the covered product;
26.21 (ii) any component of the covered product if the component is also a covered product;
26.22 or
- 26.23 (iii) the other electrical product;
- 26.24 (2) a person that imported into the United States:
- 26.25 (i) the covered product;
26.26 (ii) any component of the covered product if the component is also a covered product;
26.27 or
- 26.28 (iii) the other electrical product; and
- 26.29 (3) a person that owns or controls or is licensed to use a brand under which the covered
26.30 product or other electrical product is sold, including online sales; offered for sale or
26.31 promotional purposes; or distributed in or into the state.

27.1 (w) "Responsible market" means a market for covered products and other electrical
27.2 products, for reusable or repairable components of covered products and other electrical
27.3 products, for reclaimed materials from covered products and other electrical products, or
27.4 for any other recyclable residues from covered products and other electrical products that:

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

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

27.10 (3) possesses all licenses and permits required by a federal or state agency or political
27.11 subdivision;

27.12 (4) if operating in the state, recycles covered products and other electrical products to
27.13 the maximum extent practicable in accordance with section 115A.02, paragraph (b); and

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

27.15 (x) "Snowmobile" has the meaning given in section 84.81, subdivision 3.

27.16 (y) "Specialized battery or circuit board recycler" means a person that, if and as
27.17 applicable, is properly authorized by the commissioner or, if operating in another state, an
27.18 equivalent state or federal governmental body, to process, repair, refurbish, facilitate reuse
27.19 of, recycle, or reclaim useful materials from covered products.

27.20 (z) "Stewardship organization" means a nonprofit organization as described in section
27.21 501(c)(3) of the Internal Revenue Code that enters into a contract with producers to draft
27.22 and submit a plan for a stewardship program under sections 115A.1331 to 115A.1347, and
27.23 to be responsible for administering and implementing that plan on the producers' behalf.

27.24 (aa) "Stewardship plan" means a plan that is prepared according to section 115A.1335
27.25 and submitted to the commissioner by a stewardship organization.

27.26 (bb) "Stewardship program" means a system implemented by a stewardship organization
27.27 that provides and pays for covered services and all other activities described in a stewardship
27.28 plan approved by the commissioner under section 115A.1335, subdivision 4.

27.29 (cc) "Watercraft" has the meaning given in section 86B.005, subdivision 18,
27.30 notwithstanding the exceptions contained therein.

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

28.1 **Sec. 4. [115A.1333] COVERED PRODUCTS REIMBURSEMENT BOARD.**

28.2 **Subdivision 1. Establishment.** The Covered Products Reimbursement Board is
28.3 established to recommend reimbursement rates to the commissioner. Except as provided in
28.4 this section, chapter 15 does not apply to the board.

28.5 **Subd. 2. Membership.** (a) By January 1, 2027, the commissioner must appoint the initial
28.6 membership of the Covered Products Reimbursement Board. Membership must consist of:

28.7 (1) two members representing household hazardous waste collection programs;

28.8 (2) two members representing collectors, according to paragraph (c); and

28.9 (3) four members representing and nominated by the stewardship organization.

28.10 (b) In making appointments under paragraph (a), the commissioner may not appoint
28.11 persons who are:

28.12 (1) current or elected Minnesota state representatives or senators;

28.13 (2) required to register as lobbyists under section 10A.03; or

28.14 (3) employees of the agency.

28.15 (c) Initial appointments under paragraph (a), clause (2), must represent potential
28.16 collectors. After January 1, 2028, whenever the terms of these members expire according
28.17 to subdivision 3, the new appointments must represent collectors. Members appointed under
28.18 paragraph (a), clause (2), must not represent household hazardous waste collection programs.

28.19 **Subd. 3. Terms; removal.** Members serve for a term of four years, except that one
28.20 member appointed under subdivision 2, paragraph (a), clause (1); one member appointed
28.21 under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision
28.22 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that
28.23 membership terms are staggered. Members may be reappointed to another term following
28.24 the end of a term. The removal of members is governed by section 15.059, subdivision 4.

28.25 **Subd. 4. Quorum; voting.** Meetings of the board must have at least a quorum of
28.26 members, consisting of six members. Recommendations of the board require the affirmative
28.27 vote of at least five members.

28.28 **Subd. 5. Administrative support; facilitator.** (a) The commissioner must provide
28.29 administrative support to the board. The commissioner must ensure that all activities of the
28.30 board that require public notice, such as notice of meetings, agendas and materials related
28.31 to agenda items, and minutes, are published on the agency's publicly accessible website.

29.1 The commissioner must provide meeting space and public access for meetings conducted
29.2 by telephone or interactive technology.

29.3 (b) The commissioner must contract for a professional facilitator for the board. The
29.4 facilitator must schedule and chair the meetings of the board but is not a member for purposes
29.5 of quorum or voting. The facilitator must ensure that all activities of the board that require
29.6 public notice are timely provided to the commissioner for publication.

29.7 Subd. 6. **Meetings.** (a) The board must meet at least biannually and as necessary to meet
29.8 the requirements of subdivisions 7 to 9. Meetings may be scheduled at the request of the
29.9 facilitator or a majority of the members.

29.10 (b) The board must comply with the Open Meeting Law under chapter 13D.

29.11 Subd. 7. **Recommendations for reimbursement rates.** (a) By July 1, 2027, and annually
29.12 thereafter, the board must submit to the commissioner a recommendation for reimbursement
29.13 rates to collectors for the following calendar year.

29.14 (b) Recommended rates must be differentiated by methods recommended by the board
29.15 under subdivision 4, such as local property lease or purchase costs, prevailing local wages,
29.16 or other factors to ensure convenient collection statewide according to section 115A.1335,
29.17 subdivision 3, and that all costs of collection are covered according to paragraph (c).

29.18 (c) Recommended rates must cover all costs of collecting covered products and other
29.19 electrical products incurred by collectors, including at least:

29.20 (1) labor and overhead;

29.21 (2) covered services performed by a collector in accordance with section 115A.1337,
29.22 subdivision 1, paragraph (b);

29.23 (3) necessary collection and storage structures and containers as provided in section
29.24 115A.1347, subdivision 1, paragraph (d);

29.25 (4) employee training;

29.26 (5) necessary safety equipment, including appropriate fire protection and suppression
29.27 equipment and supplies; and

29.28 (6) any other costs determined necessary by the commissioner.

29.29 (d) In making determinations under paragraph (c), clause (6), the commissioner may
29.30 consider data submitted according to section 115A.1337, subdivision 5; the volume of
29.31 covered products collected; the estimated volume of covered products sold in or into the

30.1 state; the estimated volume of covered products disposed of in the state; and other information
30.2 related to the effectiveness of the stewardship program.

30.3 (e) The board must also consider any additional financial incentives necessary to induce
30.4 collectors to join the stewardship program in locations that would otherwise not be served,
30.5 so that the stewardship organization can meet or exceed the required convenience standards
30.6 under section 115A.1335, subdivision 3.

30.7 Subd. 8. **Review and approval of reimbursement rates.** (a) Within 90 days after
30.8 receiving a recommendation on reimbursement rates submitted under subdivision 7, the
30.9 commissioner must review the recommendation and approve or reject the recommendation.

30.10 (b) In conducting a review of a recommendation, the commissioner may consult with
30.11 interested parties.

30.12 (c) For at least 30 days and before approving a recommendation under this subdivision,
30.13 the commissioner must post the recommendation on the agency's publicly accessible website
30.14 for public review and comment.

30.15 (d) If the commissioner determines that a recommendation does not meet the requirements
30.16 of this section, the commissioner must reject the recommendation. The commissioner must
30.17 provide a written notice of determination describing the reasons for the rejection to the
30.18 board. The board must meet as necessary to submit a revised recommendation to the
30.19 commissioner.

30.20 (e) After consultation under paragraph (b) and review of public comments under
30.21 paragraph (c), if the commissioner determines that a recommendation meets the requirements
30.22 of this section, the commissioner may approve the recommendation. The commissioner
30.23 must provide a written notice of approval to the board and to the stewardship organization.
30.24 In the notice, the commissioner must specify the effective date of the approved reimbursement
30.25 rates.

30.26 (f) The stewardship organization must publish approved reimbursement rates on its
30.27 publicly accessible website within 30 days after receiving the commissioner's written notice
30.28 of approval. The commissioner may also publish the approved reimbursement rates on the
30.29 agency's publicly accessible website.

30.30 Subd. 9. **More-frequent rate changes.** The board may, for good cause, submit a
30.31 recommendation for reimbursement rates to the commissioner at less than an annual interval.
30.32 The commissioner must review the recommendation according to subdivision 8. If the

31.1 commissioner rejects the recommendation, then the previously approved reimbursement
31.2 rates for that calendar year continue to be in effect.

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

31.4 Sec. 5. **[115A.1335] STEWARDSHIP PLAN AND BUDGET.**

31.5 Subdivision 1. **Due date.** By October 1, 2027, all producers must contract with a single
31.6 stewardship organization to act on the producers' behalf. By that date, the stewardship
31.7 organization must submit a single stewardship plan meeting the requirements of subdivision
31.8 2 to the commissioner to review for approval or rejection.

31.9 Subd. 2. **Plan content; budget requirement.** (a) The stewardship plan must include:

31.10 (1) identification of and contact information for the stewardship organization;

31.11 (2) identification of and contact information for all other persons that the stewardship
31.12 organization has contracted, subcontracted, or partnered with to administer and implement
31.13 the stewardship program that are not participants identified in clause (3) or collectors or
31.14 persons providing covered services identified in clause (4), unless such participants,
31.15 collectors, or persons providing covered services are also in any way administering or
31.16 implementing the stewardship program beyond participation, collection, or provision of
31.17 covered services. The relationship of the other organizations and role in administration and
31.18 implementation of the stewardship program must be described;

31.19 (3) identification of and contact information for all participants in the stewardship
31.20 program;

31.21 (4) identification of and contact information for each collector; each person providing
31.22 covered services for covered products or other electrical products, including any collector
31.23 that will perform covered services other than collection; and each facility at which covered
31.24 products and other electrical products will be managed under the stewardship plan;

31.25 (5) the address; county of location; and, in a form prescribed by the commissioner,
31.26 geolocation data for each collection site to be served by the stewardship organization under
31.27 the stewardship program and identification of the site as a full collection site, as a partial
31.28 collection site, or as operated by a household hazardous waste collection program;

31.29 (6) a list of the brands covered under the stewardship program;

31.30 (7) eligibility criteria for prospective collectors of covered products and other electrical
31.31 products under the stewardship program according to section 115A.1337, subdivision 3,
31.32 paragraph (c);

32.1 (8) a description of how the stewardship program will accept and provide covered services
32.2 and reimbursement under this section to any household hazardous waste collection program
32.3 in a manner that is equal to the services and reimbursement provided to all other collectors,
32.4 if the operator of the household hazardous waste collection program requests covered
32.5 services and reimbursement;

32.6 (9) a description of how the stewardship program will provide convenient, statewide
32.7 collection according to subdivision 3;

32.8 (10) a description of how the stewardship organization will annually monitor and ensure
32.9 continuing compliance with the convenience standards under subdivision 3;

32.10 (11) a description of how the stewardship organization will provide each collector served
32.11 by the stewardship program with the materials specified in section 115A.1337, subdivision
32.12 1, including specifications for appropriate containers, signage templates, and a copy of all
32.13 training and educational materials to be provided;

32.14 (12) a description of how collection sites will be accessible according to section
32.15 115A.1337, subdivision 2;

32.16 (13) the performance standards for persons providing covered services for covered
32.17 products and other electrical products on behalf of the stewardship organization and the
32.18 oversight methods by which the stewardship organization will ensure continuing compliance
32.19 with the performance standards. The performance standards must:

32.20 (i) meet the requirements of section 115A.1337, subdivision 3;

32.21 (ii) ensure that covered products and materials resulting from recycling covered products
32.22 are managed only by specialized battery or electronics recyclers and through responsible
32.23 markets; and

32.24 (iii) ensure that other electrical products and materials resulting from recycling of other
32.25 electrical products are managed through responsible markets;

32.26 (14) a description of methods by which the stewardship organization will ensure that
32.27 covered products and any other electrical products that are waste for which the stewardship
32.28 organization is responsible are managed while in the state in compliance with rules adopted
32.29 under section 116.07 for managing solid waste and hazardous waste and, when outside the
32.30 state, with all federal, state, and local requirements applicable to managing solid waste and
32.31 hazardous waste, as applicable;

32.32 (15) a description of methods by which the stewardship organization will ensure that
32.33 covered products and any other electrical products for which the stewardship organization

33.1 is responsible are managed in compliance with safety and health requirements for employees
33.2 administered by the Department of Labor and Industry and with fire protection requirements
33.3 administered by the Department of Public Safety while in the state and, when outside the
33.4 state, with all federal, state, and local requirements applicable to safety and health
33.5 requirements for employees and fire protection requirements;

33.6 (16) a description of methods by which the stewardship organization will ensure that
33.7 covered products and other electrical products for which the stewardship organization is
33.8 responsible are transported in compliance with applicable regulations incorporated by
33.9 reference under section 221.033 for transporting hazardous materials while in the state and,
33.10 when outside the state, with all federal, state, and local requirements applicable to
33.11 transportation of hazardous materials;

33.12 (17) a statement of indemnification by the stewardship organization to collectors for
33.13 potential liability for improper downstream management of covered products and other
33.14 electrical products or residual materials by providers of covered services contracted for by
33.15 the stewardship organization and identified in the stewardship plan under clause (3);

33.16 (18) a description of how the stewardship organization will determine the mass of covered
33.17 products and other electrical products for which it has provided covered services under the
33.18 stewardship program by county of collection and, for covered batteries and covered products
33.19 that have covered batteries contained within them or otherwise attached or connected to
33.20 them, by battery chemistry;

33.21 (19) a description of the outreach and education methods and activities that the
33.22 stewardship organization will provide according to section 115A.1337, subdivision 4;

33.23 (20) a description of how the stewardship organization will employ at least one full-time
33.24 employee who is solely dedicated to implementing the stewardship program in this state
33.25 and serving as the primary contact between the stewardship organization and the agency;

33.26 (21) a description of the system by which the stewardship organization will provide
33.27 advance funding of or reimbursement to collectors in a manner that provides:

33.28 (i) a clear process for submitting and paying invoices;

33.29 (ii) reasonable timelines for reimbursement, at intervals no longer than monthly unless
33.30 otherwise agreed to by the person providing covered services to be reimbursed; and

33.31 (iii) a third-party mediator to resolve disputes that arise between the stewardship
33.32 organization and a person providing covered services regarding determining or paying
33.33 reimbursements;

34.1 (22) identification of groups of producers, such as by industry, covered product and
34.2 other electrical product type, or other method proposed by the stewardship organization,
34.3 and the proposed allocation of stewardship program costs among the groups of producers,
34.4 such that the costs of managing covered products or other electrical products produced by
34.5 a group of producers are not borne by other groups of producers;

34.6 (23) a description of how the stewardship organization will comply with subdivision 6,
34.7 paragraph (b);

34.8 (24) a description of how the stewardship organization will assist producers in complying
34.9 with the labeling requirements of section 115A.1347, subdivision 2, paragraph (a);

34.10 (25) a description of how the stewardship organization will ensure that covered products
34.11 and other electrical products managed under the stewardship program are recycled to the
34.12 maximum extent practicable in accordance with section 115A.02, paragraph (b);

34.13 (26) a description of how the stewardship organization will incentivize investment in
34.14 processes, product design and material use, technology, and personnel training that could
34.15 raise the future maximum extent practicable for recycling described in clause (25), including
34.16 consideration of covered product reuse, repair, and product life cycle;

34.17 (27) a description of how the stewardship organization will annually report to the
34.18 commissioner the number, type, and volume of covered products and other electrical products
34.19 collected during each calendar year, specifying the categories of the covered products and
34.20 other electrical products and the chemistries of the covered batteries collected;

34.21 (28) a description of how the stewardship organization will annually report to the
34.22 commissioner the end management, through reuse, repair, reclamation, recycling, or disposal,
34.23 of the covered products and other electrical products shipped from collection sites under
34.24 the stewardship program during each calendar year;

34.25 (29) a description of how the stewardship organization will take action to decrease the
34.26 incidence of covered products in solid waste in the state according to section 115A.1337,
34.27 subdivision 4, paragraph (c), including providing collection opportunities under section
34.28 115A.1337, subdivision 2, paragraph (b);

34.29 (30) a description of how the stewardship organization will assist persons providing
34.30 covered services after collection to identify, segregate, and properly manage
34.31 organohalogenated chemicals contained in or separated from covered products and reduce
34.32 the prevalence of organohalogenated chemicals in products derived from recycled covered
34.33 products; and

(31) a description of how the stewardship organization will, where feasible, assist producers in reducing the occurrence of organohalogenated chemicals in covered products.

(b) By January 1, 2028, and by April 1 each year thereafter, the stewardship organization must submit an anticipated annual budget for the stewardship program, broken down into the stewardship program's estimated costs for administration, collection, sorting, storage, transportation, processing, refurbishment, repair, reuse, recycling, disposal, and communication costs, including the cost of fees under section 115A.1339 but not including costs for lobbying, costs associated with litigation against the state, or penalties imposed by the state. The budget is not subject to review and approval under subdivisions 4 and 5.

Subd. 3. **Convenience standards.** (a) The stewardship plan must provide convenient, statewide collection for all covered products that are offered to collectors by a person in the state, regardless of:

(1) a covered product's brand;

(2) a covered battery's energy capacity or chemistry;

(3) whether the producer of a covered product is a participant in the stewardship program;

or

(4) whether the brand of a covered product is covered under the stewardship program.

(b) The stewardship plan must meet the following convenience standards:

(1) for each county with a population of 10,000 or less, maintain at least two full collection sites;

(2) for each county with a population greater than 10,000 but less than or equal to 100,000, maintain at least two full collection sites and at least one additional full collection site for each additional 10,000 in population above a population of 10,000;

(3) for each county with a population greater than 100,000, maintain at least 11 full collection sites and at least one additional full collection site for each additional 50,000 in population above a population of 100,000;

(4) maintain a full collection site located within ten miles of the household of at least 95 percent of the residents of the state;

(5) ensure no net loss in estimated collection convenience and capacity for covered products of any type; and

(6) any additional convenience standards that the commissioner determines are necessary to provide convenient, statewide collection for covered products, including operation of partial collection sites and additional full collection sites.

(c) In making a determination under paragraph (b), clause (6), the commissioner may consider data submitted according to section 115A.1337, subdivision 5; the volume of covered products collected; the estimated volume of covered products sold in or into the state; the estimated volume of covered products disposed of in the state; the stewardship organization's plans under subdivision 2, paragraph (a), clause (28); and other information related to the effectiveness of the stewardship program.

Subd. 4. Review of stewardship plan; implementation. (a) Within 120 days after receiving a complete stewardship plan submitted under this section, the commissioner must determine whether the stewardship plan complies with the requirements of this section and will ensure that elements required by subdivision 2, paragraph (a), will be met to the maximum extent practicable. The commissioner must provide a written notice of determination according to this subdivision.

(b) In conducting a review of a stewardship plan, the commissioner may consult with interested parties.

(c) For at least 30 days and before approving a stewardship plan, the commissioner must place the stewardship plan on the agency's publicly accessible website for public review and comment.

(d) If the commissioner determines that a stewardship plan fails to meet the requirements of this section or will not ensure that elements required by subdivision 2, paragraph (a), will be met to the maximum extent practicable, the commissioner must reject the stewardship plan. The commissioner must provide a written notice of determination to the stewardship organization describing the reasons for the rejection.

(e) After any consultation under paragraph (b) and review of public comments received under paragraph (c), if the commissioner determines that a stewardship plan meets the requirements of subdivision 2, the commissioner must approve the stewardship plan. The commissioner must provide a written notice of determination to the stewardship organization.

(f) The stewardship organization must publish its approved stewardship plan on its publicly accessible website within 30 days after receiving written notice of approval but is not required to publish nonpublic data as defined under chapter 13. The commissioner may publish the approved stewardship plan on the agency's publicly accessible website but must not publish nonpublic data.

37.1 (g) The stewardship organization must implement the stewardship plan approved by the
37.2 commissioner, including any amendments to the stewardship plan that are approved by the
37.3 commissioner according to subdivision 5, within 60 days after receiving written notice of
37.4 approval.

37.5 (h) For each stewardship plan or amendment submitted to the commissioner for review,
37.6 the commissioner may consider the data submitted according to section 115A.1337,
37.7 subdivision 5, and other relevant information to establish requirements to improve the
37.8 effectiveness, performance, and awareness of the stewardship program.

37.9 Subd. 5. **Amending or terminating stewardship plan.** (a) The stewardship organization
37.10 may amend a stewardship plan approved under subdivision 4 without review or approval
37.11 by the commissioner to make the changes specified in clauses (1) to (3). Within 30 days
37.12 after adopting an amendment under this paragraph, the stewardship organization must report
37.13 the amendment to the commissioner and must publish the amended stewardship plan on the
37.14 stewardship organization's publicly accessible website. The stewardship organization must
37.15 implement amendments made to a stewardship plan under this paragraph within 60 days
37.16 after adopting the amendment. The stewardship organization may:

37.17 (1) add, terminate, or replace a collector, collection site, person providing covered
37.18 services, or facility at which covered services will be performed;

37.19 (2) add or remove participants or brands covered under the stewardship plan; or

37.20 (3) change contact staff or contact staff information for the stewardship organization,
37.21 participants, collectors, persons transporting covered products or other electrical products,
37.22 or facilities to be used for storage, processing, recycling, or disposal.

37.23 (b) Except for an amendment under paragraph (a), a proposed amendment to a
37.24 stewardship plan approved under subdivision 4 must be submitted to and reviewed and
37.25 approved by the commissioner before it may be implemented by the stewardship organization.
37.26 The commissioner must review and approve or reject the proposed amendment according
37.27 to subdivision 4.

37.28 (c) The stewardship organization with an approved stewardship plan must submit an
37.29 amended stewardship plan for review at least every five years according to this subdivision
37.30 and subdivision 4 if the commissioner has not during that time approved amendments
37.31 submitted for review under paragraph (b).

37.32 (d) The stewardship organization may terminate a stewardship plan by providing at least
37.33 90 days' written notice to the commissioner and to all participants in the stewardship program.

38.1 Before the stewardship plan is terminated, each participant must meet the requirements of
38.2 section 115A.1335, subdivision 1, by contracting with a new stewardship organization,
38.3 which must submit and obtain the commissioner's approval for a stewardship plan.

38.4 (e) The commissioner may terminate a stewardship plan for good cause, such as
38.5 significant noncompliance with this section; failure to ensure that covered products and
38.6 other electrical products collected in the state are being managed in responsible markets
38.7 and according to subdivision 2, paragraph (a), clauses (13) to (15); failure to timely submit
38.8 a stewardship plan for review according to paragraph (c); or failure to pay fees assessed
38.9 under section 115A.1339. If the commissioner terminates a stewardship plan, the
38.10 commissioner must provide the stewardship organization with written notice of termination
38.11 describing the good cause for termination. The commissioner must also notify all participants
38.12 in the stewardship program in writing using the contact information for the participants
38.13 provided in the stewardship plan.

38.14 Subd. 6. **Compliance.** (a) The stewardship organization must comply with its stewardship
38.15 plan approved by the commissioner, including any amendments to the stewardship plan
38.16 that are made according to subdivision 5, paragraph (a) or (b).

38.17 (b) The stewardship organization must comply with the reimbursement rates approved
38.18 by the commissioner.

38.19 (c) The stewardship organization must ensure that all costs of the stewardship program
38.20 are fully paid for by producers as a whole, except for de minimis producers. All costs of
38.21 the stewardship program must be allocated fairly between groups of producers without any
38.22 fee, charge, surcharge, or any other cost to:

38.23 (1) any member of the public;

38.24 (2) any business other than a producer;

38.25 (3) any collector;

38.26 (4) any person providing covered services;

38.27 (5) the state or any political subdivision;

38.28 (6) de minimis producers; or

38.29 (7) any other person who is not a producer.

38.30 (d) In implementing paragraph (c), the stewardship organization must ensure that costs
38.31 of managing covered products and other electrical products produced by a group of producers
38.32 are not shifted to nor borne by any other group of producers.

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

39.2 Sec. 6. **[115A.1337] STEWARDSHIP ORGANIZATION DUTIES.**

39.3 Subdivision 1. **Duties to collectors.** (a) The stewardship organization must provide the
39.4 following to each collector:

39.5 (1) reimbursement at the rates approved by the commissioner;

39.6 (2) all covered services after the initial collection of covered products and other electrical
39.7 products by the collector;

39.8 (3) containers as described in section 115A.1347, subdivision 1, paragraph (d);

39.9 (4) consistent signage identifying a collection site;

39.10 (5) training for collection site employees on identifying and safely handling and storing
39.11 covered batteries and covered products that have covered batteries contained within them
39.12 or otherwise attached or connected to them, including damaged, defective, or recalled
39.13 batteries, also known as DDR batteries;

39.14 (6) educational materials that address the information described in subdivision 4,
39.15 paragraph (a), clause (3), for distribution to members of the public and businesses in
39.16 Minnesota. The educational materials must be made available in English and at least the
39.17 three most frequent languages spoken at home in the state other than English, according to
39.18 the state demographer; and

39.19 (7) direction to an alternate collector whenever a collector determines and reports to the
39.20 stewardship organization, according to section 115A.1341, subdivision 1, paragraph (e),
39.21 that the collector cannot safely collect a covered product. The stewardship organization
39.22 must ensure that the covered product is collected by another collector.

39.23 (b) The stewardship organization must allow a collector to perform covered services
39.24 other than collection if the collector meets the performance standards in the stewardship
39.25 plan under section 115A.1335, subdivision 2, paragraph (a), clause (13), and the collector
39.26 is identified in the stewardship plan as providing covered services other than collection
39.27 according to section 115A.1335, subdivision 2, paragraph (a), clause (4).

39.28 (c) For covered services provided under paragraph (b), the stewardship organization
39.29 must reimburse the collector for the cost of the performed covered services according to
39.30 section 115A.1335, subdivision 2, paragraph (a), clause (21).

39.31 (d) A collector may request the stewardship organization to add a person to provide
39.32 covered services to the stewardship plan as an amendment under section 115A.1335,

subdivision 5, paragraph (a), and the stewardship organization must consider the request if the person meets the performance standards in the stewardship plan.

Subd. 2. **Accessibility.** (a) The stewardship organization must provide convenient, equitable, and accessible service to all Minnesotans, including but not limited to people of color; Minnesota Tribal governments as defined in section 10.65, subdivision 2; those that are non-English speaking; immigrant and refugee communities; those with limited access to transportation; and those in environmental justice areas.

(b) The stewardship program must include collection opportunities beyond those required under section 115A.1335, subdivision 3, to better serve populations under paragraph (a), such as additional partial collection sites, individual pickup from households, and temporary events to provide enhanced collection availability.

(c) Where feasible, the stewardship organization must encourage establishing collection sites in proximity to local public transit.

Subd. 3. **Oversight; eligibility of persons providing covered services.** (a) The stewardship organization must ensure that:

(1) covered products and other electrical products managed under the stewardship program are recycled to the maximum extent practicable in accordance with section 115A.02, paragraph (b); and

(2) residual materials are managed in compliance with applicable hazardous waste or solid waste requirements by:

(i) each person transporting covered products or other electrical products; and

(ii) each facility listed in the stewardship plan at which storage, processing, recycling, or disposal of covered products and other electrical products is performed.

(b) To ensure that covered products and other electrical products are managed to the maximum extent practicable in accordance with section 115A.02, paragraph (b), the commissioner may require performance standards and oversight methods in lieu of or in addition to the performance standards and oversight methods used by a stewardship organization under paragraph (a) and section 115A.1335, subdivision 2, paragraph (a), clause (13), for persons providing covered services for covered products and other electrical products. The commissioner may consider data submitted under subdivision 5; the availability and feasibility of technology, processes, and methods for managing covered products and other electrical products; and other information related to the effectiveness of the stewardship program.

(c) The stewardship organization must allow any person that agrees to operate or continues to operate a full collection site in compliance with section 115A.1341 and any household hazardous waste collection program to serve as a collector. The stewardship organization must consider allowing any person that agrees to operate or continues to operate a partial collection site in compliance with section 115A.1341 to serve as a collector. Except for a household hazardous waste collection program, a stewardship organization may terminate a collector and cease payment to the collector for good cause.

Subd. 4. **Stewardship program effectiveness.** (a) To support the effectiveness of the stewardship program, the stewardship organization must provide outreach and education to:

(1) persons that might sell, offer for sale or promotional purposes, or distribute covered products or other electrical products in or into the state, to inform the persons of the requirements of section 115A.1347, subdivision 2;

(2) potential collectors and persons who are collecting covered products before the effective date of this section to inform the collectors how to request coverage by the stewardship program; and

(3) members of the public to raise awareness of:

(i) public health and safety and environmental risks caused by improperly charging, storing, and disposing of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them;

(ii) public health and environmental risks caused by improperly disposing of covered products;

(iii) methods to safely charge and store covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them;

(iv) the benefits of repairing, reusing, and recycling covered products and other electrical products in contrast to disposal; and

(v) the existence of the stewardship program and the ability to recycle covered products and other electrical products at no cost, including the location and convenience of collection sites in the state.

(b) The stewardship organization must maintain a publicly accessible website to locate collection sites through map-based and text-based searches.

(c) The stewardship organization must, in addition to the requirements of paragraphs (a) and (b), take action to decrease the incidence of covered products in solid waste generated in the state as soon as practicable and to the maximum extent achievable. The commissioner may determine the effectiveness of the stewardship program using information from waste composition studies conducted under section 115A.412 and other information available to the commissioner and may require the stewardship organization to submit information and implement actions to decrease the incidence of covered products in solid waste in accordance with section 115A.1335, subdivisions 2, paragraph (a), clause (29); and 3, paragraph (b), clause (6).

Subd. 5. **Reporting.** (a) The stewardship organization must report an amendment to the stewardship plan made under section 115A.1335, subdivision 5, paragraph (a), to the commissioner within 30 days after making the amendment.

(b) By April 1 each year, the stewardship organization must report to the commissioner, in a form and manner prescribed by the commissioner, on the stewardship organization's activities during the preceding calendar year. The stewardship organization must also submit a copy of the report to the board. The report must include:

(1) the address, county of location, and geolocation data for each collection site used by the stewardship organization under the stewardship program during the preceding calendar year;

(2) the number, type, and volume of covered products and other electrical products collected during each calendar year, specifying the categories of the covered products and other electrical products and the chemistries of the covered batteries collected, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (27);

(3) the end management, through reuse, repair, reclamation, recycling, or disposal, of the covered products and other electrical products shipped from collection sites under the stewardship program, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (28);

(4) the effectiveness of the stewardship organization's actions to decrease the incidence of covered products in solid waste in the state, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (29), including the support of partial collection sites;

(5) a description of the actions taken by the stewardship organization regarding identification, management, and reduction in prevalence of organohalogenated chemicals in covered products under section 115A.1335, subdivision 2, paragraph (a), clauses (30) and (31);

(6) the results of the oversight according to section 115A.1335, subdivision 2, paragraph (a), clause (13), verifying that the performance standards were met by each of the persons providing covered services;

(7) a description of outreach and education activities performed by the stewardship organization during the preceding calendar year according to subdivision 4;

(8) a financial report on the stewardship program, including actual costs and funding compared to the budget for the year submitted under section 115A.1335, subdivision 2, paragraph (b). The financial report must include an audit report of the stewardship program by an independent auditor. The independent auditor must be selected by the stewardship organization and approved or rejected by the commissioner. If the commissioner rejects an independent auditor, the stewardship organization must select a different independent auditor for approval or rejection by the commissioner. The independent audit must meet the requirements of Accounting Standards Update 2018-08, Not-for-Profit Entities (Topic 958), Financial Accounting Standards Board, as amended;

(9) the proposed and actual budget for the year in which the report is submitted; and

(10) starting on the second April after the stewardship organization's first stewardship plan is approved by the commissioner, and then every third year thereafter, a performance audit of the stewardship program. The performance audit must conform to audit standards established by the United States Government Accountability Office; the National Association of State Auditors, Comptrollers and Treasurers; or another nationally recognized organization approved by the commissioner.

Subd. 6. Organization of the stewardship organization. (a) The stewardship organization may function as a coordinating board and contract, subcontract, or partner with any other person to administer and implement the stewardship program.

(b) A contract, subcontract, or partnership established according to paragraph (a) must be described under section 115A.1335, subdivision 2, paragraph (a), clause (2).

(c) Notwithstanding any contract, subcontract, or partnership established according to paragraph (a), the stewardship organization must:

(1) remain responsible for compliance with sections 115A.1331 to 115A.1347;

(2) submit a single stewardship plan meeting the requirements of sections 115A.1331 to 115A.1347;

(3) submit a single report according to subdivision 5 meeting the requirements of sections 115A.1331 to 115A.1347;

(4) serve as the single point of contact for reporting and reimbursement for:

(i) each collector;

(ii) each person providing covered services for covered products or other electrical products, including any collector that will perform covered services other than collection; and

(iii) each facility at which covered products and other electrical products will be managed under the stewardship plan; and

(5) serve as the single point of contact for the agency.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 7. [115A.1339] FEES.

Subdivision 1. **Administrative fees.** (a) By January 1, 2028, and by July 1 each year thereafter, the commissioner must calculate the sum of all costs that the agency incurs under sections 115A.1331 to 115A.1347, exclusive of recovery and management of covered products under subdivision 2. The sum calculated for the period preceding January 1, 2028, must include the agency's costs of implementing sections 115A.1331 to 115A.1347. For the purposes of this paragraph, costs of the board are considered costs incurred by the agency.

(b) Notwithstanding section 16A.1283, the commissioner must assess administrative fees at an amount that is adequate to reimburse the agency's sum costs of administering sections 115A.1331 to 115A.1347. The stewardship organization must pay the assessed administrative fees by the due dates set by the commissioner.

Subd. 2. **Recovery and proper management fees.** (a) When the commissioner intends to spend money for the recovery and proper management of covered products under section 115A.1343, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess the estimated cost of recovery and proper management of covered products to the stewardship organization.

(b) The cost under paragraph (a) must not include any subsequent remediation of the real properties where the covered products are located nor the cost of any environmental assessment of the properties to determine appropriate subsequent remediation under other law. Such costs must not be paid from any funds assessed, collected, or appropriated under this section. The stewardship organization must pay the assessed recovery and management fee by the due date set by the commissioner.

(c) If, after the covered products have been recovered and properly managed, the actual cost of recovery and proper management of the recovered products is less than the fee paid by the stewardship organization, the commissioner must refund the excess payment. If the cost of recovery and proper management exceeds the fee paid by the stewardship organization, the commissioner must assess the stewardship organization for the deficit. The stewardship organization must pay the assessed recovery and management fee deficit by the due date set by the commissioner.

Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section must not exceed the amount necessary to reimburse agency costs as calculated under subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the state treasury and credited to a product stewardship account in the special revenue fund. The amount collected under this section is annually appropriated to the commissioner to implement and enforce sections 115A.1331 to 115A.1347.

EFFECTIVE DATE. This section is effective January 1, 2027.

Sec. 8. [115A.1341] COLLECTOR DUTIES.

Subdivision 1. **Accepting covered products.** (a) All collectors must accept covered products without imposing a fee, charge, surcharge, or other cost to any person other than the stewardship organization.

(b) At a full collection site, a collector must accept from any person at least ten covered products daily of any brand, any type, any physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, any energy capacity or chemistry, unless the collector determines a specific covered product cannot be safely collected by the collector at a specific collection site at a specific time under paragraph (e). A full collection site must be open to receiving covered products at least 12 operating hours per week, 50 weeks each calendar year.

(c) At a partial collection site, a collector must accept from any person covered products of any brand, but may limit the number, type, physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, the energy capacity or chemistry of the covered battery of the covered products accepted.

(d) A household hazardous waste collection program may accept covered products at any collection site it operates. The household hazardous waste collection program may limit the persons from which it will accept covered products and may limit the number, type,

physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, the energy capacity or chemistry of the covered battery of the covered products accepted. The stewardship organization may count a collection site operated by the household hazardous waste collection program as a full collection site when demonstrating compliance with the convenience standards of section 115A.1335, subdivision 3, if the household hazardous waste collection program voluntarily agrees in writing with the stewardship organization to comply with paragraph (b) at the site.

(e) A collector that determines that it cannot safely accept a specific covered product must document the reason for not accepting the covered product and immediately notify the stewardship organization of the nonacceptance in order to allow the stewardship organization to arrange for alternate collection of the covered product under section 115A.1337, subdivision 1, paragraph (a), clause (7).

Subd. 2. **Accepting other electrical products.** A collector may accept other electrical products from a person. If a collector accepts other electrical products, the collector may not impose a fee, charge, surcharge, or other cost to any person other than the stewardship organization.

Subd. 3. **Storing accepted products.** A collector must manage and store all accepted covered products and other electrical products safely and in compliance with section 115A.1347, subdivision 1, paragraphs (c) and (d).

Subd. 4. **Training.** A collector must ensure and document that training is provided for collection site employees on identifying and safely handling and storing covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, including damaged, defective, or recalled batteries, also known as DDR batteries. The collector may provide the training or may receive training from the stewardship organization or the stewardship organization's representative.

Subd. 5. **Recordkeeping.** A collector must maintain the following records for at least three years and make them available to the commissioner for inspection:

(1) records of covered products and other electrical products accepted at a collection site;

(2) records of covered products and other electrical products shipped from a collection site; and

(3) documentation of employee training. The three-year record retention period for employee documentation begins on the day following the last day the employee worked for the collector.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 9. [115A.1343] COVERED PRODUCTS RECOVERY AND PROPER MANAGEMENT.

Subdivision 1. **Recovery and proper management.** (a) In addition to any authority granted by other law and without limiting that authority, whenever the commissioner determines that covered products have been abandoned, improperly disposed of, or stored on real property within the state in a manner not in compliance with sections 115A.1331 to 115A.1347 or with applicable rules adopted under section 116.07, subdivision 2, paragraph (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071, subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible for the abandonment, improper disposal, or noncompliant storage of the covered products to recover and properly manage the covered products according to sections 115A.1331 to 115A.1347 and applicable rules. An order under this paragraph must notify the person of the provisions of this subdivision.

(b) If a person that receives an order under paragraph (a) fails to complete the ordered actions to recover and properly manage the covered products within the time specified in the order, then after that time or upon expiration of the appeal period for the order, whichever is later, the commissioner must notify the stewardship organization in writing of:

(1) the commissioner's determination that the covered products have been abandoned, improperly disposed of, or stored in a noncompliant manner;

(2) the name of the person that was issued the order under paragraph (a) and the location of the covered products;

(3) the actions required to recover and properly manage the covered products; and

(4) the amount of time that the stewardship organization may, with the consent of the person, attempt to complete the actions to recover and properly manage the covered products on behalf of the person.

(c) If the stewardship organization intends to recover and properly manage the covered products, the stewardship organization must notify the commissioner of its intent and submit a plan to recover and properly manage the covered products to the commissioner. The stewardship organization must comply with its submitted recovery and management plan.

(d) If, after the period specified in paragraph (b), the ordered actions to recover and properly manage the covered products have not been completed, or upon earlier notice from the stewardship organization that it does not intend to take the actions, the commissioner may recover and properly manage the covered products. The commissioner must estimate the cost for a person contracted to the agency to perform the recovery and management. The commissioner must assess the estimated cost to the stewardship organization according to section 115A.1339, subdivision 2. After the stewardship organization pays the assessed fee, the commissioner may recover and properly manage the covered products. Money appropriated to the commissioner from the product stewardship account may be spent by the commissioner to recover and properly manage the covered products.

(e) In addition to the authority to enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations under section 115A.06, the commissioner or any designee or agent may enter upon the property to recover covered products when acting under this subdivision.

Subd. 2. Limited private right of action for recovery and proper management. (a) The stewardship organization that recovers and properly manages covered products under subdivision 1, paragraph (c), may maintain a civil action against a person issued an order to recover and properly manage those covered products under subdivision 1, paragraph (a). The stewardship organization is entitled to damages under this paragraph of twice its actual cost of recovery and proper management of the covered products. Additional amounts recoverable under this paragraph include an award of reasonable attorney fees and costs.

(b) When the stewardship organization is assessed and pays the cost to recover and properly manage covered products under subdivision 1, paragraph (d), and section 115A.1339, subdivision 2, the stewardship organization may maintain a civil action against a person issued an order to recover and properly manage those covered products under subdivision 1, paragraph (a). The stewardship organization is entitled to damages under this paragraph equal to the cost of recovery and proper management of covered products assessed by the commissioner to the stewardship organization. Additional amounts recoverable under this paragraph include an award of reasonable attorney fees and costs.

(c) The commissioner may not be a party to or be required to provide assistance or otherwise participate in a civil action authorized under this subdivision unless subject to a subpoena before a court of jurisdiction.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 10. **[115A.1345] OTHER AUTHORITIES AND DUTIES.**

Subdivision 1. Limited private right of action against producers. (a) Except as provided in paragraph (d), the stewardship organization may maintain a civil action against one or more producers, except a de minimis producer, to recover a portion of the stewardship organization's costs and additional amounts according to this subdivision.

(b) Damages recoverable under this subdivision may not exceed a fair share of the actual costs incurred by the plaintiff stewardship organization in managing covered products or other electrical products of a defendant producer subject to section 115A.1347, subdivision 2, paragraph (b), and covered products or other electrical products of other producers that were not participants. Additional amounts recoverable under this subdivision include an award of reasonable attorney fees and costs. If a defendant producer did not participate in the stewardship program established under sections 115A.1331 to 115A.1347 during the period in which covered products or other electrical products of the defendant producer were managed by the plaintiff stewardship organization, a punitive sum of up to three times the damages awarded may be assessed.

(c) A plaintiff stewardship organization may establish a defendant producer's fair share of the plaintiff's actual costs by providing the court with information establishing the process by which the defendant producer's share of stewardship program costs would have been allocated had the defendant producer been a participant in the program or paid its allocated share if it was a participant. The plaintiff stewardship organization may use data from producers similar in covered product, financial status, or market share to the defendant producer to provide the information.

(d) An action may not be commenced under this subdivision against a potential defendant producer until 60 days after the plaintiff stewardship organization provides to all potential defendants a written notice of the claim setting forth the amount of the claim and the basis for the calculation of the amount.

(e) No action may be brought under this subdivision against a person other than a producer.

(f) The commissioner may not be a party to or be required to provide assistance or otherwise participate in a civil action authorized under this subdivision unless subject to a subpoena before a court of jurisdiction.

Subd. 2. Conduct authorized. A producer or stewardship organization that organizes covered services for covered products or other electrical products under sections 115A.1331 to 115A.1347 is immune from liability for the conduct under state laws relating to antitrust,

50.1 restraint of trade, unfair trade practices, and other regulation of trade or commerce only to
50.2 the extent that the conduct is necessary to plan and implement the producer's or stewardship
50.3 organization's chosen system.

50.4 Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes
50.5 of implementing sections 115A.1331 to 115A.1347, a person must furnish to the
50.6 commissioner any information that the person has or may reasonably obtain.

50.7 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase
50.8 or lease of covered products or other electrical products that is found to be in violation of
50.9 sections 115A.1331 to 115A.1347 is subject to the following sanctions:

50.10 (1) the contract must be voided if the commissioner of administration determines that
50.11 the potential adverse impact to the state is exceeded by the benefit obtained from voiding
50.12 the contract; and

50.13 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
50.14 1230.1150.

50.15 (b) If the attorney general establishes that any money, property, or benefit was obtained
50.16 by a contractor as a result of violating sections 115A.1331 to 115A.1347, the court may, in
50.17 addition to any other remedy, order the disgorgement of the unlawfully obtained money,
50.18 property, or benefit.

50.19 Subd. 5. **Multistate implementation.** The commissioner may participate in establishing
50.20 a regional multistate organization or compact to assist in carrying out the requirements of
50.21 sections 115A.1331 to 115A.1347.

50.22 Subd. 6. **Rules.** The commissioner may adopt rules to implement sections 115A.1331
50.23 to 115A.1347. The 18-month time limit under section 14.125 does not apply to rulemaking
50.24 under this subdivision.

50.25 **EFFECTIVE DATE.** This section is effective January 1, 2028.

50.26 Sec. 11. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING;**
50.27 **COVERED PRODUCT SALES RESTRICTION.**

50.28 Subdivision 1. **Disposal prohibition.** (a) A person may not place a covered product
50.29 into:

50.30 (1) solid waste; or

50.31 (2) a recycling container that a collector has not clearly marked for use for collecting
50.32 covered products.

(b) A person must manage a covered product that is discarded by delivering the covered product to a collection site or to a recycling facility for covered products.

(c) Until recycled, covered products are not exempt from any applicable rules adopted under section 116.07 for managing hazardous waste.

(d) Covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them must be stored in containers that are:

(1) designed, constructed, and used in a manner to suppress battery fires in the container or to prevent ignition of materials outside the container; and

(2) held in structures compliant with the local fire code.

Subd. 2. Labeling and sale; requirements. (a) A person may not sell, including online sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a sale of a covered battery or covered product that has a covered battery contained within it or otherwise attached or connected to it unless the covered battery and covered product is labeled to identify the chemistry employed to store energy in the battery. Labeling under this paragraph must be permanently marked on or affixed to the covered battery and covered product and must use either language or graphics that identifies the battery chemistry employed or a QR code compliant with International Organization of Standardization 18004:2015, that accesses equivalent data via the Internet that is available without fee or requirement to create an account.

(b) A person may not sell, including online sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a sale of a covered product or other electrical product unless the producer of the covered product or other electrical product is named as a participant in a stewardship plan published under section 115A.1335, subdivision 4, paragraph (f), or the brand is named as covered in a stewardship plan published under section 115A.1335, subdivision 4, paragraph (f), and the stewardship plan has not been terminated under section 115A.1335, subdivision 5.

(c) This subdivision does not apply to isolated and occasional sales of a covered product or other electrical product that are not made in the normal course of business, as exempted from sales tax under section 297A.67, subdivision 23.

(d) This subdivision does not apply to sales, including online sales; offers for sale or promotional purposes; distribution; or facilitation of a sale of a used covered product or used other electrical product.

EFFECTIVE DATE. This section is effective January 1, 2028.

52.1 Sec. 12. Minnesota Statutes 2024, section 115A.554, is amended to read:

52.2 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

52.3 A sanitary district has the authorities and duties of counties within the district's boundary
52.4 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;
52.5 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961~~;
52.6 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

52.7 **EFFECTIVE DATE.** This section is effective January 1, 2028.

52.8 Sec. 13. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

52.9 Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer
52.10 may not sell or distribute at no cost a thermometer containing mercury that was manufactured
52.11 after June 1, 2001.

52.12 (b) Paragraph (a) does not apply to an electronic thermometer with a battery containing
52.13 mercury if the battery is in compliance with ~~section 325E.125~~ subdivision 8l.

52.14 (c) A manufacturer is in compliance with this subdivision if the manufacturer:

52.15 (1) has received an exclusion or exemption from a state that is a member of the Interstate
52.16 Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no
52.17 alternative is available or for an application when no feasible alternative is available;

52.18 (2) submits a copy of the approved exclusion or exemption to the commissioner; and

52.19 (3) meets all of the requirements in the approved exclusion or exemption for the
52.20 manufacturer's activities within the state.

52.21 **EFFECTIVE DATE.** This section is effective January 1, 2028.

52.22 Sec. 14. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to
52.23 read:

52.24 Subd. 8l. **Ban; mercury in batteries.** A person may not sell, offer for sale, or distribute
52.25 in or into the state:

52.26 (1) an alkaline manganese battery that contains mercury that is not a button cell
52.27 nonrechargeable battery;

52.28 (2) a nonrechargeable button cell battery that contains more than 25 milligrams of
52.29 mercury; or

52.30 (3) a dry cell battery containing a mercuric oxide electrode.

53.1 **EFFECTIVE DATE.** This section is effective January 1, 2028.

53.2 Sec. 15. **REPEALER.**

53.3 Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
53.4 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;
53.5 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;
53.6 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, and 9; 115A.961,
53.7 subdivisions 1, 2, and 3; 325E.125; and 325E.1251, are repealed.

53.8 **EFFECTIVE DATE.** This section is effective January 1, 2028.

53.9 **ARTICLE 3**

53.10 **ENVIRONMENTAL PERMITTING REFORM**

53.11 Section 1. Minnesota Statutes 2024, section 115.542, is amended to read:

53.12 **115.542 NOTICE REQUIREMENTS FOR PUBLICLY OWNED WASTEWATER**
53.13 **TREATMENT FACILITIES.**

53.14 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have
53.15 the meanings given:

53.16 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit
53.17 or state disposal system (SDS) permit; and

53.18 (2) "permit applicant" means a person or entity submitting an application for a new
53.19 permit or renewal, modification, or revocation of an existing permit for a publicly owned
53.20 wastewater treatment facility.

53.21 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly
53.22 owned wastewater treatment facilities for which the commissioner of the Pollution Control
53.23 Agency makes a preliminary determination whether to issue or deny.

53.24 Subd. 3. **Prepublic notice review requirements.** Unless waived by the permit applicant,
53.25 the commissioner of the Pollution Control Agency must provide a permit applicant with a
53.26 copy of the draft permit and any fact sheets required by agency rules at least 30 days before
53.27 the distribution and public notice of the permit application and preliminary determination.

53.28 Subd. 4. ~~**Permitting efficiency**~~ **Public notice requirements.** The commissioner must
53.29 prepare and issue a public notice of a completed application and the commissioner's
53.30 preliminary determination as to whether the permit should be issued or denied. The public

comment period must be at least 60 days for permit applications under this section but may be reduced to 30 days if:

(1) a request for the reduction is made by the permit applicant; and

(2) the commissioner approves the request based on consideration of public or Tribal interest in the permit action.

Subd. 5. Permitting efficiency. Notwithstanding section 116.03, it is the goal of the state that tier 2 permits for publicly owned wastewater treatment facilities be issued or denied within 210 days following submission of a permit application.

Sec. 2. Minnesota Statutes 2024, section 116.03, subdivision 2b, is amended to read:

Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and resource management permits be issued or denied within 90 days for tier 1 permits or 150 days for tier 2 permits following submission of a permit application. The commissioner ~~of the Pollution Control Agency shall~~ must establish management systems designed to achieve the goal. For the purposes of this section, "tier 1 permits" are permits that do not require individualized actions or public comment periods, and "tier 2 permits" are permits that require individualized actions or public comment periods. Goals established in this paragraph do not apply to permit applications required due to agency enforcement actions.

(b) The commissioner ~~shall~~ must prepare an annual permitting efficiency report that includes statistics on meeting the tier 2 goal in paragraph (a) and the criteria for tier 2 by permit categories. The report must also provide information on consultants regarding achievement of the performance standards under paragraph (e), clauses (1) to (4). The report ~~is due~~ must be submitted to the governor and to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over environment policy and finance by October 1 August 1 each year and must be posted on the agency's website. Each report must include:

(1) for each permit applications application that have has not met the goal, the report must state the reasons for not meeting the goal. In stating the reasons for not meeting the goal, the commissioner shall separately identify delays an explanation of whether the delay was caused by the responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the level of public engagement. The report must specify;

(2) for each permit that has not met the goal, the number of days from initial submission of the application to the day of determination that the application is complete. The report must aggregate;

(3) a summary of the data for the year reporting period and assess an assessment of whether program or system changes are necessary to achieve the tier 2 goal. ~~The report must be posted on the agency's website and submitted to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over environment policy and finance.~~ in paragraph (a);

(4) a statement of the number of tier 2 permits completed within the reporting period and, immediately following in parentheses, a statement of the percentage of total applications received for that tier 2 permit category that the number represents, stated separately for industrial and municipal permits; and

(5) for permits that did not meet the goal due to lack of staff, a combined estimate of the aggregate staff resources that would have been necessary for all affected permits to meet the goal.

(c) The commissioner ~~shall~~ must allow electronic submission of environmental review and permit documents to the agency.

(d) Within 30 business days of application for a permit subject to paragraph (a), the commissioner ~~of the Pollution Control Agency shall~~ must notify the permit applicant, in writing, ~~whether the application is complete or incomplete. If the commissioner determines that an application is incomplete, the notice to the applicant must enumerate of all~~ deficiencies, while citing specific provisions of the applicable rules and statutes, and must advise the applicant on how the deficiencies can be remedied. The applicant shall have five business days to remedy all identified deficiencies before the commissioner determines that the application is complete or incomplete. If the commissioner determines that the application is complete, the ~~notice~~ commissioner must confirm the application's tier 1 or tier 2 permit status. If the commissioner believes that a complete application for a tier 2 construction permit cannot be issued within the 150-day goal, the commissioner must provide notice to the applicant with the commissioner's notice that the application is complete and, upon request of the applicant, provide the permit applicant with a schedule estimating when the agency will begin drafting the permit and issue the public notice of the draft permit. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

(e) The commissioner must credential consultants who meet the requirements of this paragraph and must provide a logo or similar indicator with the credential that can be used by a consultant in marketing their services. For purposes of this section, "consultant" means a third-party professional representing a facility owner or operator to prepare or assist in

56.1 preparing a permit application or other similar documentation required by the commissioner
56.2 for authorizations under chapters 115 to 116. A consultant is credentialed on January 1 each
56.3 odd-numbered year if, in the preceding two years, the consultant:

56.4 (1) submitted permit applications deemed complete under paragraph (d) at a rate of at
56.5 least 80 percent;

56.6 (2) when applicable, met agreed-upon deadlines as part of a plan designed to increase
56.7 the coordination and efficiency of regulatory activities, such as a plan described under
56.8 section 116.035;

56.9 (3) did not represent an owner or operator to prepare or assist in preparing a permit
56.10 application or other similar documentation when the owner or operator received a citation
56.11 under section 116.073, subdivision 1, paragraph (b); and

56.12 (4) was not found in violation of Minnesota Rules, part 7000.0300, relating to duty of
56.13 candor.

56.14 (f) If, after notifying the permit applicant that the application is complete, the
56.15 commissioner determines that additional information is needed, the commissioner must
56.16 notify the applicant. Upon notice under this paragraph, counting days toward the 90- or
56.17 150-day goal described in paragraph (a) stops until the applicant has responded with the
56.18 additional information. Once the applicant has responded with all the additional information
56.19 required, counting resumes from where it stopped. The applicant has 30 business days to
56.20 provide the additional information to the commissioner, but the commissioner may extend
56.21 the time upon the applicant's request.

56.22 ~~(e)~~ (g) For purposes of this subdivision, "permit professional" means an individual not
56.23 employed by the Pollution Control Agency who:

56.24 (1) has a professional license issued by the state of Minnesota in the subject area of the
56.25 permit;

56.26 (2) has at least ten years of experience in the subject area of the permit; and

56.27 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
56.28 under agency rules and complies with all applicable requirements under chapter 326.

56.29 ~~(f)~~ (h) Upon the agency's request, an applicant relying on a permit professional must
56.30 participate in a meeting with the agency before submitting an application:

56.31 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
56.32 least the following:

- 57.1 (i) project description, including, but not limited to, scope of work, primary emissions
57.2 points, discharge outfalls, and water intake points;
- 57.3 (ii) location of the project, including county, municipality, and location on the site;
- 57.4 (iii) business schedule for project completion; and
- 57.5 (iv) other information requested by the agency at least four weeks prior to the scheduled
57.6 meeting; and
- 57.7 (2) during the preapplication meeting, the agency ~~shall~~ must provide for the applicant
57.8 at least the following:
- 57.9 (i) an overview of the permit review program;
- 57.10 (ii) a determination of which specific application or applications will be necessary to
57.11 complete the project;
- 57.12 (iii) a statement notifying the applicant if the specific permit being sought requires a
57.13 mandatory public hearing or comment period;
- 57.14 (iv) a review of the timetable established in the permit review program for the specific
57.15 permit being sought; and
- 57.16 (v) a determination of what information must be included in the application, including
57.17 a description of any required modeling or testing.
- 57.18 ~~(g)~~ (i) The applicant may select a permit professional to undertake the preparation of
57.19 the permit application and draft permit.
- 57.20 ~~(h)~~ (j) If a preapplication meeting was held, the agency ~~shall~~ must, within seven business
57.21 days of receipt of an application, notify the applicant and submitting permit professional
57.22 that the application is complete or is denied, specifying the deficiencies of the application.
- 57.23 ~~(i)~~ (k) Upon receipt of notice that the application is complete, the permit professional
57.24 ~~shall~~ must submit to the agency a timetable for submitting a draft permit. The permit
57.25 professional ~~shall~~ must submit a draft permit on or before the date provided in the timetable.
57.26 Within 60 days after the close of the public comment period, the commissioner ~~shall~~ must
57.27 notify the applicant whether the permit can be issued.
- 57.28 ~~(j)~~ (l) Nothing in this section shall be construed to modify:
- 57.29 (1) any requirement of law that is necessary to retain federal delegation to or assumption
57.30 by the state; or
- 57.31 (2) the authority to implement a federal law or program.

(k) (m) The permit application and draft permit ~~shall~~ must identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the permit application and draft permit. The commissioner ~~shall~~ must request additional studies, if needed, and the permit applicant ~~shall~~ must submit all additional studies and information necessary for the commissioner to perform the commissioner's responsibility to review, modify, and determine the completeness of the application and approve the draft permit.

Sec. 3. Minnesota Statutes 2024, section 116.07, subdivision 4a, is amended to read:

Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution. The Pollution Control Agency may issue separate permits for constructing a facility described in this paragraph and for its operation, except for a facility required to complete a mandatory environmental impact statement under Minnesota Rules, part 4410.4400. The Pollution Control Agency must prioritize these permits in a manner that minimizes the time required to construct and begin operation of the permitted facility while complying with state and federal requirements.

(b) The Pollution Control Agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

(c) The agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

(1) is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination;

(2) a majority of the population are low-income persons of color and American Indians;

(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;

(4) is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and

(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.

(d) The Pollution Control Agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(e) The Pollution Control Agency has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, the agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to Minnesota Statutes 2020, sections 366.10 to 366.181, or sections 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility.

(f) Except as prohibited by federal law, a person may commence construction, reconstruction, replacement, or modification of any facility prior to the issuance of a construction permit by the agency.

(g) For the purposes of this subdivision, the Pollution Control Agency may require the owners and operators of any emission facility, air containment treatment facility, treatment facility, potential air containment storage facility, or storage facility, or any part thereof, to conduct air dispersion modeling of air contaminants.

Sec. 4. Minnesota Statutes 2024, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of developing, reviewing, and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The fee schedule must reflect reasonable and routine direct and indirect costs associated with permitting, implementation, and enforcement. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs

of implementing and enforcing the conditions of a permit under the rules of the agency.

Any money collected under this paragraph shall be deposited in the environmental fund.

(b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to a notification, permit, or license requirement under this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and indirect reasonable costs, including legal costs, required to develop and administer the notification, permit, or license program requirements of this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; and providing information to the public about these activities.

(c) The agency shall set fees that:

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds

become unavailable. In addition, the commissioner shall use nonfee funds to the extent practical to match the grant funds so that the fee surcharge is minimized.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Permit applicants who wish to construct, reconstruct, or modify a project may ~~offer~~ request expedited permitting under this paragraph. An applicant requesting expedited permitting under this paragraph must agree to reimburse the agency for the costs of staff time or consultant services needed to expedite the preapplication process and permit development process through the final decision on the permit, including the analysis of environmental review documents. The reimbursement ~~shall be~~ is in addition to permit application fees imposed by law. ~~When the agency determines that it needs additional resources to develop the permit application in an expedited manner, and that expediting the development is consistent with permitting program priorities, the agency may accept the reimbursement.~~ The commissioner must give the applicant an estimate of the timeline and costs to be incurred by the commissioner. The estimate must include a brief description of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for each task. If the applicant agrees to the estimated timeline and costs negotiated with the commissioner, the applicant and the commissioner must enter into a written agreement ~~detailing the estimated costs for the expedited permit decision-making process to be incurred by the agency to proceed accordingly.~~ The agreement must ~~also~~ identify staff anticipated to be assigned to the project. The agreement may provide that, if permitting is completed ahead of the schedule set forth in the written agreement, the commissioner may retain any fees that would have been due if the permitting had taken the time contemplated in the written agreement. Fees retained by the commissioner under this paragraph are appropriated to the commissioner for administering the commissioner's permitting duties. The

62.1 commissioner must not issue a permit until the applicant has paid all fees in full. The
62.2 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted
62.3 by the agency are appropriated to the agency for the purpose of developing the permit or
62.4 analyzing environmental review documents. Reimbursement by a permit applicant shall
62.5 precede and not be contingent upon issuance of a permit; shall not affect the agency's decision
62.6 on whether to issue or deny a permit, what conditions are included in a permit, or the
62.7 application of state and federal statutes and rules governing permit determinations; and shall
62.8 not affect final decisions regarding environmental review.

62.9 (g) The fees under this subdivision are exempt from section 16A.1285.

62.10 Sec. 5. Minnesota Statutes 2024, section 116D.04, subdivision 2a, is amended to read:

62.11 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
62.12 effects resulting from any major governmental action, the action must be preceded by a
62.13 detailed environmental impact statement prepared by the responsible governmental unit.
62.14 The environmental impact statement must be an analytical rather than an encyclopedic
62.15 document that describes the proposed action in detail, analyzes its significant environmental
62.16 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
62.17 explores methods by which adverse environmental impacts of an action could be mitigated.
62.18 The environmental impact statement must also analyze those economic, employment, and
62.19 sociological effects that cannot be avoided should the action be implemented. To ensure its
62.20 use in the decision-making process, the environmental impact statement must be prepared
62.21 as early as practical in the formulation of an action.

62.22 (b) The board shall by rule establish categories of actions for which environmental
62.23 impact statements and for which environmental assessment worksheets must be prepared
62.24 as well as categories of actions for which no environmental review is required under this
62.25 section. A mandatory environmental assessment worksheet is not required for the expansion
62.26 of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the
62.27 conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol
62.28 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded
62.29 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or
62.30 biobutanol facility meets or exceeds thresholds of other categories of actions for which
62.31 environmental assessment worksheets must be prepared. The responsible governmental unit
62.32 for an ethanol plant or biobutanol facility project for which an environmental assessment
62.33 worksheet is prepared is the state agency with the greatest responsibility for supervising or
62.34 approving the project as a whole.

(c) A mandatory environmental impact statement is not required for a facility or plant located outside the seven-county metropolitan area that produces less than 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that only uses a cellulosic feedstock to produce chemical products for use by another facility as a feedstock is not considered a fuel conversion facility as used in rules adopted under this chapter.

(d) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet by publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed, by posting the notice on a website that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed, or in any other manner determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit may extend the 30-day comment period for an additional 30 days one time. Further extensions of the comment period may not be made unless approved by the project's proposer. The responsible governmental unit's decision on the need for an environmental impact statement must be based on the environmental assessment worksheet and the comments received during the comment period, and must be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(e) An environmental assessment worksheet must also be prepared for a proposed action whenever material evidence accompanying a petition ~~by not less than 100 individuals who reside or own property in the state~~, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions may be submitted by:

(1) a Minnesota Tribal government as defined under section 10.65, subdivision 2; or

(2) not less than 100 individuals who reside or own property in the state.

(f) Petitions requesting the preparation of an environmental assessment worksheet under paragraph (e) must be submitted to the board. The chair of the board or designee shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet must be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair or designee may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

~~(f)~~ (g) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days before the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

~~(g)~~ (h) The board may, before final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

~~(h)~~ (i) An early and open process must be used to limit the scope of the environmental impact statement to a discussion of those impacts that, because of the nature or location of the project, have the potential for significant environmental effects. The same process must be used to determine the form, content, and level of detail of the statement as well as the alternatives that are appropriate for consideration in the statement. In addition, the permits that will be required for the proposed action must be identified during the scoping process. Further, the process must identify those permits for which information will be developed

65.1 concurrently with the environmental impact statement. The board shall provide in its rules
65.2 for the expeditious completion of the scoping process. The determinations reached in the
65.3 process must be incorporated into the order requiring the preparation of an environmental
65.4 impact statement.

65.5 ~~(i)~~ (j) The responsible governmental unit shall, to the extent practicable, avoid duplication
65.6 and ensure coordination between state and federal environmental review and between
65.7 environmental review and environmental permitting. Whenever practical, information
65.8 needed by a governmental unit for making final decisions on permits or other actions required
65.9 for a proposed project must be developed in conjunction with the preparation of an
65.10 environmental impact statement. When an environmental impact statement is prepared for
65.11 a project requiring multiple permits for which two or more agencies' decision processes
65.12 include either mandatory or discretionary hearings before a hearing officer before the
65.13 agencies' decision on the permit, the agencies may, notwithstanding any law or rule to the
65.14 contrary, conduct the hearings in a single consolidated hearing process if requested by the
65.15 proposer. All agencies having jurisdiction over a permit that is included in the consolidated
65.16 hearing shall participate. The responsible governmental unit shall establish appropriate
65.17 procedures for the consolidated hearing process, including procedures to ensure that the
65.18 consolidated hearing process is consistent with the applicable requirements for each permit
65.19 regarding the rights and duties of parties to the hearing, and shall use the earliest applicable
65.20 hearing procedure to initiate the hearing. All agencies having jurisdiction over a permit
65.21 identified in the draft environmental assessment worksheet scoping document must begin
65.22 reviewing any permit application upon publication of the notice of preparation of the
65.23 environmental impact statement.

65.24 ~~(j)~~ (k) An environmental impact statement must be prepared and its adequacy determined
65.25 within 280 days after notice of its preparation unless the time is extended by consent of the
65.26 parties or by the governor for good cause. The responsible governmental unit shall determine
65.27 the adequacy of an environmental impact statement, unless within 60 days after notice is
65.28 published that an environmental impact statement will be prepared, the board chooses to
65.29 determine the adequacy of an environmental impact statement. If an environmental impact
65.30 statement is found to be inadequate, the responsible governmental unit has 60 days to prepare
65.31 an adequate environmental impact statement.

65.32 ~~(k)~~ (l) The proposer of a specific action may include in the information submitted to the
65.33 responsible governmental unit a preliminary draft environmental impact statement under
65.34 this section on that action for review, modification, and determination of completeness and
65.35 adequacy by the responsible governmental unit. A preliminary draft environmental impact

statement prepared by the project proposer and submitted to the responsible governmental unit must identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 6. Minnesota Statutes 2024, section 116D.04, subdivision 2b, is amended to read:

Subd. 2b. **Project prerequisites.** (a) If an environmental assessment worksheet or an environmental impact statement is required for a governmental action under subdivision 2a, a project may not be started and a final governmental decision may not be made to grant a permit, approve a project, or begin a project, until:

(1) a petition for an environmental assessment worksheet is dismissed;

(2) a negative declaration has been issued on the need for an environmental impact statement;

(3) the environmental impact statement has been determined adequate; or

(4) a variance has been granted from making an environmental impact statement by the environmental quality board.

(b) Nothing in this subdivision precludes a local unit of government from beginning to review a feedlot permit application for a feedlot subject to environmental review under this chapter.

Sec. 7. Minnesota Statutes 2024, section 116D.04, subdivision 5a, is amended to read:

Subd. 5a. **Rules.** The board shall, by January 1, 1981, promulgate rules in conformity with this chapter and the provisions of chapter 15, establishing:

(1) the governmental unit which shall be responsible for environmental review of a proposed action;

(2) the form and content of environmental assessment worksheets;

(3) a scoping process in conformance with subdivision 2a, paragraph ~~(h)~~ (i);

(4) a procedure for identifying during the scoping process the permits necessary for a proposed action and a process for coordinating review of appropriate permits with the preparation of the environmental impact statement;

- 67.1 (5) a standard format for environmental impact statements;
- 67.2 (6) standards for determining the alternatives to be discussed in an environmental impact
67.3 statement;
- 67.4 (7) alternative forms of environmental review which are acceptable pursuant to
67.5 subdivision 4a;
- 67.6 (8) a model ordinance which may be adopted and implemented by local governmental
67.7 units in lieu of the environmental impact statement process required by this section, providing
67.8 for an alternative form of environmental review where an action does not require a state
67.9 agency permit and is consistent with an applicable comprehensive plan. The model ordinance
67.10 shall provide for adequate consideration of appropriate alternatives, and shall ensure that
67.11 decisions are made in accordance with the policies and purposes of Laws 1980, chapter
67.12 447;
- 67.13 (9) procedures to reduce paperwork and delay through intergovernmental cooperation
67.14 and the elimination of unnecessary duplication of environmental reviews;
- 67.15 (10) procedures for expediting the selection of consultants by the governmental unit
67.16 responsible for the preparation of an environmental impact statement; and
- 67.17 (11) any additional rules which are reasonably necessary to carry out the requirements
67.18 of this section.

67.19 Sec. 8. Minnesota Statutes 2024, section 116D.045, subdivision 1, is amended to read:

67.20 Subdivision 1. **Assessment.** The board must by rule adopt procedures to:

- 67.21 (1) assess the proposer of a specific action for the responsible governmental unit's
67.22 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.
67.23 The costs must be determined by the responsible governmental unit according to the rules
67.24 adopted by the board; and
- 67.25 (2) authorize a responsible governmental unit to allow a proposer of a specific action to
67.26 prepare a draft environmental impact statement according to section 116D.04, subdivision
67.27 2a, paragraph ~~(k)~~ (l).

68.1 **Sec. 9. SCOPING ENVIRONMENTAL ASSESSMENT WORKSHEET NOT**
68.2 **REQUIRED FOR PROJECTS THAT REQUIRE A MANDATORY**
68.3 **ENVIRONMENTAL IMPACT STATEMENT.**

68.4 (a) The Environmental Quality Board must amend Minnesota Rules, part 4410.2100, as
68.5 follows:

68.6 (1) to provide that an environmental assessment worksheet does not need to be prepared
68.7 for a project that falls within a mandatory environmental impact statement category under
68.8 Minnesota Rules, part 4410.4400, or other applicable law; and

68.9 (2) to provide that a scoping process undertaken under Minnesota Rules, part 4410.2100,
68.10 must be completed no later than 280 days after the process begins.

68.11 (b) The board may use the good-cause exemption under Minnesota Statutes, section
68.12 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes,
68.13 section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

68.14 **Sec. 10. STATE IMPLEMENTATION PLAN REVISIONS.**

68.15 The commissioner of the Pollution Control Agency must seek approval from the federal
68.16 Environmental Protection Agency for revisions to the state's federal Clean Air Act state
68.17 implementation plan if changes are needed to reflect the requirements of Minnesota Statutes,
68.18 section 116.07, subdivision 4a, as amended by this act.

68.19 **Sec. 11. REPORT ON USE OF AUTHORITY TO EXTEND TIMELINE FOR**
68.20 **CERTAIN AGENCY ACTIONS.**

68.21 By February 15, 2028, the Board of Water and Soil Resources must report to the chairs
68.22 and ranking minority members of the legislative committees with jurisdiction over
68.23 environment and natural resources policy on the number of extensions noticed under
68.24 Minnesota Statutes, section 15.99, subdivision 3, paragraph (f), that are made for any decision
68.25 under Minnesota Rules, chapter 8420, between January 1, 2026, and December 31, 2027.
68.26 A local government unit must supply the board with information necessary to prepare the
68.27 report required by this section."

68.28 Amend the title accordingly