

Chapter 116

2024 Regular Session

Subject Environment and Natural Resources

Bill H.F. 3911

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Overview

This act contains fiscal years 2024 and 2025 supplemental budget appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), and other entities. It also contains statutory and other provisions related to the environment and natural resources.

Article 1: Environment and Natural Resources Appropriations

This article contains supplemental fiscal years 2024 and 2025 appropriations for the PCA, DNR, BWSR, Metropolitan Council, and the Minnesota Zoo.

Section Description - Article 1: Environment and Natural Resources Appropriations

- 1 **Environment and natural resources appropriations.**
Technical.
- 2 **Pollution Control Agency; appropriations.**
Appropriates \$14,858,000 in fiscal year 2025 to the PCA for various purposes and extends the availability of previous appropriations.
- 3 **Department of Natural Resources; appropriations and transfers.**
Appropriates \$768,000 in fiscal year 2024 and \$21,455,000 in fiscal year 2025 to the DNR for various purposes and extends the availability of previous appropriations.
- 4 **Board of Water and Soil Resources; appropriations.**
Appropriates \$1,950,000 in fiscal year 2025 to BWSR for various purposes.
- 5 **Metropolitan Council; appropriations.**
Appropriates \$5,525,000 in fiscal year 2025 to the Metropolitan Council for various purposes.

Section Description - Article 1: Environment and Natural Resources Appropriations

- 6 **Zoological Board; appropriations.**
Appropriates \$150,000 in fiscal year 2025 to the Minnesota Zoo to plant trees at the zoo.
- 7 **Ecological and water resources.**
Modifies and extends a previous appropriation for a grant to the Minnesota Aquatic Invasive Species Research Center.
- 8 **Get Out MORE (Modernizing Outdoor Recreation Experiences).**
Modifies a previous appropriation for modernizing state fish hatcheries and fishing infrastructure to provide up to \$366,000 for installing continuous water-quality monitoring devices.

Article 2: Pollution Control

This article contains a number of provisions proposed by the PCA and other provisions impacting the agency and environment.

Section Description - Article 2: Pollution Control

- 1 **Generally.**
Authorizes the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement in cases where they exceed \$25,000. Establishes an account in the environmental fund for the reimbursements and appropriates money from the account to the commissioner. Requires estimate oversight costs to be disclosed in the agreement and periodically updated. Adds the task of encouraging practices that enable the recovery of waste heat from wastewater treatment operations to the list of the PCA commissioner's duties.
- 2 **Remedies available.**
Authorizes the PCA to use action to cease performance as an enforcement tool.
- 3 **Civil penalties.**
Increases maximum penalty amounts for violations of environmental laws under chapters 115, 114C, and 116, including increases for repeat violations.
- 4 **Injunctions.**
Specifies the scope of injunctive relief.

Section Description - Article 2: Pollution Control

- 5 **Stipulation agreements.**
Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.
- 6 **Description of receipts; enforcement funding.**
Requires oversight funds reimbursed to PCA under section 1 or 14 to be deposited in the settlement oversight reimbursement account in the environmental fund.
- 7 **Legislative declaration of policy; purposes.**
Establishes a hierarchy of preferred management methods for surplus food and food waste.
- 8 **Prepared sewage sludge.**
Defines “prepared sewage sludge” for purposes of chapter 115A.
- 9 **Boat wrap product stewardship program.**
 Subd. 1. Definitions. Defines terms.

 Subd. 2. Product stewardship program. Requires a producer selling boat wrap in this state to participate in a stewardship organization that finances and implements a statewide program to collect and recycle used boat wrap.

 Subd. 3. Participation required to sell. Prohibits a person from offering boat wrap for sale in this state after September 1, 2025, unless the producer participates in a product stewardship plan approved by the PCA.

 Subd. 4. Stewardship plan required. Requires a stewardship organization to submit a product stewardship plan to the PCA by March 1, 2025.

 Subd. 5. Plan content. Lists the elements an approved stewardship plan must contain.

 Subd. 6. Consultation required. Requires a stewardship organization to consult with boat owners, owners of marinas, and other stakeholders before developing a stewardship plan.

 Subd. 7. Agency review and approval or rejection. Requires the PCA to review or reject a plan within 120 days of receipt. If rejected, a revised plan must be submitted within 60 days. Amendments to a plan must be approved by the commissioner. Plans must be updated every five years.

Section Description - Article 2: Pollution Control

Subd. 8. Plan availability. The PCA must post a draft stewardship plan on the agency website at least 45 days prior to its decision regarding acceptance of the plan. Approved plans must also be posted.

Subd. 9. Conduct authorized. Exempts a stewardship organization operating under an approved plan from state laws on antitrust, restraint of trade, etc., only to the extent necessary to implement the plan.

Subd. 10. Stewardship organization responsibilities. Requires the stewardship organization to provide boat wrap purchasers with educational materials regarding the program.

Subd. 11. Retailer responsibilities. Requires retailers to review the list of compliant producers on the PCA's website (see subd. 12) to determine whether the producer's boat wrap may be legally sold in this state. Authorizes a retailer to serve as a boat wrap collection point.

Subd. 12. Agency responsibilities. Requires the PCA to maintain a list of compliant producers on the agency's website, and, in conjunction with a stewardship organization, to establish annual performance goals under the plan regarding the amount of boat wrap to be collected and recycled. By June 1, 2030, at least 50 percent of boat wrap sold in this state must be recycled, and by June 1, 2035, no less than 80 percent must be recycled.

Subd. 13. Administrative fee. Requires the stewardship organization to pay an annual fee to the agency, established by the agency to reimburse it for costs incurred in administering and enforcing the program.

Subd. 14. User fees prohibited. Prohibits a stewardship organization or retailer from charging a fee to a person for boat wrap collection and recycling activities.

Subd. 15. Account established. Establishes the boat wrap stewardship account in the special revenue fund, and appropriates money from the fund to the commissioner.

Subd. 16. Stewardship reports. Requires the stewardship organization to submit reports to the agency annually, beginning March 1, 2026, describing program activities, assessing compliance with performance goals, and containing a financial audit of stewardship activities.

Subd. 17. Data classification. Classifies trade secret and sales information submitted to the PCA under this section as private or nonpublic data.

Section Description - Article 2: Pollution Control

Subd. 18. Duty to provide information. Requires a person to provide information to the commissioner upon request for the purpose of determining compliance with this section.

Provides an immediate effective date.

10 **Waste composition; information required.**

Subd. 1. Study required. Requires a waste composition study to be conducted every three years, beginning in 2029, by 20 percent of the owners/operators of several different categories of waste disposal facilities, to be selected by the commissioner of the PCA, including landfills containing mixed municipal solid waste, industrial waste, and demolition debris; material recovery facilities; transfer stations; and other facilities identified by the commissioner. Costs are to be borne by the facilities.

Subd. 2. Study requirements. The commissioner must determine sampling methods and the material categories used in the studies. Requires the commissioner to obtain input from counties, cities, and owners/operators prior to finalizing the sampling methods and requirements. Requires resource recovery facilities required to do waste sorts under certain air rules to use the study requirements developed when conducting waste composition analysis to meet the rule requirements.

Subd. 3. Report. Requires owner/operators of facilities studied to submit raw data to the commissioner within six months of completion of the study.

Subd. 4. Compilation. Requires the commissioner to compile all studies and make them available to the public.

Subd. 5. Additional studies; information. Authorizes the commissioner to conduct additional waste composition studies.

11 **Packaging practices; preferences; goals.**

Strikes a reference to a packaging reduction goal that was to be met in 1995.

12 **Closed landfill investment fund.**

Requires the PCA to provide written notification to counties with facilities eligible for funding from CLIF if money is spent or transferred or spent for purposes other than the statutory purposes of the account.

13 **Compliance protocols.**

Authorizes the PCA to require a facility, following an air toxics emission violation, to develop and implement a compliance protocol that establishes methods by which

Section Description - Article 2: Pollution Control

the facility will be required to measure its actual air toxics emissions and the frequency with which those methods must be employed.

14 **Orders; investigations.**

Allows the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement in cases where they exceed \$25,000. Requires estimate oversight costs to be disclosed in the agreement and periodically updated. Appropriates the reimbursement costs to the agency.

15 **Stipulation agreements.**

Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.

16 **Amount of penalty; considerations.**

Increases from \$20,000 to \$25,000 the maximum amount the agency may impose administratively for noncompliance with any law, rule, or permit condition.

17 **Penalty.**

Requires violations occurring within 36 months of a previous violation to be charged a penalty amount at least 10 percent higher than the previous violation.

18 **Emergency powers.**

Authorizes the PCA, when there is evidence of certain behaviors such as records falsification and chronic permit violations, to investigate and exercise powers that include revoking a permit, requiring financial assurances, and other measures.

19 **State salt purchase report and reduction goal.**

Requires the PCA to compile an annual report until 2030 on the state's purchase of deicing salt beginning February 1, 2025, and establishes a state goal to reduce the purchase of deicing salt by 25 percent by January 1, 2030. Deicing salt is defined to exclude salt used for roads managed by the Department of Transportation.

20 **State nitrogen fertilizer purchase report and reduction goal.**

Establishes a goal that by January 1, 2030, state agencies will reduce their purchase of nitrogen fertilizer by 25 percent. Each year, beginning in 2025 until 2030, the PCA must report to the legislature the amount of nitrogen fertilizer purchased by state agencies and strategies for achieving this nitrogen fertilizer reduction goal.

Section Description - Article 2: Pollution Control

- 21 **Resilient community assistance program.**
Requires the PCA to establish a program to award grants to assist local and Tribal governments to adapt and become more resilient to the impacts of climate change.
- 22 **Ban; mercury-containing general purpose lighting.**
Bans the sale of several types of compact fluorescent lamps in Minnesota by January 1, 2025 (screw- or bayonet-base type), or by January 1, 2026 (pin-base type or a linear fluorescent lamp). Exemptions are made for lamps used for image capture and projection; photocopying, printing, and lithography; film and video projecting; and others.
- 23 **State responsibilities.**
Adds encouraging practices that enable the recovery and reuse of waste heat and water and recycling water and energy to the list of responsibilities of the state.
- 24 **Local notification.**
Requires the PCA to provide written notification to counties with facilities eligible for funding from MLCAT if money is spent or transferred or spent for purposes other than the statutory purposes of the account.
- 25 **Resource management; report.**
Amends the date of submission by the PCA of a report on municipal solid waste programs.
- 26 **Report to legislature.**
Amends the date of submission by the PCA of a report on the community air monitoring systems grant program.
- 27 **Sewage sludge for land application analyzed for PFAS.**
Requires the PCA to develop a strategy to require sewage sludge prepared for application to land in Minnesota to be analyzed for the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS) by December 31, 2024, and begin implementing this strategy in water discharge permits.
- 28 **Critical materials recovery advisory task force.**
Requires the commissioner of the PCA to appoint a Critical Materials Recovery Advisory Task Force no later than October 1, 2024, consisting of 15 members from state government, labor, energy advocacy and environmental justice organizations, Tribal governments, and industry. The task force is charged with advising the commissioner with respect to policies designed to increase the amount of critical materials, as defined by the U.S. Secretary of Energy, recovered from end-of-life products. The task force is to be co-facilitated by the commissioner and a task force

Section Description - Article 2: Pollution Control

member with certain expertise. The task force must submit a report containing its findings and recommendations to the legislature no later than December 31, 2025, the day the task force expires.

29 Minnesota Pollution Control Agency; PFAS removal report.

Requires the PCA to submit a report to the legislature by January 15, 2025, that provides recommendations for strategies to require companies that manufacture use, or release PFAS to pay the costs of providing safe drinking water to people with PFAS contaminated water sources, preventing or removing PFAS so that treatment of effluent at municipal wastewater facilities is not required, and for the costs of removing PFAS from influent waters at municipal wastewater facilities.

30 Postclosure care solid waste disposal facilities; rulemaking.

Requires the PCA to amend rules related to solid waste disposal facilities to require the PCA approval to terminate the postclosure care period. Allows the PCA to use the good cause exemption from rulemaking to amend the rules.

31 Recommendations for products containing lead, cadmium, and PFAS; enforcement moratorium.

Requires the PCA to report to the legislature, by January 31, 2025, on recommendations relating to several chemicals and products. Prohibits enforcement of provisions regarding those chemicals and products until July 1, 2025.

32 Rulemaking; capital assistance program.

Directs the commissioner of the PCA to use the expedited rulemaking process to amend rules for the capital assistance program in order to incorporate provisions enacted in 2023.

33 Researching climate adaptation and resilience costs for Minnesota.

Requires the PCA to submit a report to the legislature by February 1, 2025, projecting the costs of mitigating climate change impacts developed in two scenarios developed by the Intergovernmental Panel on Climate Change.

34 Revisor's instruction.

Technical.

35 Repealer.

Repeals Minnesota Statutes, section 115A.5501, which set packaging reduction goals for 1995.

Article 3: Natural Resources

This article contains a number of policy provisions proposed by the DNR as well as other provisions impacting natural resources.

Section Description - Article 3: Natural Resources

- 1 Account to invest financial assurance money from permits to mine.**
Allows the State Board of Investment (SBI), if requested by the DNR, to invest money received for permit to mine financial assurance purposes. Allows the SBI to establish one or more accounts and requires the money to be used for financial assurance purposes, or as authorized under any trust fund agreement or conditions under a permit to mine. Allows the DNR to deposit and withdraw money from the accounts. Requires investment strategies to be determined jointly by the DNR and SBI. Requires investment earnings to be credited to the appropriate account. Allows the DNR to terminate an account subject to certain conditions.
- 2 Forest industry data.**
Adds a cross reference in the Data Practices Act to new forest industry data classification provisions established later on in this act.
- 3 Forest trust lands.**
Requires the DNR to submit information necessary to certify forestry costs on state forest trust fund lands to the commissioner of management and budget by June 30 each year or after presentation to the Legislative Permanent School Fund Commission, whichever is sooner.
- 4 Property disposal; gift acknowledgement; advertising sales.**
Allows the DNR to request that the commissioner of administration donate or convey bison to a government unit or nonprofit in or outside of the state or sell the bison. States that the recipient of the bison is solely responsible for all future expenses related to the bison.
- 5 County approval.**
Exempts scientific and natural area (SNA) acquisitions in the seven-county metropolitan area from a requirement that the DNR get county approval of the acquisition.
- 6 Data on forest industry.**
Classifies as private/nonpublic certain specified types of data that the DNR collects from forest industry businesses through voluntary surveys or questionnaires. Other data collected through the surveys or questionnaires remains public.

Section Description - Article 3: Natural Resources

- 7 **Prohibition.**
Modifies a provision prohibiting taking, importing, transporting, or selling endangered species to also include threatened species and adds the release of such species to the list of prohibited acts.
- 8 **Application.**
Removes a provision in the state’s threatened or endangered species laws that allowed the importation of wild animals, wild plants, or parts of wild animals or plants, that are legally imported into the United States or legally acquired and exported from another territory, state, possession, or political subdivision of the United States.
- 9 **Community tree planting grants.**
Requires the DNR to establish a community tree planting grant program to provide grants to cities, counties, townships, Tribal governments, and park and recreation boards in cities of the first class for purposes of: removing and planting shade trees; replacing trees lost to pests, disease, or storms; or establishing more diverse community forests. Requires trees planted under the program to be climate-adapted species to Minnesota. Requires priority to be given to projects removing and replacing ash trees posing a significant public safety concern and to projects located in areas meeting certain criteria. Prohibits the DNR from prioritizing projects based on other criteria.
- 10 **Report of registration transfers.**
Changes the off-highway motorcycle registration transfer application process so that the current owner must execute the application rather than the registered owner.
- 11 **Registration fees.**
Increases the off-highway motorcycle registration fee from \$30 to \$45.
- 12 **Muffler requirements; penalties.**
Requires after-market mufflers installed on a snowmobile to have a permanent stamp, clearly visible on the muffler certified by the manufacturer stating that the muffler conforms to snowmobile muffler noise limits specified in DNR rules. Establishes a misdemeanor penalty for those who operate snowmobiles in violation of muffler and other noise related requirements and establishes minimum penalty amounts. Allows a civil citation to be issued for violations and establishes civil penalty amounts.

Section Description - Article 3: Natural Resources

- 13 **State cooperative farming agreement and agricultural lease requirements; food plots.**
Requires the DNR to require cooperative farming agreements and agricultural leases located east of Interstate Highway 35 in the karst region to include certain restrictions on the use of fertilizer and require the use of fall cover crops.
- 14 **State jurisdiction over Rainy Lake and other navigable waters; duties of governor, attorney general, and other public officers.**
Clarifies that the state did not cede ownership of frozen waters within Voyageurs National Park to the United States.
- 15 **County sheriff costs for unsafe ice search and rescue.**
Allows the DNR to reimburse a county sheriff for costs that are over and above the county sheriff's regular operating budget incurred from search and rescue operations due to recreational activities on unsafe ice. Establishes limits for the reimbursements.
- 16 **Minnesota releaf program.**
Adds the encouragement, promotion, and funding of the utilization of trees and forest resources to the list of purposes of the Minnesota releaf program. Requires priority for grants awarded under the program to be given to projects located in areas meeting certain criteria.
- 17 **Production at state nurseries.**
Removes a provision that prohibited the DNR from producing more than 10,000,000 units of planting stock annually.
- 18 **Private lands.**
Removes a provision that limited the DNR to supplying only bare root seedlings for use on private land.
- 19 **Expiration.**
Extends the sunset of the Mineral Coordinating Committee by five years (from June 30, 2026, to June 30, 2033).
- 20 **Taconite iron ore special advance royalty account.**
Allows money received under negotiated state iron ore or taconite iron ore mining leases to be deposited in the taconite iron ore special advance royalty account.

Section Description - Article 3: Natural Resources

- 21 **Leases.**
Allows the DNR to lease state lands to prospect for and extract gas and oil. Defines gas for purposes of the provision as both hydrocarbon and nonhydrocarbon gases.
- 22 **Lease requirements.**
Requires gas and oil leases to be approved by the Executive Council.
- 23 **Prohibition on production of gas or oil without a permit.**
Prohibits a person from producing gas or oil without a permit from the DNR. Establishes certain requirements for permits and definitions for “production” and “gas” for purposes of the provision. Prohibits the DNR from issuing a permit for gas or oil production until a temporary permit framework has been approved by the legislature.
- 24 **Gas and oil production rulemaking.**
Requires the DNR to amend and adopt certain rules pertaining to the production of gas and oil. Also allows other agencies (the PCA, Department of Health (MDH), EQB, and the Department of Labor and Industry) to adopt rules pertaining to the production of gas and oil. Requires an agency adopting rules to use the expedited rulemaking procedure and publish a notice of intent to adopt rules within 24 months of the effective date of this act.
- 25 **Gas and oil leasing.**
Allows the DNR to enter into leases for gas and oil exploration and production on state lands with the approval of the Executive Council. Provides a process for applying for leases and specifies the terms for the leases. Allows the DNR to require applicants to provide financial assurance. Requires a lessee to pay a production royalty to the DNR of not less than 18.75 percent of the gross sales price of the product. Requires the payments to be distributed in the same way similar payments from iron ore are distributed.
- 26 **Taxidermist.**
Defines “taxidermist” for purposes of the game and fish laws.
- 27 **Liability for restitution.**
Makes a person liable for the value of a wild animal if they are found in violation of Minnesota Statutes, section 343.21 (animal cruelty laws).

Section Description - Article 3: Natural Resources

- 28 **Arrest and charging procedure.**
Requires an enforcement officer arresting a person for killing, injuring, or possessing a wild animal in violation of Minnesota Statutes, section 343.21 (animal cruelty laws) to describe the number, species, and restitution value of the animal(s).
- 29 **Sentencing procedure.**
Requires a court to require a person convicted of or who plead guilty to killing, injuring, or possessing a wild animal in violation of Minnesota Statutes, section 343.21 (animal cruelty laws) to pay the restitution value to the state.
- 30 **Restitution value of wild animals.**
States that the restitution value for a wild animal is doubled when a person kills, injures, or possesses a wild animal in violation of Minnesota Statutes, section 343.21 (animal cruelty laws).
- 31 **Waste disposal.**
Requires a licensed taxidermist to dispose of all cervid carcasses or parts not returned to the customer, all biosolids resulting from cleaning the skulls, and all carrion beetles and their waste used to clean the skulls. Requires disposal to be at a disposal facility or transfer station permitted to accept the waste and that proof of the disposal be retained for inspection. Exempts certain parts from the disposal requirements.
- 32 **Rules.**
Technical.
- 33 **Resident hunting.**
Eliminates the resident Canada geese special season hunting fee.
- 34 **Nonresident hunting.**
Eliminates the nonresident Canada geese special season hunting fee.
- 35 **Importing Cervidae carcasses.**
Provides an exemption from Cervidae importation restrictions for heads delivered to a license taxidermist within 48 hours of entering the state.
- 36 **Sale of inedible portions of big game animals, fur-bearing animals, fish, and game birds other than migratory waterfowl.**
Allows a person to possess, transport, buy, and sell adipose tissue (also know as fat) from lawfully taken/acquired big game animals, fur-bearing animals, fish, and game birds (excluding migratory waterfowl).

Section Description - Article 3: Natural Resources

- 37 **Requirements.**
Expands the apprentice hunter validation to include trappers.
- 38 **Apprentice-hunter/trapper validation; fee.**
Conforming changes to accommodate the expansion of the apprentice hunter validation to include trappers.
- 39 **Clothing and ground blind requirements; blaze orange or blaze pink.**
Clarifies that requirements that ground blinds on public land have visible blaze orange apply to blinds used by deer hunters.
- 40 **Permits and notice; requirements.**
Allows a landowner to keep a beaver taken under a special permit by a road authority or government unit and prohibits human consumption of beavers taken under such permits.
- 41 **Public notice and comment.**
Allows public meetings regarding experimental waters designations to be held virtually and requires an opportunity for public comments to be submitted. Modifies public notice and timeline requirements. Requires that a public meeting also be held in the seven-county metropolitan area when the public water meets certain size thresholds if there is not a virtual meeting.
- 42 **Public notice and comment.**
Allows public meetings regarding special management waters designations to be held virtually. Modifies public notice and timeline requirements. Requires that a public meeting also be held in the seven-county metropolitan area when the public water meets certain size thresholds if there is not a virtual meeting.
- 43 **Water quality monitoring at state fish hatcheries.**
Requires the DNR to test the source water at certain state fish hatcheries and annually report to the legislature the results.
- 44 **Open seasons for angling.**
Makes all trout angling seasons the same. Modifies a provision establishing a continuous season to take fish to clarify that it applies to channel.
- 45 **Sturgeon and paddlefish.**
Allows the DNR to permit the taking of lake sturgeon, shovelnose sturgeon, and paddlefish statewide; currently this is only allowed in state boundary waters and tributaries of the St. Croix River.

Section Description - Article 3: Natural Resources

- 46 **Adoption.**
Clarifies that the DNR’s authority to adopt model standards and criteria for shoreland areas is ongoing and not subject to certain time limit restrictions established under Minnesota Statutes, section 14.125.
- 47 **Public waters.**
Modifies the definition of “public waters” for purposes of Minnesota Statutes, chapter 103G (Waters of the State) to state that their inclusion or exclusion on the public waters inventory prepared by the DNR is not how public waters are exclusively defined. The provision becomes effective July 1, 2027.
- 48 **Public waters inventory.**
Requires the DNR to revise certain public waters maps and appropriates \$1,000,000 annually for eight years for public waters inventory revisions.
- 49 **Permit application and notification fees.**
Establishes a separate application fee of \$100 for appropriating water under a general permit. NOTE: The new fee is intended to correct an unintended fee increase made in 2023.
- 50 **Rules.**
Clarifies that the DNR’s authority to adopt rules for issuing and denying water-use permits and public waters work permits is ongoing and not subject to certain time limit restrictions established under Minnesota Statutes, section 14.125.
- 51 **Ensuring adequate bait supply.**
Extends by two years a provision allowing the DNR to adopt emergency rules to ensure adequate bait supplies are available, including allowing the importation of live minnows.
- 52 **Report on recreational use of school trust lands.**
Requires the school trust lands director to study the recreational use of the state’s school trust lands to determine the amount of money to be allocated to the permanent school fund from fees paid to the state for outdoor recreation purposes. Requires the DNR to assist the director and allows the director to contract for additional survey data. Specifies the contents of the study and requires the director to submit a report with the findings to the legislature by January 15, 2026.
- 53 **State park license plate design contest.**
Requires the DNR to hold a license plate design contest to design a new state park license plate.

Section Description - Article 3: Natural Resources

- 54 **Rusty patched bumble bee endangered species designation; rulemaking.**
Requires the DNR to amend rules to designate the rusty patched bumble bee as a state endangered species. Allows the DNR to use the good cause exemption from rulemaking to do so.
- 55 **Minnesota Gas and Oil Resources Technical Advisory Committee.**
Requires the DNR to establish a Minnesota Gas and Oil Resources Technical Advisory Committee to provide recommendations on the production of gas and oil to guide the creation of a temporary regulatory framework that will govern permitting until rules are adopted. Requires the recommendations to address certain items and that the committee hold at least one public meeting. Requires the DNR to submit a report with recommendations to the legislature by January 15, 2025.
- 56 **Management of Kittson Central elk herd.**
Allows the DNR to manage the Kittson Central elk herd population to allow for genetic diversification and herd health and limits the herd’s population to 130 percent of its estimated 2023 population. Requires the DNR to work with certain interested parties to develop a plan to enhance the size and range of the elk population while meeting certain goals.
- 57 **Report on outdoor opportunities for Minnesota youth.**
Requires the DNR to submit a report to the legislature on state programs that facilitate opportunities for Minnesota youth to experience the outdoors.
- 58 **Repealer.**
Repeals Minnesota Statutes, section 97B.802 (special Canada good season).

Article 4: Board of Water and Soil Resources

This article contains a number of provisions impacting BWSR and water and soil resources.

Section Description - Article 4: Board of Water and Soil Resources

- 1 **Authority to issue penalty.**
Modifies BWSR’s existing general administrative penalty order (APO) authority to allow it to be used for riparian buffer violations (resulting in an increase in the maximum penalty amount from \$500 to \$10,000) and specifies that APO penalties issued by BWSR may be forgiven if the board determines sufficient steps have been taken to resolve noncompliance.

Section Description - Article 4: Board of Water and Soil Resources

- 2 Authority to issue penalty orders; counties and watershed districts.**
Increases the maximum APO amount that a county or watershed district may impose for violations of riparian buffer requirements from \$500 to \$10,000 and makes conforming changes.
- 3 Pollinator account created.**
Creates a pollinator account in the special revenue fund to support pollinators and statutorily appropriates money in the account to BWSR.
- 4 Lawns to legumes program.**
States that data on individuals who apply for assistance under the lawns to legumes program are classified as private under the Minnesota Government Data Practices Act.
- 5 Corrective actions.**
Allows BWSR to use its general APO authority for purposes of enforcing riparian buffer requirements.
- 6 Deposit of revenues.**
Dedicates 2.5 percent of lottery-in-lieu revenue to the new pollinator account created in section 3. Reduces the amount currently going into the heritage enhancement account from 50 to 47.5 percent to account for the new dedication.
- 7 Soil health appropriations; report.**
Requires BWSR to submit a report to the legislature by January 15, 2026, on the expenditure of an appropriation for soil health activities provided last session.

Article 5: Packaging Waste and Reduction Act

Establishes a statewide program conducted by a product stewardship organization, organized and funded by producers of packaging and paper products and overseen by the PCA, to collect, recycle, and reuse packaging and paper products.

Section Description - Article 5: Packaging Waste and Reduction Act

- 1 Short title.**
States that this act may be known as the “Packaging Waste and Cost Reduction Act.”
- 2 Definitions.**

Section Description - Article 5: Packaging Waste and Reduction Act

- 3 Establishment of program.**
Requires producers to implement and finance a statewide program to reduce the environmental and health impacts of packaging through redesign, waste reduction, reuse, and composting.
- 4 Registration of producer responsibility organizations and service providers.**
Requires producers to appoint a producer responsibility organization (PRO) by January 1, 2025. Specifies the content of a registration the organization and service providers must submit to the PCA.

Requires the PCA to establish an annual registration fee for a PRO beginning in 2029, set at a level to meet PCA’s anticipated costs to administer and enforce this act. Requires annual reconciliation of fees paid with the agency’s actual costs. Allows more than one PRO to operate in the state.
- 5 Establishment of producer responsibility advisory board.**
Establishes an advisory board charged with reviewing PRO programs and advising the PRO and the commissioner.
- 6 Commissioner responsibilities.**
Describes the PCA commissioner’s duties under the act, including approving stewardship plans, completing a needs assessment, compiling a list of recyclable/compostable packaging and paper products, and posting relevant information on PCA’s website.
- 7 Producer responsibility advisory board responsibilities.**
Requires the board to meet by March 1, 2025, and lists its responsibilities.
- 8 Producer responsibility organization responsibilities.**
Lists the PRO’s additional responsibilities, including submitting stewardship plans to the PCA for approval, collecting producer fees, implementing an approved plan and ensuring that producers are in compliance with it, and reimbursing collectors, transporters, and processors of packaging and paper products for activities conducted under the plan.
- 9 Producer responsibilities.**
Requires producers to join a PRO by July 1, 2025. Lists responsibilities of producers, including joining a PRO and complying with the provisions of this act. Prohibits a producer from bringing packaging/paper products into the state after January 1, 2032, unless they are capable of reuse or refill, on the commissioner’s list of recyclables/compostables or exempt materials, or collected under an approved

Section Description - Article 5: Packaging Waste and Reduction Act

- stewardship plan. Allows a PRO to petition the commissioner annually to delay this prohibition until 2040 if market or technical issues prevent compliance.
- 10 **Service provider responsibilities.**
Lists services service providers (collectors, transporters and processors of packaging/paper products) must provide, including collecting and managing packaging/paper products under contractual agreements with a PRO; submitting invoices to a PRO for reimbursement for services provided; and meeting performance standards.
- 11 **Needs assessments.**
Requires the PCA to complete a needs assessment – including evaluating the state’s solid waste management efforts for packaging/paper products; developing performance targets for recycling and other waste management practices; inventorying infrastructure, capacity, and funding sources for the existing waste system; and estimating costs to improve recycling, composting, and reuse – by December 31, 2025, and every five years thereafter.
- 12 **Stewardship plan.**
Requires a stewardship plan to be submitted to the commissioner by October 1, 2028, and every five years thereafter. Specifies the content of a plan, and the process for plan amendment and review by the commissioner. Requires performance targets set by the commissioner with respect to recycling, reuse, use reduction, and the percentage of postconsumer content that packaging/paper products must contain to be part of the plan. The plan must also contain a description of how performance will be measured.
- 13 **Recyclable or compostable covered materials lists; exempt materials list.**
Requires the commissioner to develop, by July 1, 2028, and every three years thereafter, three lists: (1) a list of packaging/paper products collected under a stewardship plan and determined to be recyclable or compostable statewide; (2) a list of recyclable/compostable products collected through an alternative collection system; and (3) a list of materials that are exempt from the provisions of this act, as determined by the commissioner. Exemptions granted are valid for two years, and may be renewed.
- 14 **Producer fees.**
Requires the PRO to collect annual fees from members that generate sufficient revenue to pay the PRO’s annual registration fee to the PCA (see section 4) and the PRO’s operating costs, to reimburse service providers, and to create a financial reserve. The fee must also incentivize designers to reduce the amount and toxicity of

Section Description - Article 5: Packaging Waste and Reduction Act

- materials and increase the proportion of postconsumer material in packaging/paper products, reduce packaging content, and enhance recyclability.
- 15 **Service provider agreements; reimbursement rates.**
Requires the PRO to reimburse collectors, transporters, and processors for their services through a service agreement that establishes performance standards. Reimbursement rates must be equivalent to at least 50 percent of a service provider’s net costs by 2029, and to 90 percent by 2031. Allows service providers to charge a fee for services that are not fully reimbursed by a PRO, including for program investments and a rate of return on those investments.
- In procuring collection services and making infrastructure investments, the PRO must use competitive bidding processes established in statute (Minn. Stat. § 16C.28). This act does not require a local unit of government to operate under a stewardship plan. Prohibits a producer responsibility organization from competing or interfering with a local unit of government’s authority to collect solid waste within its jurisdiction.
- 16 **Reporting.**
Requires the PRO to file an annual report to the commissioner summarizing activities conducted under the plan and whenever a performance target is not met. A performance audit of the program must be conducted by the PRO every four years. The commissioner must submit reports to the governor and legislature on program activities beginning in 2031 and every two years thereafter.
- 17 **Producer responsibility organization websites.**
Specifies information that must be posted to the PRO website.
- 18 **Anticompetitive conduct.**
Exempts the PRO from state antitrust laws and unfair trade practices for necessary activities conducted under the plan.
- 19 **Rulemaking.**
Authorizes the commissioner to adopt rules to implement this act.
- 20 **Providing information.**
Requires any person to furnish information to the commissioner, if requested, to assist in implementing or determining compliance with this act.

Section Description - Article 5: Packaging Waste and Reduction Act

- 21 **Deposit return system.**
Declares the legislature’s intent that any future bottle deposit return system enacted in Minnesota will be harmonized with this act, and that materials under that system are exempt from this act.
- 22 **Enforcement.**
Authorizes the commissioner to enforce this act, and authorizes penalties for violations of the act by any person of up to \$25,000 per day. A second violation by a PRO of the act or of a stewardship plan may be penalized up to \$50,000 per day, and a third and subsequent violation by up to \$100,000 per day.
- 23 **Workplace conditions and equity study.**
Requires the commissioner to contract with a third party by January 1, 2032, to study the state’s recycling, composting, and reuse facilities.
- 24 **Covered materials pollution and cleanup study.**
Requires the commissioner to contract with a third party by January 1, 2032, to study the contributions of packaging/paper products to litter and water pollution in the state.

Article 6: Feral Swine and Fur Farms

This article makes a number of changes to state statutes based on recommendations from a report prepared by the DNR (Report on Feral Pigs and Farmed Mink) as required by a law passed last session (see Minn. Laws 2023, ch. 60, art. 4, § 100). The purpose of the report was to identify and clarify the responsibilities of the DNR, MDA, and the Board of Animal Health (BAH) for managing feral pigs and mink.

Section Description - Article 6: Feral Swine and Fur Farms

- 1 **Restricted species and domestic hog control.**
Subd. 1. Definitions. Adds a definition of “domestic hogs,” expands the definition of “restricted species” to include additional pig species, and modifies the definition of “release” for purposes of restrictions on releasing domestic hogs and restricted species.
Subd. 2. Restricted species permit required. Removes reference to prohibitions on releasing restricted species (new restrictions are established in the next subdivision).

Section Description - Article 6: Feral Swine and Fur Farms

Subd. 2a. Release of restricted species or domestic hogs prohibited. Establishes prohibitions on releasing restricted species and domestic hogs. Establishes new requirements of violators, including requiring registration with the BAH, implementation of confinement standards and record-keeping requirements, and reimbursing MDA for the costs of inspecting the premises annually.

Subd. 3. Permits. Eliminates the ability of MDA to issue permits for transporting, possessing, purchasing, or importing restricted species for commercial purposes.

Subd. 4. Notice of release of restricted species or domestic hogs. Requires the owner of a domestic hog or restricted species to report its release to a conservation officer and the BAH within 24 hours and makes the owner responsible for its recovery. States that if an owner doesn't provide the required notification or fails to recover the animal within 72 hours of providing notification, the animal is considered feral swine, subject to provisions for feral swine under chapter 97A, and is no longer the property of the owner.

Subd. 5. Enforcement. Adds peace officers to those who may enforce the provisions of this section and allows MDA to impose administrative penalties for violations as follows: up to \$1,000 for the first offense, up to \$1,500 for the second offense, and up to \$3,000 for the third and subsequent offenses.

Subd. 6. Penalties. States that a person is liable to the state for costs associated with the release of a restricted species or domestic hog.

2 **Game farms.**

Removes fur farms from the game farm licensing statute (new fur farm license requirements are established in the next section).

3 **Fur farms.**

Establishes separate fur farm licensing requirements similar to existing requirements with a few additions, including establishment of licensing fee of \$250 to be deposited in a new account and appropriated to the DNR for administration and enforcement of the fur farm licensing provisions, and requirements for the DNR to develop containment and disposal requirements as well as disease testing and reporting requirements for fur farms.

4 **Prohibited actions; penalty.**

States that a person violating prohibitions on possessing or releasing feral swine is liable for the actual costs incurred by the state and damages caused by the possession or release.

Section Description - Article 6: Feral Swine and Fur Farms

- 5 **Domestic hogs and feral swine response protocols.**
Requires the DNR, in cooperation with MDA and the BAH, to develop protocols for responding to the release of domestic hogs and feral swine.
- 6 **Outreach required.**
Requires the MDA, DNR, and BAH to jointly develop and jointly or separately promote and provide to the public outreach certain outreach materials for managing feral swine.
- 7 **Repealer.**
Repeals Minnesota Statutes, section 17.353 (voluntary fur farm registration through MDA).

Article 7: Environmental Review and Permitting

This article would allow an applicant for a project that requires environmental review by the DNR or PCA to request that the agency prepare a coordinated project plan.

Section Description - Article 7: Environmental Review and Permitting

- 1 **Environmental review and permitting; coordinated project plans.**
- Subd. 1. Definitions.** Defines “eligible project” as one requiring the commissioner to conduct an environmental review under chapter 116D.
- Defines “commissioner” as the commissioner of the PCA.
- Subd. 2. State policy.** Declares it a state goal to maximize the coordination and accountability of environmental review and permitting.
- Subd. 3. Early communication; identifying issues.** Requires the DNR to establish a process for a person requesting to confer with the department and other state agencies about an eligible project. The department must provide information about challenging environmental issues, including those that could delay department decisions.
- Subd. 4. Plan preparation; participating agencies.** Authorizes a proposer of an eligible project to request the commissioner to prepare a coordinated project plan for the environmental review process. A plan, developed in consultation with other state agencies with permitting or decision-making authority over the project, must be prepared within 60 days of the request.

Section Description - Article 7: Environmental Review and Permitting

Subd. 5. Plan contents; synchronization; updates. Specifies the contents of a plan, including a list of state agencies with decision-making authority over the project, and schedules of public meetings and deadlines, intermediate and final, by which all state agency actions with respect to the project must be completed. Plans must be updated quarterly.

Subd. 6. Required deadlines. Establishes deadlines regarding the need for preparation of an environmental impact statement (18 months after an environmental assessment worksheet is completed) and the adequacy of that document (four years after an environmental assessment worksheet is completed).

Subd. 7. Deadline compliance; modification. Requires an agency failing to meet an established deadline to explain the reason for failure to the commissioner, who may modify the deadline. Requires the commissioner to report to the legislature if a deadline modified under subdivision 6 extends the timing of a decision by more than 20 percent over its original schedule.

Subd. 8. Annual report. Requires the commissioner to report on activities under this section in the department's annual permitting efficiency report to the legislature.

Subd. 9. Relation to other law. Directs that nothing in this section is to be construed as requiring an action that conflicts with current law.

2 Environmental review and permitting; coordinated project plans.

Subd. 1. Definitions. Defines "eligible project" as one requiring the commissioner to conduct an environmental review under chapter 116D.

Defines "commissioner" as the commissioner of the Department of Natural Resources.

Subd. 2. State policy. Declares it a state goal to maximize the coordination and accountability of environmental review and permitting.

Subd. 3. Early communication; identifying issues. Requires the commissioner to establish a process for a person requesting to confer with the agency and other state agencies about an eligible project. The agency must provide information about challenging environmental issues, including those that could delay agency decisions.

Subd. 4. Plan preparation; participating agencies. Authorizes a proposer of an eligible project to request the commissioner to prepare a coordinated project plan for the environmental review process. A plan, developed in consultation

Section Description - Article 7: Environmental Review and Permitting

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Subd. 8. Annual report. Requires the commissioner to report on activities under this section in the department's annual permitting efficiency report to the legislature.

Subd. 9. Relation to other law. Directs that nothing in this section is to be construed as requiring an action that conflicts with current law.

Article 8: State Lands

This article contains a number of provisions that pertain to the administration of state land being recommended by the Department of Natural Resources (DNR) as well as provisions authorizing certain counties to sell tax-forfeited land and other provisions dealing with state land.

Section Description - Article 8: State Lands

- 1 **Easements for ingress and egress.**
Allows the DNR to assume the application fee for egress and ingress easement applications by landowners with a preexisting right of ingress/egress over a state trail if the easement will benefit the state's land management interests.

Section Description - Article 8: State Lands

- 2 Fees.**
Adds expenses that a private landowner or governmental unit must pay one-half of when exchanging certain land with the state.
- 3 Fees.**
Requires a governmental unit offering to exchange publicly held land under certain expedited exchange provisions to pay one-half of certain costs incurred by the DNR.
- 4 Sale of land located within boundary of Indian reservations.**
Requires a county to offer tax-forfeited land located entirely within the boundaries of an Indian reservation to the affected band of Indians first at the appraised value and requires the cost of any survey or appraisal to be added to the appraised value.
Requires the county to notify the band in writing and requires the band to respond with an offer within two weeks of receiving the notice if they want to buy the land.
Requires the county to accept the offer if it is for at least the appraised value. The bill would still allow the former owner of the property or their heirs the opportunity to purchase the property prior to the sale.
- 5 Additions to state parks.**
Adds land to the statutory boundaries of Banning State Park, Father Hennepin State Park, and Lake Louise State Park.
- 6 State park abolishment.**
Abolishes Hill-Annex Mine State Park and Upper Sioux Agency State Park. Requires the DNR to develop a task force once mining is complete at the Hill-Annex Mine location to develop options for the property.
- 7 Private sale of tax-forfeited land; Aitkin County.**
Allows Aitkin County to sell certain tax-forfeited lands by private sale.
- 8 Private sale of tax-forfeited land bordering public waters; Aitkin County.**
Allows Aitkin County to sell certain tax-forfeited lands bordering public waters by private sale.
- 9 Public sale of surplus land bordering public water; Chisago County.**
Allows the DNR to sell certain surplus state land bordering Green Lake in Chisago County.
- 10 Private sale of tax-forfeited land bordering public water; Crow Wing County.**
Allows Crow Wing County to sell certain tax-forfeited lands bordering public waters by private sale.

Section Description - Article 8: State Lands

- 11 **Conveyance of surplus land bordering public water; Hubbard County.**
Allows the DNR to convey surplus land bordering Fish Hook River in Hubbard County.
- 12 **Private sale of surplus land bordering public water; Hubbard County.**
Allows the DNR to sell by private sale, certain surplus state land bordering Fish Hook River in Hubbard County.
- 13 **Condemnation of certain land in Mille Lacs County.**
Requires money appropriated in this act to the DNR for condemnation of land in Mille Lacs County to be used to condemn certain land. Allows the DNR to convey the land to a federally recognized Indian Tribe for no consideration.
- 14 **Conveyance of surplus land bordering public water; Redwood County.**
Allows the DNR to convey certain surplus state land in Redwood County to a federally recognized Indian Tribe for no consideration.
- 15 **Conveyance of surplus state land; Redwood County.**
Allows the Minnesota Historical Society to convey certain state land to the Lower Sioux Indian Community for no consideration.
- 16 **Private sale of surplus land; Roseau County.**
Allows the DNR to sell by private sale certain surplus state land in Roseau County to a watershed district.
- 17 **Private sale of tax-forfeited lands; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited lands by private sale.
- 18 **Private sale of tax-forfeited lands bordering public waters; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited lands bordering public water by private sale.
- 19 **Repealer.**
Repeals the statutes establishing the Hill Annex State Mine State Park, Upper Sioux Agency State Park, and Upper Sioux Agency Historic Site.
- 20 **Effective date.**
Provides an immediate effective date for this article.

Article 9: Miscellaneous

This article contains other provisions related to the environment and natural resources.

Section Description - Article 9: Miscellaneous

- 1 Conflict of interest.**
Prohibits a member of the Legislative-Citizen Commission on Minnesota Resources (LCCMR) from voting on a motion to approve the purchase of certain land if the member has a conflict of interest, and reduces the number of votes needed for purposes of required affirmative vote requirements.
- 2 Lands in public domain.**
Provides a cross-reference to the new LCCMR voting restrictions established in the previous section.
- 3 Community tree planting grants.**
Requires the Metropolitan Council to establish a community tree planting grant program to provide grants for purposes of: removing and planting shade trees; replacing trees lost to pests, disease, or storms; or establishing more diverse community forests. Requires trees planted under the program to be climate-adapted species to Minnesota. Requires priority to be given to projects removing and replacing ash trees posing a significant public safety concern and to projects located in areas meeting certain criteria. Prohibits the Metropolitan Council from prioritizing projects based on other criteria.



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