

ONE HUNDRED SEVENTH DAY

St. Paul, Minnesota, Monday, April 29, 2024

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Murphy imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Imam Walid Shadi.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Dziedzic	Johnson	Maye Quade	Rarick
Anderson	Eichorn	Klein	McEwen	Rasmusson
Bahr	Farnsworth	Koran	Miller	Rest
Boldon	Fateh	Kreun	Mitchell	Seeberger
Carlson	Frentz	Kunesh	Mohamed	Utke
Champion	Green	Kupec	Morrison	Weber
Coleman	Gruenhagen	Lang	Murphy	Wesenberg
Cwodzinski	Gustafson	Latz	Nelson	Westlin
Dahms	Hauschild	Lieske	Oumou Verbeten	Westrom
Dibble	Hawj	Limmer	Pappas	Wiklund
Dornink	Hoffman	Lucero	Pha	Xiong
Draheim	Housley	Mann	Port	
Drazkowski	Howe	Marty	Pratt	
Duckworth	Jasinski	Mathews	Putnam	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

RECESS

Senator Johnson moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 4579: A bill for an act relating to energy; providing for and regulating shared-metered utility service in residential buildings; amending Minnesota Statutes 2022, sections 216B.022; 216B.098, subdivision 6; 504B.285, subdivision 4; Minnesota Statutes 2023 Supplement, section 216B.172, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 216B; 504B; repealing Minnesota Statutes 2022, section 504B.215.

Senate File No. 4579 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned April 24, 2024

Senator Dibble moved that the Senate do not concur in the amendments by the House to S.F. No. 4579, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2895, 3204, and 3304.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 24, 2024

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2895: A bill for an act relating to judiciary; modifying spousal maintenance; modifying child support provisions; amending Minnesota Statutes 2022, sections 518.552, subdivisions 1, 2, 3, 6, by adding subdivisions; 518A.39, subdivision 1; Minnesota Statutes 2023 Supplement, section 518A.39, subdivision 2; repealing Minnesota Statutes 2022, section 518A.39, subdivision 3.

Referred to the Committee on Judiciary and Public Safety.

H.F. No. 3204: A bill for an act relating to domestic relations; modifying parenting time provisions; amending Minnesota Statutes 2022, sections 257.025; 518.131, subdivisions 1, 11; 518.14; 518.17, subdivisions 1, 3; 518.175, subdivisions 1, 6; proposing coding for new law in Minnesota Statutes, chapter 518.

Senator Murphy, Chair of the Committee on Rules and Administration, moved that H.F. No. 3204 be laid on the table. The motion prevailed.

H.F. No. 3304: A bill for an act relating to public safety; requiring a report regarding the sentencing of certain military veterans; amending Minnesota Statutes 2022, section 609.1056, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3328, now on General Orders.

REPORTS OF COMMITTEES

Senator Murphy moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 3887 and 5252.

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on the Murphy motion. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Murphy motion.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

The motion prevailed.

Senator Marty from the Committee on Finance, to which was re-referred

S.F. No. 5337: A bill for an act relating to public safety; providing for funding and related policy changes to the Department of Public Safety, Department of Corrections, judiciary, and the Clemency Review Commission; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 260B.198, subdivision 1; 260B.225, subdivision 9; 260B.235, subdivision 4; 299A.73, subdivision 4; 609.02, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 244.41, subdivisions 6, 14, by adding a subdivision; 244.46, subdivisions 1, 2; 299A.49, subdivisions 8, 9; 299A.95, subdivision 5; 401.10, subdivision 1; 609A.06, subdivision 2; 638.09, subdivision 5; Laws 2023, chapter 52, article 2, sections 3, subdivision 5; 6, subdivisions 1, 4; article 8, section 20, subdivision 3; Laws 2023, chapter 63, article 5, section 5; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Page 3, after line 11, insert:

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

Page 6, after line 19, insert:

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

Page 6, after line 31, insert:

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

Page 10, after line 4, insert:

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

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Marty from the Committee on Finance, to which was re-referred

S.F. No. 5252: A bill for an act relating to education finance; providing for supplemental funding for prekindergarten through grade 12 education; modifying provisions for general education, education excellence, literacy, teachers, charter schools, special education, health and safety, facilities, nutrition, libraries, early childhood education, and state agencies; providing for rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 120A.41; 120B.363, subdivision 1; 121A.035; 121A.037; 122A.415, by adding a subdivision; 122A.73, subdivision 4; 123B.71, subdivision 8; 124D.093, subdivisions 4, 5; 124D.151, by adding a subdivision; 124D.19, subdivisions 8, 11; 124D.65, by adding a subdivision; 124D.957, subdivision 1; 124E.22; 126C.05, subdivision 15; 126C.10, subdivision 13a; 127A.33; Minnesota Statutes 2023 Supplement, sections 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.024, subdivision 1; 120B.123, subdivision 7; 120B.124, subdivisions 1, 2; 121A.642; 122A.415, subdivision 4; 122A.73, subdivisions 2, 3; 122A.77, subdivisions 1, 2, 3; 123B.71, subdivision 12; 123B.92, subdivision 11; 124D.111, subdivision 3; 124D.151, subdivisions 5, 6; 124D.65, subdivision 5, as amended; 124D.81, subdivision 2b; 124D.901, subdivisions 1, 2, 3; 124D.98, subdivision 5; 124D.995, subdivision 3;

124E.13, subdivision 1; 126C.10, subdivisions 2e, 3, 3a, 3c, 18a; 126C.40, subdivision 6; 134.356, by adding a subdivision; 256B.0625, subdivision 26; 256B.0671, by adding a subdivision; Laws 2023, chapter 18, section 4, subdivisions 2, as amended, 3, as amended; Laws 2023, chapter 54, section 20, subdivisions 6, 24; Laws 2023, chapter 55, article 1, section 36, subdivisions 2, as amended, 8, 13; article 2, section 64, subdivisions 2, as amended, 6, as amended, 14, 16, 26, 31, 33; article 3, section 11, subdivisions 3, 4; article 5, sections 64, subdivisions 3, as amended, 5, 13, 15, 16; 65, subdivisions 3, 6, 7; article 7, section 18, subdivision 4, as amended; article 8, section 19, subdivisions 5, 6, as amended; article 12, section 17, subdivision 2; Laws 2023, chapter 64, article 15, section 34, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 123B; 127A; repealing Laws 2023, chapter 55, article 10, section 4.

Reports the same back with the recommendation that the bill do pass.

Senator Rarick questioned the reference thereon and, under Rule 21, the bill was referred to the Committee on Rules and Administration.

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

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

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

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

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2024</u>	<u>2025</u>

Sec. 2. POLLUTION CONTROL AGENCY

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>11,551,000</u>
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<u>Appropriations by Fund</u>		
	<u>2024</u>	<u>2025</u>
<u>General</u>	<u>-0-</u>	<u>6,400,000</u>
<u>Environmental</u>	<u>-0-</u>	<u>5,151,000</u>

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

Subd. 2. Air Regulatory Work; Environmental Justice Areas

\$2,975,000 the second year is from the environmental fund for prioritizing air regulatory program work in environmental justice areas. This appropriation is available until June 30, 2027. The base in fiscal year 2026 and thereafter is \$2,625,000.

Subd. 3. Legal Services

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

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

Subd. 4. Mobile Emissions Monitoring Trailer

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

Subd. 5. Researching Climate Adaptation and Resilience Study

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

Subd. 6. Composting Grants for Multifamily Buildings

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

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

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

Subd. 7. Electronic Recycling Study

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

Subd. 8. Critical Materials Recovery Advisory Task Force

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

Subd. 9. State Salt Purchase Reporting

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

Subd. 10. Boat Wrap Product Stewardship Program

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

Subd. 11. Extending Appropriation Availability

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

Subd. 12. Availability of Climate Resiliency and Water Infrastructure Grants

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

Sec. 3. DEPARTMENT OF NATURAL RESOURCES

Subdivision 1. **Total Appropriation** \$ **768,000** \$ **17,894,000**

Appropriations by Fund

	<u>2024</u>	<u>2025</u>
<u>General</u>	<u>-0-</u>	<u>8,300,000</u>
<u>Game and Fish</u>	<u>-0-</u>	<u>2,880,000</u>
<u>Natural Resources</u>	<u>768,000</u>	<u>6,297,000</u>
<u>Permanent School</u>	<u>-0-</u>	<u>417,000</u>

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

Subd. 2. Legal Costs

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

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

Subd. 3. Public Safety Costs

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

Subd. 4. Electronic Licensing System

\$2,600,000 the second year is to support the development and implementation of a modern electronic licensing system. Of this amount, \$330,000 is from the water recreation account; \$80,000 is from the snowmobile account; \$204,000 is from the all-terrain vehicle account; \$7,000 is from

the off-highway motorcycle account; \$4,000 is from the off-road vehicle account; and \$1,975,000 is from the game and fish fund. This is a onetime appropriation and is available until June 30, 2026.

Subd. 5. Compensation for Conservation Officers

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

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

Subd. 6. Keep it Clean Grants

\$1,418,000 the second year is for grants to local units of government and nongovernmental organizations to implement local programs to prevent water pollution due to garbage and human waste left on the ice of state waters during winter-use activities. Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the commissioner may use up to five percent of this appropriation for administrative costs. This is a onetime appropriation and is available until June 30, 2027.

Subd. 7. Unsafe Ice Search and Rescue Reimbursement

\$200,000 the second year is to reimburse county sheriffs and other local law enforcement agencies for search and rescue operations related to recreational activities on unsafe ice under Minnesota Statutes, section 86B.1065. Activities eligible for reimbursement under this appropriation must be of an unusual and nonrecurring nature that are over and above the county sheriff or other

agency's regular operating budget and include but are not limited to rental of private equipment and employment of personnel hired expressly for the search and rescue operation. Reimbursement under this appropriation is limited to 50 percent of the reimbursable costs subject to a maximum state payment of \$5,000 per agency for each search and rescue operation. This is a onetime appropriation and is available until June 30, 2027.

Subd. 8. International Wolf Center

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

Subd. 9. Outdoor School For All Minnesota Students

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

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

Subd. 10. Condemnation of Certain Land in Mille Lacs County

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

Subd. 11. Outreach and Education

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

Subd. 12. Nonlethal Beaver Management Grants

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

Subd. 13. Report on Recreational Use of Permanent School Land

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

Subd. 14. Nonpetroleum Gas Regulatory Framework

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

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

Subd. 15. Legislative Report on Geologic Carbon Sequestration

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

Subd. 16. All-Terrain Vehicle Grant-in-Aid Program

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

Subd. 17. Prospector Loop ATV Trail System

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

Subd. 18. Off-Highway Motorcycle Trail Ambassador Program

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

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

Subd. 19. Outdoor Recreation Opportunities for Underserved Communities

\$200,000 the second year is from the natural resources fund for projects and activities that connect diverse and underserved Minnesotans through expanding cultural environmental experiences, exploration of their environment, and outdoor recreational activities. This appropriation is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (j). This is a onetime appropriation and is added to the appropriation in Laws 2023, chapter 60, article 1, section 3, subdivision 5, paragraph (m).

Subd. 20. Aggregate Resource Inventory

\$150,000 the second year is from the heritage enhancement account in the game and fish fund for the aggregate resource mapping program to update Information Circular 46, Aggregate Resources Inventory of the Seven-County Metropolitan Area, Minnesota (Minnesota Geological Survey 2000), with particular emphasis on projected needs and the estimated time until the aggregate resource is exhausted and to perform duties under Minnesota Statutes, section 84.94. This is a onetime appropriation.

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

Sec. 4. BOARD OF WATER AND SOIL RESOURCES

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>2,300,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Manure Management Grants

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

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

(a) \$300,000 the second year is for a grant to the Red River Basin Commission to facilitate development of a feasibility assessment of adaptive phosphorus management for the Red River of the North. The commission may contract with outside experts or academic institutions in developing the assessment. The assessment: (1) must address applicable water-quality

targets for phosphorus loading; (2) must include an allocation of phosphorus between point and nonpoint sources; (3) must identify cost-effective nutrient reduction implementation strategies; and (4) may include other state water-quality goals and objectives. This is a onetime appropriation and is available until June 30, 2026.

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

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

Sec. 5. METROPOLITAN COUNCIL

\$

-0- \$

500,000

\$500,000 the second year is from the natural resources fund for new fishing piers to increase fishing opportunities on lakes in the metropolitan parks system. The council shall solicit applications from member park systems for proposals under this section. This is a onetime appropriation and is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (3). This appropriation is available until June 30, 2026.

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

Subd. 3. Ecological and Water Resources

48,738,000

45,797,000

Appropriations by Fund		
	2024	2025
General	27,083,000	26,142,000
Natural Resources	13,831,000	13,831,000
Game and Fish	7,824,000	5,824,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) compliance and monitoring.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2

ENVIRONMENT AND NATURAL RESOURCES POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) provide students with opportunities to develop:

(i) leadership;

(ii) critical thinking;

(iii) self-sufficiency;

(iv) decision-making skills; and

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

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

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

(a) A county sheriff may be reimbursed for all costs that are over and above the county sheriff's regular operating budget and that are incurred from search and rescue operations due to recreational activities on unsafe ice. Reimbursement may include reimbursements made by the commissioner of natural resources with available appropriations, reimbursements under section 86B.106, or other available federal, state, and local funds. Reimbursement under this section is limited to 50 percent of the reimbursable costs subject to a maximum state payment of \$5,000 per agency for each search and rescue operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) for persons age 18 or over and under age 65 to take small game, \$15.50;
- (2) for persons age 65 or over, \$7 to take small game;
- (3) for persons age 18 or over to take turkey, \$26;
- (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$34;
- (6) for persons age 18 or over to take deer by archery, \$34;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$34;
- (8) to take moose, for a party of not more than six persons, \$356;
- (9) for persons age 18 or over to take bear, \$44;
- (10) to take elk, for a party of not more than two persons, \$287;
- ~~(11) to take Canada geese during a special season, \$4;~~
- ~~(12)~~ (11) to take light geese during the light goose conservation order, \$2.50;
- ~~(13)~~ (12) to take sandhill crane during the sandhill crane season, \$3;
- ~~(14)~~ (13) to take prairie chickens, \$23;
- ~~(15)~~ (14) for persons age 13 or over and under age 18 to take deer with firearms during the regular firearms season, \$5;
- ~~(16)~~ (15) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- ~~(17)~~ (16) for persons age 13 or over and under age 18 to take deer by muzzleloader during the muzzleloader season, \$5;

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

~~(19)~~ (18) for persons age 13 or over and under age 18 to take bear, \$5;

~~(20)~~ (19) for persons age 18 or over to take small game for a consecutive 72-hour period selected by the licensee, \$19, of which an amount equal to one-half of the fee for the migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition account;

~~(21)~~ (20) for persons age 16 or over and under age 18 to take small game, \$5;

~~(22)~~ (21) to take wolf, \$30;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) establishing, and from time to time revising, standards of performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any nonwater quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed rules prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after May 20, 1973, and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of

section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) It is the responsibility of the entities responsible for each stewardship plan to notify the commissioner of any proposed changes or modifications to the plan or its implementation. A written

plan revision must be submitted to the commissioner for review and may not be implemented without written approval from the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (ii) the estimated amount of boat wrap disposed of annually;
 - (iii) the weight of the boat wrap that is expected to be available for collection annually; and
 - (iv) actual collection data from other existing boat wrap recycling or stewardship programs;
- and
- (11) a discussion of the status of end markets for collected boat wrap and what, if any, additional end markets are needed to improve the program.

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

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

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

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

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

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

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

Subd. 12. **Retailer responsibilities.** (a) On and after July 1, 2025, or three months after stewardship plan approval, whichever is sooner, no boat wrap may be sold in or into the state unless

the boat wrap's producer is participating in a stewardship plan approved by the commissioner under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116.11 EMERGENCY POWERS.

Subdivision 1. **Imminent and substantial danger.** If there is imminent and substantial danger to the health and welfare of the people of the state, or of any of them, as a result of the pollution of air, land, or water, the ~~agency~~ commissioner may by emergency order direct the immediate discontinuance or abatement of the pollution without notice and without a hearing or at the request of the ~~agency~~ commissioner, the attorney general may bring an action in the name of the state in

the appropriate district court for a temporary restraining order to immediately abate or prevent the pollution. The agency commissioner's order or temporary restraining order shall remain is effective until notice, hearing, and determination pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order of the agency commissioner in these cases ~~shall be~~ is appealable in accordance with chapter 14.

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

(1) falsification of records;

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

(3) chronic or substantial permit violations; or

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

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

(1) suspend or revoke a permit;

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

(3) require financial assurances;

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

(5) require additional agency oversight; or

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

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

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

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

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

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

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

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

(i) of any tube diameter or tube length;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) This subdivision does not apply to:

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

(i) photocopying;

(ii) printing, directly or in preprocessing;

(iii) lithography;

(iv) film and video projection; or

(v) holography;

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

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

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

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

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

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

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

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

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

(3) specialty application mercury vapor lamp ballasts; or

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

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

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

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

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

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

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

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

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

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

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

Sec. 35. RESOURCE MANAGEMENT; REPORT.

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

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

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

(3) an analysis of:

(i) waste prevention program impacts and opportunities;

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

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

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

(5) recommendations for reducing the environmental and human health impacts of waste management, especially across environmental justice areas as defined under Minnesota Statutes, section 115A.03, and ensuring that the benefits of these resource management investments, including the creation of well-paying green jobs, flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution and that land, water, air, and climate impacts are considered; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) the commissioner of the Pollution Control Agency or the commissioner's designee;
- (2) the commissioner of employment and economic development or the commissioner's designee;
- (3) an expert in the field of industrial metallurgy;
- (4) one representative from the Solid Waste Administrators Association;
- (5) one representative from a company that disassembles electronic waste;
- (6) one representative from an energy advocacy organization;
- (7) one representative from an organization that is primarily involved in environmental justice issues;
- (8) one representative from an industrial labor union;
- (9) one representative from a labor union affiliated with the Building and Construction Trades Council;
- (10) one representative from a manufacturer that uses critical materials as inputs;
- (11) one representative of a Minnesota Tribal government, as defined in Minnesota Statutes, section 10.65, subdivision 2;
- (12) one representative from the Minnesota Resource Recovery Association;
- (13) one representative from an electronics manufacturer that operates an e-waste recycling program and is also an electronics retailer;
- (14) one representative from the Natural Resources Research Institute in Duluth;
- (15) one representative of a utility providing retail electric service to customers in Minnesota;
and
- (16) one representative from a recovery infrastructure operator, who is a nonvoting member of the task force.

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

- (1) developing a strategic road map for achieving domestic recovery of critical materials;
 - (2) investigating emerging technologies employed to recover critical materials from electronic waste, components of renewable energy generating systems, and other end-of-life products;
 - (3) evaluating the economic, environmental, and social costs, benefits, and impacts associated with various methods of recovering critical materials from end-of-life products;
 - (4) identifying options to prevent products containing critical materials from being disposed of in a landfill or waste combustor;
 - (5) consulting with stakeholders regarding recycling and end-of-life management options for products containing critical materials that enhance the possibility of recovery; and
 - (6) identifying infrastructure needed to develop an integrated system to collect, transport, and recycle products for critical materials recovery.
- (b) The task force must convene at least one public meeting to gather comments on issues regarding critical materials recovery.

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

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

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

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

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

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

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

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

The commissioner of the Pollution Control Agency must, using the expedited rulemaking process in Minnesota Statutes, section 14.389, amend the rules related to the capital assistance program in

Minnesota Rules, parts 9210.0100 to 9210.0180, to conform with and implement the changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54 by Laws 2023, chapter 60, article 3, sections 6 and 9 to 13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) the Pollution Control Agency;
- (2) the Environmental Quality Board;
- (3) the Department of Health;
- (4) the Department of Revenue;
- (5) the University of Minnesota; and
- (6) federal agencies.

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

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

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

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

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

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

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

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

- (1) the Pollution Control Agency;
- (2) the Environmental Quality Board;
- (3) the Department of Health;
- (4) the Department of Revenue;
- (5) the University of Minnesota; and
- (6) federal agencies.

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

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

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

Sec. 36. MANURE MANAGEMENT GRANTS.

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

(b) Funded activities may include projects that limit agricultural use of vulnerable land, such as establishing karst feature buffers or conservation easements, and cost-share assistance for constructing manure management and storage facilities. All funded projects must be designed to result in improved water quality or reduced greenhouse gas emissions. Feedlot grant recipients must agree to prepare and complete a nutrient management plan and must operate at fewer than 1,000

animal units. Grants for expanded liquid manure storage capacity must not exceed 12 months of storage based on current animal numbers. Anaerobic digesters are not eligible for grants under this section.

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

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

Sec. 37. RESEARCHING CLIMATE ADAPTATION AND RESILIENCE COSTS FOR MINNESOTA.

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

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

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

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

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

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

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

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

(i) working lands and natural lands;

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

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

- (iv) the biodiversity of Minnesota's biomes;
- (2) Minnesota's built environment, including but not limited to impacts on:
 - (i) residential, commercial, and public buildings; and
 - (ii) critical infrastructure, including but not limited to the infrastructure that manages stormwater, wastewater, drinking water, transportation, electricity, gas, and communications technologies; and
- (3) Minnesota's social environment, including but not limited to impacts on:
 - (i) human settlement and migration;
 - (ii) statewide and regional economies, including but not limited to impacts on industries like tourism, agriculture, and forest products; and
 - (iii) public health, including but not limited to impacts related to emergency response, asthma, heat exposure, and vector-borne illnesses.
- (c) The report should recommend best practices for integrating costs estimates with University of Minnesota's Minnesota CliMAT (Climate Mapping and Analysis Tool) or any related preceding or successor modeling tools.
- (d) To prepare the report, the commissioner must engage subject-area experts and other stakeholders, as needed, to contribute to the report.
- (e) By February 1, 2025, the commissioner shall submit a written report to the chairs and ranking minority members of the legislative committees with primary jurisdiction over energy, environment, health, transportation, and capital investment summarizing the findings of the research.

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

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

- (a) Funds appropriated in this act to the commissioner of natural resources to condemn land in Mille Lacs County must be used to initiate condemnation proceedings of the lands described in paragraph (d). The commissioner may use this appropriation for project costs, including but not limited to valuation expenses, legal fees, closing costs, transactional staff costs, and the condemnation award. This is a onetime appropriation and is available until spent.
- (b) Notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, or any other provision of law to the contrary, once the lands are condemned under paragraph (a), the commissioner of natural resources may convey the surplus land bordering public waters that is described in paragraph (d) to a federally recognized Indian Tribe for no consideration.
- (c) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.
- (d) The land that may be conveyed is located in Mille Lacs County and is described as: Government Lot 2, Section 16, Township 42 North, Range 26 West, including all riparian rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (3) ways to promote worker safety in facilities that recycle electronics;
- (4) opportunities and methods to recover precious metals from electronic recycling processes;
- (5) measures to reduce emissions of greenhouse gases from electronic recycling facilities; and
- (6) how changes in product design that increase the recyclability of electronics products can be encouraged.

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

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

Sec. 41. **REPEALER.**

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

ARTICLE 3

ENVIRONMENTAL REVIEW AND PERMITTING

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

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

- (1) "commissioner" means the commissioner of natural resources;
- (2) "coordinated project plan" or "plan" means a plan to ensure that any required environmental review and associated required state agency actions are completed efficiently by coordinating and establishing deadlines for all necessary state agency actions;
- (3) "eligible project" means a project that requires the commissioner to prepare an environmental assessment worksheet or an environmental impact statement under chapter 116D and associated permits, unless the project is sponsored by the Department of Natural Resources; and
- (4) "state agency" means the department or any other office, board, commission, authority, department, or other agency of the executive branch of state government.

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

Subd. 3. **Early communication; identifying issues.** To the extent practicable, the commissioner must establish and provide an expeditious process for a person that requests to confer with the department and other state agencies about an eligible project. The department must provide information about any identified challenging issues regarding the potential environmental impacts related to an eligible project, including any issues that could substantially delay a state agency from

completing agency decisions; and issues that must be addressed before an environmental assessment worksheet, environmental impact statement, final scoping decision, permit action, or other required action by a state agency can be started.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the commissioner's development coordinated project plan must comply with deadlines established in the plan. If a participating state agency fails to meet a deadline established in the coordinated project

plan or anticipates failing to meet a deadline, the state agency must immediately notify the commissioner to explain the reason for the failure or anticipated failure and to propose a date for a modified deadline.

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

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

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

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

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

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

ARTICLE 4

STATE LANDS

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

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

(b) The commissioner of natural resources shall assess the applicant an application fee of \$2,000 for reviewing the application and preparing the easement. The applicant shall pay the application fee to the commissioner of natural resources. The commissioner shall not issue the easement until

the applicant has paid the application fee in full. The commissioner shall not return the application fee, even if the application is withdrawn or denied.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) the Southwest Quarter of the Southwest Quarter of Section 3, Township 42, Range 25;
- (2) the Southwest Quarter of the Southeast Quarter of Section 4, Township 42, Range 25; and
- (3) the Southeast Quarter of the Southeast Quarter of Section 4, Township 42, Range 25.

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

- (1) the West Half of the South Half of the Southwest Quarter of the Northeast Quarter;
- (2) the West 3/4ths of the North Half of the Southwest Quarter of the Northeast Quarter EXCEPT that portion that lies north and east of the county road; and
- (3) the Northwest Quarter of the Northwest Quarter of the Southeast Quarter EXCEPT the south 334.98 feet of the west 411.24 feet thereof.

Sec. 5. STATE PARK ABOLISHMENT.

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

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

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

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

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

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

(1) Lot 3 of "Knox's Irregular Lots in the Village of Aitkin," except the portion thereof described as follows: all that part of Lot 3 which lies East of a line beginning at a point on the north line of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALSO

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

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

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

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

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

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

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

A strip of land 150 feet in width extending over and across the Southwest Quarter of the Southwest Quarter of Section 24, Township 140 North, Range 35 West of the Fifth Principal Meridian, Hubbard County, Minnesota, said strip of land lying being 75 feet in width on each side of the centerline of the main track (now removed) of the former St. Paul, Minneapolis and Manitoba Railway Company (now BNI), as originally located and established over and across said Southwest Quarter of the Southwest Quarter of Section 24 and lying between the north line of the Fish Hook River and the north line of said Southwest Quarter of the Southwest Quarter of Section 24, LESS and EXCEPT the following described tract: that part of the South Half of the Southwest Quarter, Section 24, Township 140 North, Range 35 West, Hubbard County, Minnesota, described as follows: commencing at a found iron monument which designates the northwesterly corner of Lot 1, Block 4, AUDITOR'S PLAT No. 2, plat of which is on file and of record in the Office of the County Recorder, Hubbard County; thence on a bearing based on the Hubbard County Coordinate System (NAD83, 1996 Adjustment) of South 32 degrees 45 minutes 05 seconds East, along the southwesterly line of said Lot 1, a distance of 177.13 feet to the southwesterly corner of said Lot 1; thence South 48 degrees 30 minutes 52 seconds West, a distance of 71.23 feet to an iron monument on the southwesterly line of Mill Road; thence North 32 degrees 32 minutes 42 seconds West, along the southwesterly line of Mill Road, a distance of 85.20 feet to an iron monument; thence North 22 degrees 10 minutes 58 seconds West along said southwesterly line of Mill Road, a distance of 85.84 feet to an iron monument; thence North 81 degrees 01 minutes 23 seconds West, a distance of 127.05 feet to the intersection with the easterly right-of-way line of the Heartland State Trail (former Burlington Northern Railroad) and an iron monument and the point of beginning of the land to be herein described; thence continue North 81 degrees 01 minutes 23 seconds West, a distance 37.00 feet; thence South 09 degrees 06 minutes 28 seconds West, a distance of 44.69 feet; thence South 13 degrees 37 minutes 49 seconds East, a distance of 95.72 feet to an iron monument and the intersection with said easterly right-of-way line; thence North 09 degrees 06 minutes 28 seconds

East, along said easterly right-of-way line, a distance of 133.06 feet, more or less, to the point of beginning. Said strip of land containing 2.52 acres, more or less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. **REPEALER.**

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

ARTICLE 5

PACKAGING WASTE AND COST REDUCTION ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) retained by a producer responsibility organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Producer" does not include:

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

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

(3) de minimis producers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) minimizes adverse impacts to environmental justice areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 1. **Annual registration.** (a) By July 1, 2025, and each January 1 thereafter, producers must appoint a producer responsibility organization. The producer responsibility organization must

register with the commissioner by July 1, 2026, and each January 1 thereafter by submitting the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) address of the service provider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) one member representing the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board in developing policies and procedures governing the disclosure of actual or perceived conflicts of

interest that advisory board members may have as a result of their employment or financial holdings of themselves or of family members. Each advisory board member is responsible for reviewing the conflict of interest policies and procedures. An advisory board member must disclose any instance of actual or perceived conflicts of interest at each meeting of the advisory board at which recommendations regarding stewardship plans, programs, operations, or activities are made by the advisory board.

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

The commissioner must:

(1) appoint the initial membership of the advisory board by January 1, 2025, according to section 115A.1444;

(2) provide administrative and operating support to the advisory board, as required by section 115A.1444, subdivision 10;

(3) complete a preliminary needs assessment by December 31, 2025, an initial needs assessment by December 31, 2026, and update the needs assessment every five years thereafter, according to section 115A.1450;

(4) approve stewardship plans and amendments to stewardship plans according to section 115A.1451;

(5) provide lists established according to the requirements of section 115A.1453 to all producer responsibility organizations by March 1, 2027;

(6) establish or approve requirements according to section 115A.1451, subdivision 7;

(7) post on the agency's website:

(i) the most recent registration materials submitted by producer responsibility organizations, including all information submitted under section 115A.1443, subdivision 1;

(ii) a list of registered service providers;

(iii) the most recent needs assessments;

(iv) any stewardship plan or amendment submitted by a producer responsibility organization under section 115A.1451 that is in draft form during the public comment period;

(v) the most recent lists established according to section 115A.1453;

(vi) the list of exempt materials and covered materials exempt from performance targets and statewide requirements as approved in the stewardship plan;

(vii) links to producer responsibility organization websites;

(viii) comments of the public, advisory board, and producer responsibility organizations on the documents listed in items (iii), (iv), (v), and (ix), and the responses of the commissioner to those comments; and

(ix) links to adopted rules implementing this act;

(8) provide producer responsibility organizations with information regarding Minnesota and federal laws that prohibit toxic substances in covered materials;

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

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

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

The Producer Responsibility Advisory Board must:

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

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

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

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

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

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

A producer responsibility organization must:

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

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

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

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

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

(6) submit the reports required by section 115A.1456;

(7) ensure that producers operating under a stewardship plan administered by the producer responsibility organization comply with the requirements of the stewardship plan and with this act;

(8) expel a producer from the producer responsibility organization if efforts to return the producer to compliance with the plan or with the requirements of this act are unsuccessful. The producer responsibility organization must notify the commissioner when a producer has been expelled under this clause;

(9) consider and respond in writing to comments received from the advisory board, including justifications for not incorporating any recommendations;

(10) provide producers with information regarding state and federal laws that prohibit substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172 to 325F.179, and all laws prohibiting toxic substances in covered materials;

(11) maintain a website according to section 115A.1457;

(12) notify the commissioner within 30 days if a change is made to the contact information for a person responsible for implementing the stewardship plan, a change to the board members, or a change to the executive director;

(13) assist service providers in identifying and using responsible markets;

(14) reimburse service providers in a timely manner and according to reimbursement rates approved in a stewardship plan as established according to section 115A.1451; and

(15) comply with all other applicable requirements of this act.

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

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

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

(c) After January 1, 2032, no producer may introduce covered materials unless the covered materials are:

(1) reusable and capable of being managed through a reuse system that meets the reuse rate and return rate required under section 115A.1451, subdivision 7;

(2) capable of refill and supported by a refill system;

(3) included on the list established under section 115A.1453, subdivision 1; or

(4) included on the list established under section 115A.1453, subdivision 2.

(d) A producer responsibility organization may petition the commissioner for a two-year extension to comply with the requirements of paragraph (c). The commissioner may approve the extension if the petition demonstrates that the market or technical issues prevent a covered material from being considered reusable or included in the lists established under section 115A.1453. The producer responsibility organization may petition the commissioner for additional extensions in annual increments until January 1, 2040, if the producer responsibility organization demonstrates that market or technical issues persist.

Subd. 2. **Duties.** A producer must:

- (1) implement the requirements of the stewardship plan under which the producer operates;
- (2) pay producer fees according to section 115A.1454; and
- (3) comply with all other applicable requirements of this act.

Sec. 10. **[115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

A service provider receiving reimbursement or funding under an approved stewardship plan must:

- (1) ensure the collection, transportation, and management of covered materials generated in the state pursuant to the lists established under section 115A.1453 or covered materials that are capable of refill or reuse;
- (2) register with the commissioner and submit invoices to the producer responsibility organization for reimbursement for services rendered;
- (3) meet performance standards established in an approved stewardship plan under section 115A.1451;
- (2) ensure that covered materials are sent to responsible markets;
- (3) provide documentation to the producer responsibility organization on the amounts, covered materials types, and volumes of covered materials collected, transported, and managed for recycling, composting, or reuse; and
- (6) comply with all other applicable requirements of this act.

Sec. 11. **[115A.1450] NEEDS ASSESSMENTS.**

Subdivision 1. **Needs assessments required.** (a) By December 31, 2025, and every five years thereafter, the commissioner must complete a preliminary needs assessment according to this section.

(b) By December 31, 2026, and every five years thereafter, the commissioner must complete a statewide needs assessment according to this section. The commissioner may adjust what is required to be included in a specific needs assessment to inform the next stewardship plan.

Subd. 2. **Input from interested parties.** In conducting a needs assessment, the commissioner must:

(1) initiate a consultation process to obtain recommendations from the advisory board, political subdivisions, service providers, producer responsibility organizations, and other interested parties regarding the type and scope of information that should be collected and analyzed in the statewide needs assessment required by this section;

(2) contract with a third party who is not a producer or a producer responsibility organization to conduct the needs assessment; and

(3) prior to finalizing the needs assessment, make the draft needs assessment available for comment by the advisory board, producer responsibility organizations, and the public. The commissioner must respond in writing to the comments and recommendations of the advisory board and producer responsibility organizations.

Subd. 3. **Content of preliminary needs assessment.** A preliminary needs assessment must be completed for a preceding period of no less than 12 months and no more than 36 months, that includes:

(1) tons of collected covered materials;

(2) recycling and composting program characteristics, including a description of single-stream and dual-stream recycling systems used in the state and prevalence of use, average frequency of collection of covered materials for recycling and composting, types of collection containers used, and commonly accepted materials for recycling and composting;

(3) total number and types of single-family and multifamily households and residential properties receiving recycling and composting collection services;

(4) processing capacity at recycling facilities, including total tons processed and number of bales created, the range of material composition and bales produced, and current technologies utilized;

(5) size and number of depot, container, or drop-off locations;

(6) size and number of transfer stations and transfer locations;

(7) average term length of residential recycling and composting collection contracts issued by political subdivisions and an assessment of contract cost structures;

(8) average recycling facility processing fees charged to collectors delivering covered materials for recycling;

(9) available markets in the state for covered materials and the capacity of those markets; and

(10) covered materials sales by volume, weight, and material types introduced by producers.

Subd. 4. **Content of needs assessment.** A needs assessment must include at least the following:

(1) an evaluation of the performance of:

(i) existing waste reduction, reuse, recycling, and composting efforts for each covered materials type, as applicable, including collection rates, recycling rates, composting rates, reuse rates, and return rates for each covered materials type;

(ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered materials; and

(iii) the extent to which postconsumer recycled content, by the best estimate, is or could be incorporated into each covered materials type, as applicable;

(2) an evaluation of a representative sample of management of covered materials with mixed municipal solid waste, as source-separated recyclable materials, and as source-separated compostable materials as received by waste management, recycling, and composting facilities in the state, and relevant findings from any publicly available waste stream evaluations conducted within the previous year, to evaluate the amount and portion of covered materials being disposed of that would otherwise be recyclable or compostable;

(3) proposals for a range of outcomes for each covered materials type to be accomplished within a five-year time frame in multiple units of measurement, including but not limited to unit-based, weight-based, and volume-based, for each of the following:

(i) waste reduction;

(ii) reuse rate and return rates;

(iii) recycling rates;

(iv) composting rates; and

(v) postconsumer recycled content, if applicable;

(4) proposals for a range of outcomes for the categories established in section 115A.1451, subdivision 7, that consider:

(i) information contained in or used to prepare a needs assessment according to this subdivision;

(ii) goals and requirements of the Waste Management Act under this chapter;

(iii) statewide goals for greenhouse gas emission reductions under section 216H.02;

(iv) need for continuous progress toward generating less waste from covered materials and the complete reuse, recycling, or composting of the covered materials that are generated, in doing so reducing impacts to human health and the environment;

(v) a preference for statewide requirements that accomplish and further the goals and requirements in clauses (2) to (4) as soon as practicable and to the maximum extent achievable; and

(vi) information from packaging and paper producer responsibility programs operating in other jurisdictions;

(5) an evaluation of the following factors for each covered material collected for recycling or composting:

(i) availability of recycling and composting collection services;

(ii) recycling and composting processing infrastructure;

(iii) capacity and technology for sorting covered materials;

(iv) availability of responsible end markets;

(v) presence and amount of processing residuals, contamination, and toxic substances;

(vi) quantity of material estimated to be available and recoverable;

(vii) projected future conditions for items (i) to (vi); and

(viii) other criteria or factors determined by the commissioner;

(6) recommended collection methods by covered materials type to maximize collection efficiency, feedstock quality, level of service, and convenience for collection of covered materials included on lists established in section 115A.1453;

(7) proposed plans and metrics for how to measure progress in achieving performance targets and statewide requirements;

(8) an evaluation of options for third-party certification of activities to meet obligations of this act;

(9) an inventory of the current system including:

(i) infrastructure, capacity, performance, funding level, and method and sources of financing for the existing waste reduction, reuse, collection, transportation, processing, recycling, and composting systems for covered materials operating in the state;

(ii) an estimate of total annual collection and processing service costs based on registered service provider costs; and

(iii) availability and cost of waste reduction, reuse, recycling, and composting services for covered materials at single-family residences, at multifamily residences, and in public places where political subdivisions arrange for collection of recyclable or compostable materials, including identification of disparities in the availability of these services in environmental justice areas compared with other areas and proposals for reducing or eliminating those disparities;

(10) an evaluation of investments needed to increase waste reduction, reuse, recycling, and composting rates of covered materials according to the range of proposed performance targets and statewide requirements including investments that would:

(i) maintain or improve operations of existing infrastructure and accounts for waste reduction, reuse, recycling, and composting of covered materials;

(ii) expand the availability and accessibility of recycling collection services for recyclable covered materials to all residents of the state at a comparable level of convenience as collection services for mixed municipal solid waste; and

(iii) establish and expand the availability and accessibility of reuse services for reusable covered materials;

(11) a recommended methodology for applying criteria and formulas to establish reimbursement rates as described in section 115A.1455;

(12) an assessment of the viability and robustness of markets for recyclable covered materials and the degree to which these markets can be considered responsible markets;

(13) an assessment of the level and causes of contamination of source-separated recyclable materials, source-separated compostable materials and collected reusables, and the impacts of contamination on service providers, including the cost to manage this contamination;

(14) an assessment of what toxic substances might be intentionally added to covered materials and best practices to eliminate or mitigate their use or presence in covered materials;

(15) an assessment of current best practices to increase public awareness, educate, and complete outreach activities accounting for culturally responsive materials and methods and an evaluation of the efficacy of these efforts including assessments and evaluations of current best practices and efforts on:

(i) using product labels as a means of informing consumers about environmentally sound use and management of covered materials;

(ii) increasing public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, reuse, recycling, and composting services; and

(iii) encouraging behavior change to increase participation in waste reduction, reuse, recycling, and composting programs;

(16) identification of the covered materials with the most significant environmental impact, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts; and

(17) other items identified by the commissioner that would aid the creation of the stewardship plan, its administration, and the enforcement of this act.

Subd. 5. **Needs assessment as baseline.** When determining the extent to which any statewide requirement or performance target under this act has been achieved, information contained in a needs assessment must serve as the baseline for that determination, when applicable.

Subd. 6. **Participation required.** (a) A service provider or other person with data or information necessary to complete a needs assessment must provide the data or information to the commissioner upon request. A service provider or other person who does not want to be identified with information submitted to the commissioner under this subdivision may request to proceed under a nondisclosure

agreement. A nondisclosure agreement is limited to the items under section 115A.06, subdivision 13. Once a request is made, the requestor, the commissioner, and all third parties participating in the completion of the needs assessment in whatever capacity must enter into a nondisclosure agreement. Once these parties have entered into a nondisclosure agreement, the requestor must submit the necessary data or information to the contractor selected by the commissioner according to subdivision 2, who must aggregate and anonymize the data or information, excluding location data necessary to assess needs, received from all parties proceeding under a nondisclosure agreement under this subdivision and must then submit the aggregated anonymized information to the commissioner or to the party or parties contracted to complete the needs assessment, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts.

(b) The commissioner, any employee of the agency, or any agent thereof, when authorized by the commissioner, may enter upon any property, public or private, for the purpose of obtaining information necessary for completing the evaluation in subdivision 4, clause (2).

Sec. 12. [115A.1451] STEWARDSHIP PLAN.

Subdivision 1. **Stewardship plan required.** By March 1, 2027, and every five years thereafter, a producer responsibility organization must submit a stewardship plan to the commissioner that describes the proposed operation by the organization of programs to fulfill the requirements of this act and that incorporates the findings and results of needs assessments. Once approved, a stewardship plan remains in effect for five years, as amended, or until a subsequent stewardship plan is approved.

Subd. 2. **Advisory board review of draft plan and amendments.** A producer responsibility organization must submit a draft stewardship plan or draft amendment to the advisory board at least 60 days prior to submitting the draft plan or draft amendment to the commissioner to allow the advisory board to submit comments and must address advisory board comments and recommendations prior to submission of the draft plan or draft amendment to the commissioner.

Subd. 3. **Content of stewardship plans.** A proposed stewardship plan must include at least the following:

(1) performance targets as applicable to each covered materials type to be accomplished within a five-year period, established in subdivision 5, paragraph (a);

(2) a description of the anticipated method of collection, how reimbursements will support a level of convenience for collection, service convenience metrics, processing infrastructure and management methods to be used for each covered materials type, and how these will meet the statewide requirements established in subdivision 7 for covered materials:

(i) included on the list established in section 115A.1453, subdivision 1;

(ii) included on the list established in section 115A.1453, subdivision 2;

(iii) that are reusable covered materials managed through a reuse system; and

(iv) that are capable of refill and managed through a system of waste reduction;

(3) proposals for exemptions from performance targets and statewide requirements for covered materials that cannot be waste reduced or made reusable, recyclable, or compostable due to federal or state health and safety requirements, identifying the specific federal or state requirements and their impact on the covered materials;

(4) a plan for how the producer responsibility organization will measure recycling, waste reduction, reuse, composting, and inclusion of postconsumer recycled content, according to subdivision 6 and by covered materials type as applicable;

(5) third-party certifications as required by the commissioner or voluntarily undertaken;

(6) a budget identifying funding needs for each of the five calendar years covered by the plan, producer fees, a description of the process used to calculate the fees, and an explanation of how the fees meet the requirements of section 115A.1454;

(7) set goals for infrastructure investments, including a description of how the process to offer and select opportunities will be conducted in an open, competitive, and fair manner; how it will address gaps in the system not met by service providers; and potential financial and legal instruments to be used;

(8) an explanation of how the program will be paid for by the producer responsibility organization through fees from producers, without any new or additional consumer-facing fee to members of the public, businesses, service providers, the state or any political subdivisions, or any other person who is not a producer, unless the fee is:

(i) a deposit made in connection with a product's refill, reuse, or recycling that can be redeemed by a consumer; or

(ii) a charge for service by a service provider, regardless of whether registered;

(9) a description of activities to be undertaken during the next five calendar years, which must at a minimum describe how the producer responsibility organization, acting on behalf of producers, will:

(i) minimize the environmental impacts and human health impacts of covered materials, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(ii) incorporate as program objectives the improved design of covered materials according to section 115A.1454, subdivision 1, clause (2);

(iii) provide funding to expand and increase the convenience of waste reduction, reuse, collection, recycling, and composting services according to the order of the waste management hierarchy under section 115A.02;

(iv) provide for reasonable reimbursement rates for statewide coverage of recycling services for covered materials on the lists established in section 115A.1453 to single-family residences, multifamily residences, and political subdivisions arranging for collection, transportation, and

processing of recyclable materials at a comparable level of convenience as services for mixed municipal solid waste according to section 115A.1455; and

(v) monitor to ensure that postconsumer recycled materials are delivered to responsible markets;

(10) describe how the producer responsibility organization will promote the opportunity for all service providers to register with the commissioner and to submit for reimbursement with the producer responsibility organization;

(11) a description of how the program will reimburse service providers under an approved stewardship plan, including but not limited to:

(i) the use of differentiated rates developed according to the requirements and factors established under section 115A.1455, subdivision 4;

(ii) clear and reasonable timelines for reimbursement, with a frequency of no less than monthly unless agreed to by a service provider and a producer responsibility organization; and

(iii) a process to resolve disputes that arise between the producer responsibility organization and a service provider regarding the determination and payment of reimbursements;

(12) performance standards for service providers that are reimbursed under an approved stewardship plan, including but not limited to the following, as applicable to the service provided:

(i) requirements that service providers must accept all covered materials on the lists established by the commissioner under section 115A.1453; and

(ii) labor standards and safety practices, including but not limited to safety programs, health benefits, and living wages;

(13) a description of how the producer responsibility organization will treat and protect nonpublic data submitted by service providers;

(14) a description of how the producer responsibility organization will provide technical assistance to:

(i) service providers in order to deliver covered materials to responsible markets;

(ii) producers regarding toxic substances in covered materials and actions producers can take to reduce intentionally added toxic substances in covered materials, including verification by suppliers through certificates of compliance, upon request; and

(iii) producers to make changes in product design that reduce the environmental impact of covered materials or that increase the recoverability or marketability of covered materials for reuse, recycling, or composting;

(15) a description of how the producer responsibility organization will increase public awareness, educate, and complete outreach activities accounting for culturally responsive materials and methods and evaluate the efficacy of these efforts including how the producer responsibility organization will:

(i) assist producers in improving product labels as a means of informing consumers about refilling, reusing, recycling, composting, and other environmentally sound methods of managing covered materials;

(ii) increase public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, reuse, recycling, and composting services; and

(iii) encourage behavior change to increase participation in waste reduction, reuse, recycling, and composting programs;

(16) a summary of consultations held with the advisory board and other stakeholders to provide input to the stewardship plan, a list of recommendations that were incorporated into the stewardship plan as a result, and a list of rejected recommendations and the reasons for rejection; and

(17) strategies to incorporate findings from any relevant studies required by the legislature.

Subd. 4. **Plan and amendment review and approval procedure.** (a) The commissioner must review and approve, deny, or request additional information for a draft stewardship plan or a draft plan amendment no later than 120 days after the date the commissioner receives it from a producer responsibility organization. The commissioner must post the draft plan or draft amendment on the agency's website and allow public comment for no less than 45 days before approving, denying, or requesting additional information on the draft plan or draft amendment.

(b) If the commissioner denies, or requests additional information for, a draft plan or draft amendment, the commissioner must provide the producer responsibility organization with the reasons, in writing, that the plan or plan amendment does not meet the plan requirements of subdivision 3. The producer responsibility organization shall have 60 days from the date that the rejection or request for additional information is received to submit to the commissioner any additional information necessary for the approval of the draft plan or draft amendment. The commissioner shall review and approve or disapprove the revised draft plan or draft amendment no later than 60 days after the date the commissioner receives it.

(c) A producer responsibility organization may resubmit a draft plan or draft amendment to the commissioner on not more than two occasions. If after the second resubmission, the commissioner determines that the draft plan or draft amendment does not meet the plan requirements of this act, the commissioner must modify the draft plan or draft amendment as necessary for it to meet the requirements of this act and approve it.

(d) Upon recommendation by the advisory board, or upon the commissioner's own initiative, the commissioner may require an amendment to a stewardship plan if the commissioner determines that an amendment is necessary to ensure that the producer responsibility organization maintains compliance with the requirements of this act.

Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose performance targets based on the needs assessment that meet the statewide requirements in subdivision 7 that must be included in a stewardship plan approved under this section. Performance targets must include reuse rates, return rates, recycling rates, composting rates, and targets for waste reduction, and postconsumer recycled content by covered materials type that are to be achieved by the end of

the stewardship plan's term. The producer responsibility organization must select the unit that is most appropriate to measure each performance target as informed by the needs assessment.

(b) The commissioner may require that a producer responsibility organization obtain third-party certification of any activity or achievement of any standard required by this act. The commissioner must provide a producer responsibility organization with notice of at least one year prior to requiring use of third-party certification under this paragraph if such certifications are readily available, applicable, and of reasonable cost.

(c) Proposed performance targets must demonstrate continuous improvement in reducing environmental impacts and human health impacts of covered materials over time.

Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of determining whether recycling performance targets are being met, except as modified by the commissioner, a stewardship plan must provide for the measurement of the amount of recycled material to be at the point at which material leaves a recycling facility and must account for:

(1) levels of estimated contamination documented by the facility;

(2) any exclusions for fuel or energy capture; and

(3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179, and all other laws pertaining to toxic substances in covered materials.

(b) For purposes of determining whether waste reduction performance targets are being met, a stewardship plan must provide for the measurement of the amount of waste reduction of covered materials in a manner that can determine the extent to which the amount of material used for a covered material is eliminated beyond what is necessary to efficiently deliver a product without damage or spoilage, or other means of covered material redesign to reduce overall use and environmental impacts.

(c) For purposes of determining whether reuse targets are being met, a stewardship plan must provide for the measurement of the amount of reusable covered materials to be at the point at which reusable covered materials meet the following criteria as demonstrated by the producer and approved by the commissioner:

(1) whether the average minimum number of cycles of reuses within a recognized reuse system has been met based on the number of times an item must be reused for it to have lower environmental impacts than the single-use versions of those items; and

(2) whether the demonstrated or research-based anticipated return rate of the covered material to the reuse system has been met.

(d) For other targets, the producer responsibility organization must propose a calculation point for review and approval as part of the stewardship plan based on findings from the needs assessment.

Subd. 7. **Statewide requirements.** (a) The commissioner must establish or approve statewide requirements and the date the statewide requirements must be met for the following categories:

(1) recycling rate;

(2) composting rate;

(3) reuse rate;

(4) return rate;

(5) the percentage of covered materials introduced that must be waste reduced; and

(6) the percentage of postconsumer recycled content that covered materials introduced must contain, including an overall percentage for all covered materials, as applicable, excluding compostable materials that cannot include postconsumer recycled content because unique chemical or physical properties or health and safety requirements prohibit introduction of postconsumer recycled content.

(b) The commissioner may use the following information and criteria when establishing statewide requirements under paragraph (a):

(1) needs assessments under section 115A.1450;

(2) goals and requirements of the Waste Management Act under this chapter;

(3) statewide goals for greenhouse gas emission reductions under section 216H.02;

(4) need for continuous progress toward generating less waste from covered materials and the complete reuse, recycling, or composting of the covered materials that are generated, in doing so reducing impacts to human health and the environment;

(5) a preference for statewide requirements that accomplish and further the goals and requirements in clauses (2) to (4) as soon as practicable and to the maximum extent achievable; and

(6) information from packaging and paper producer responsibility programs operating in other jurisdictions.

(c) The commissioner must consult with the product stewardship organization on the proposed statewide requirements and must submit proposed statewide requirements under paragraph (a) to the advisory board and consider the board's recommendations before finalizing the statewide requirements.

(d) Every five years, the commissioner must review the statewide requirements established under paragraph (a). If the commissioner decides an update is not warranted at that time, the commissioner must submit the reasoning to the advisory board and consider the board's recommendations before making a final decision. If the commissioner decides an update is warranted, the process in paragraphs (b) and (c) must be utilized.

(e) The producer responsibility organization must ensure the statewide requirements are met.

Sec. 13. [115A.1453] RECYCLABLE OR COMPOSTABLE COVERED MATERIALS LISTS.

Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a list of covered materials determined to be recyclable or compostable statewide through systems where covered materials are commingled into a recyclables stream and a separate compostables stream. These covered materials must be collected at a comparable level of convenience as collection services for mixed municipal solid waste.

Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner must complete a list of covered materials determined to be recyclable or compostable and collected statewide through systems other than the system required for covered materials on the list established in subdivision 1.

Subd. 3. **Input from interested parties.** The commissioner must consult with the advisory board, producer responsibility organizations, service providers, political subdivisions, and other interested parties to develop or amend the recyclable or compostable covered materials lists and must review any petitions by interested parties for addition or removal of covered materials from the lists created under this section.

Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner may consider the following criteria:

(1) current availability of recycling collection services;

(2) recycling collection and processing infrastructure;

(3) capacity and technology for sorting covered materials;

(4) availability of responsible end markets;

(5) presence and amount of processing residuals and contamination;

(6) quantity of material estimated to be available and recoverable;

(7) projected future conditions for clauses (1) to (6);

(8) if collected for recycling, the covered material type and form must be one that is regularly sorted and aggregated into defined streams for recycling processes or the packaging format must be specified in a relevant Institution of Scrap Recycling Industries specification; and

(9) other criteria or factors determined by the commissioner.

Subd. 6. **Amendment.** The commissioner may amend a list completed under this section at any time and must provide amended lists to producer responsibility organizations as soon as possible after adopting an amendment. Producer responsibility organizations must provide amended lists to service providers as soon as possible after receiving the amendment and work to incorporate changes in relevant service provider reimbursement rates within a year.

Sec. 14. **[115A.1454] PRODUCER FEES.**

Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect a fee from each producer that must:

(1) be based on the total amount of covered materials each producer introduces in the prior year calculated on a per-unit basis, such as per ton, per item, or another unit of measurement;

(2) incentivize using materials and design attributes that reduce the environmental impacts and human health impacts, as determined by the commissioner, of covered materials by the following methods:

(i) eliminating intentionally added toxic substances in covered materials;

(ii) reducing the amount of packaging per individual covered material that is necessary to efficiently deliver a product without damage or spoilage without reducing its ability to be recycled or reducing the amount of paper used to manufacture individual paper products;

(iii) increasing covered materials managed in a reuse system;

(iv) increasing the proportion of postconsumer material in covered materials;

(v) enhancing recyclability or compostability of a covered material; and

(vi) increasing the amount of inputs derived from renewable and sustainable sources;

(3) discourage using materials and design attributes in a producer's covered materials whose environmental impacts and human health impacts, as determined by the commissioner, can be reduced by the methods listed under clause (2);

(4) prioritize reuse by charging covered materials that are managed through a reuse system only once, upon initial entry into the marketplace; and

(5) generate revenue sufficient to pay in full:

(i) the annual registration fee required under section 115A.1443;

(ii) financial obligations to complete activities described in an approved stewardship plan and to reimburse service providers under section 115A.1455;

(iii) the operating costs of the producer responsibility organization; and

(iv) for the establishment and maintenance of a financial reserve that is sufficient to operate the program in a fiscally prudent and responsible manner.

Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount needed to pay the costs described in subdivision 1, clause (5), must be used to improve or enhance program outcomes or to reduce producer fees according to provisions of an approved stewardship plan.

Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for lobbying, as defined in section 3.084, subdivision 1.

Sec. 15. [115A.1455] SERVICE PROVIDER; REIMBURSEMENT.

Subdivision 1. **Service provider reimbursement required.** The reimbursements provided for waste reduction, reuse, processing, recycling, or composting services under an approved stewardship

plan shall only be provided to service providers that meet the performance standards requirements established under an approved stewardship plan.

Subd. 2. **Collection of recyclables.** If a household does not have access to collection services at a comparable level of convenience as collection services for mixed municipal solid waste for covered materials on the recyclable covered materials list established under section 115A.1453, subdivision 1, the producer responsibility organization must ensure that collection service is available to the household through a service provider.

Subd. 3. **Bidding processes.** (a) For infrastructure investments included under an approved stewardship plan, a producer responsibility organization must use the competitive bidding processes established in section 16C.28, subdivision 1, and publicly post bid opportunities except that preference must be given to existing facilities, providers of services, and holders of service accounts in the state for waste reduction, reuse, collection, recycling, and composting of covered materials.

(b) No producer or producer responsibility organization may own or partially own infrastructure that is used to fulfill obligations under this act except in the following circumstances:

(1) a producer may hold an ownership stake in infrastructure used to fulfill obligations under this act so long as the stake was held prior to enactment of this act and said ownership stake is fully disclosed by the producer to the producer responsibility organization; or

(2) if, after a bidding process described in paragraph (a), no service provider bids on the contract, the producer responsibility organization may make infrastructure investments identified under an approved stewardship plan to implement the requirements in this act.

Subd. 4. **Reimbursement rates.** (a) An approved stewardship plan must provide reimbursement rates for services, collection, transportation, and management of covered materials, exclusive of exempt materials, and incorporate relevant cost information identified by the initial needs assessment. Reimbursement rates shall be established equivalent to 50 percent of the cost per ton by July 1, 2027, 75 percent of the cost per ton by July 1, 2028, and 90 percent of the cost per ton by July 1, 2029, and each year thereafter and varied per ton, as follows:

(1) a fixed amount for each ton of covered material collected by a service provider that reflects conditions that affect collection, recycling, and composting costs in the region or jurisdiction in which the services are provided, including but not limited to:

(i) the number and size of households;

(ii) population density;

(iii) collections methods employed;

(iv) public education efforts;

(v) distance to consolidation or transfer facilities; reuse, recycling, or composting facilities; or to responsible markets;

(vi) other factors that may contribute to regional or jurisdictional cost differences;

(vii) proportion of covered compostable materials within all source-separated compostable materials collected or managed through composting; and

(viii) the general quality of materials recycled or composted by service providers;

(2) a fixed amount for each ton of covered material recycled or composted by a service provider in the prior calendar year based upon:

(i) the average costs associated with the transportation and processing from a central location within a political subdivision, of collected covered material from the political subdivision to a recycling or composting facility;

(ii) the processing of and removal of contamination from covered material by a recycling or composting facility;

(iii) the recycling or composting of covered materials in the state or in another jurisdiction less the average fair market value for that covered material based on the market indices for the region, updated monthly;

(iv) costs associated with the management of contaminated materials removed from collected covered material; and

(v) the proportion of covered compostable materials within all source-separated compostable materials collected or managed through composting;

(3) an additional fixed amount, in excess of the rate provided under clause (2), for each material type per ton for covered materials that are not included on the lists established according to section 115A.1453, subdivision 1, that are recycled or composted by a service provider in the prior calendar year less the average fair market value for that covered material based on the market indices for the region, updated monthly;

(4) a fixed amount for mixed recycling tons are managed through a process that includes percentages of covered materials included on the lists established according to section 115A.1453, subdivision 1, and additional covered materials. The per ton fixed amount shall be prorated for the values in clause (2), items (i) and (ii), based upon the most recent waste characterization for mixed recycling ton averages;

(5) a fixed amount, based on population served, for administrative costs of service providers, including education, public awareness campaigns, and outreach program costs as applicable; and

(6) a fixed amount for the cost of managing covered materials capable of refill or reusable covered materials for the costs associated with collection, cleaning, sanitation, distribution, and management of contamination.

(b) A service provider may retain all revenue from the sale of covered materials. Nothing in this act may restrict a service provider from charging a fee for collection or processing of covered materials to the extent that reimbursement from a producer responsibility organization does not cover all costs of services, including operating profits and returns on investments required by a service provider to provide sustainability of the services.

Subd. 5. **Local government authority.** (a) Nothing in this section shall be construed to require a political subdivision to agree to operate under a stewardship plan, nor does it restrict the authority of a political subdivision to provide waste management services to residents or to contract with any entity to provide waste management services. Any political subdivision that is also a service provider is eligible to be registered with the commissioner and reimbursed per the rates and schedule approved in subdivision 4. If a majority of political subdivisions in the state chooses not to participate in the program by January 1, 2030, the commissioner shall revise the statewide requirements established under section 115A.1451, subdivision 7.

(b) Nothing in this act restricts the authority of a political subdivision to provide waste management services to residents, to contract with any entity to provide waste management services, or to exercise its authority granted under section 115A.94. A producer responsibility organization may not restrict or otherwise interfere with a political subdivision exercising its authority under section 115A.94 to organize collection of solid waste, including materials collected for recycling or composting, or to extend, renew, or otherwise manage any contracts entered into as a result of exercising such authority or otherwise resulting from a competitive procurement process.

Subd. 6. **Dispute resolution.** There must be a dispute resolution process for disputes related to reimbursements utilizing third-party mediators.

Sec. 16. **[115A.1456] REPORTING.**

Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1, 2031, and each July 1 thereafter, a producer responsibility organization must submit a written report to the commissioner that contains, at a minimum, the following information for the previous calendar year:

(1) the amount of covered materials introduced by each covered materials type, reported in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

(2) progress toward the performance targets reported in the same units used to establish producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide and for each county including:

(i) the amount of covered materials successfully waste reduced, reused, recycled, and composted by covered materials type and the strategies or collection method used; and

(ii) information about third-party certifications obtained;

(3) the total cost to implement the program and a detailed description of program expenditures including:

(i) the total amount of producer fees collected in the current calendar year; and

(ii) a description of infrastructure investments made during the previous year;

(4) a copy of a financial audit of program operations conducted by an independent auditor approved by the commissioner that meets the requirements of the Financial Accounting Standards Board's Accounting Standards Update 2016-14, Not-for-Profit Entities (Topic 958), as amended;

(5) a description of program performance problems that emerged in specific locations and efforts taken or proposed by the producer responsibility organization to address them;

(6) a discussion of technical assistance provided to producers regarding toxic substances in covered materials and actions taken by producers to reduce intentionally added toxic substances in covered materials beyond compliance with prohibitions already established in law;

(7) a description of public awareness, education, and outreach activities undertaken including any evaluations conducted of their efficacy, plans for next calendar year's activities, and an evaluation of the process established by the producer responsibility organization to answer questions from consumers regarding collection, recycling, composting, waste reduction, and reuse activities;

(8) a summary of consultations held with the advisory board and how any feedback was incorporated into the report as a result of the consultations, together with a list of rejected recommendations and the reasons for rejection;

(9) a list of any producers found to be out of compliance with this act, and actions taken by the producer responsibility organization to return the producer to compliance, and notification of any producers that are no longer participating in the producer responsibility organization or have been expelled due to their lack of compliance;

(10) any proposed amendments to the stewardship plan to improve program performance or reduce costs, including changes to producer fees, infrastructure investments, or reimbursement rates;

(11) any recommendations for additions or removal of covered materials to or from the recyclable or compostable covered materials lists developed under section 115A.1453; and

(12) any information requested by the commissioner to assist with determining compliance with this act.

(b) Every fourth year after a stewardship plan is approved by the commissioner, a performance audit of the program must be completed. 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. 2. **Report following unmet target.** A producer responsibility organization that fails to meet a performance target approved in a stewardship plan must, within 90 days of filing an annual report under this section, file with the commissioner an explanation of the factors contributing to the failure and propose an amendment to the stewardship plan specifying changes in operations that the producer responsibility organization will make that are designed to achieve the following year's targets. If a performance target is unmet due to lack of political subdivision participation in the program, the commissioner shall revise the statewide requirements developed under section 115A.1451, subdivision 7. If a revision to the statewide performance targets is required and completed by the commissioner, the producer responsibility organization may revise the performance targets at the same time. An amendment filed under this subdivision must be reviewed by the advisory board and reviewed and approved by the commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter, the commissioner must submit a report to the governor and to the chairs and ranking minority members of the legislative committees with jurisdiction over solid waste. The report must contain a summary of the operations of the Packaging Waste and Cost Reduction Act during the previous five years, a summary of the needs assessment, a link to reports filed under subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the program, an analysis of the impacts of exempting certain materials from the definition of covered materials and of exempting certain persons from the definition of producer, a list of efforts undertaken by the commissioner to enforce and secure compliance with this act, and any other information the commissioner deems to be relevant.

Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility organizations with data necessary to complete the reports required by this section upon request.

Sec. 17. [115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION WEBSITES.

A producer responsibility organization must maintain a website that uses best practices for accessibility and contains at least:

(1) information regarding a process that members of the public can use to contact the producer responsibility organization with questions;

(2) a directory of all service providers operating under the stewardship plan administered by the producer responsibility organization, grouped by location or political subdivision, and information about how to request service;

(3) registration materials submitted to the commissioner under section 115A.1443;

(4) the draft and approved stewardship plan and any draft and approved amendments;

(5) information on how to manage materials included in lists established under section 115A.1453;

(6) the list of exempt materials as defined in this act and covered materials exempt from performance targets and statewide requirements as approved in the stewardship plan;

(6) the most recent needs assessment and all past needs assessments;

(7) annual reports filed by the producer responsibility organization;

(8) a link to administrative rules implementing this act;

(9) comments of the advisory board on the documents listed in clauses (4) and (7), and the responses of the producer responsibility organization to those comments;

(10) the names of producers and brands that are not in compliance with section 115A.1448;

(11) a list, that is updated at least monthly, of all member producers that will operate under the stewardship plan administered by the producer responsibility organization and, for each producer, a list of all brands of the producer's covered materials introduced in the state; and

(12) education materials on waste reduction, reuse, recycling, and composting for producers and the general public.

Sec. 18. **[115A.1458] ANTICOMPETITIVE CONDUCT.**

A producer responsibility organization that arranges collection, recycling, composting, waste reduction, or reuse services under this act may engage in anticompetitive conduct to the extent necessary to plan and implement collection, recycling, composting, waste reduction, or reuse systems to meet the obligations under this act, and is immune from liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

Sec. 19. **[115A.1459] RULEMAKING.**

The commissioner may adopt rules to implement this act. The 18-month time limit under section 14.125 does not apply to the commissioner's rulemaking authority under this section.

Sec. 20. **[115A.1460] PROVIDING INFORMATION.**

Upon request of the commissioner for purposes of determining compliance with this act, or for purposes of implementing this act, a person must furnish to the commissioner any information that the person has or may reasonably obtain.

Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

(a) It is the intent of the legislature that if a bottle deposit return system is enacted in the future, it will be harmonized with this act in a manner that ensures that:

(1) materials covered in that system are exempt from this act or related financial obligations are reduced;

(2) colocation of drop-off facilities and alternative collection sites is maximized;

(3) education and outreach is integrated between the two programs; and

(4) waste reduction and reuse strategies are prioritized between the two programs.

(b) Any implementation of a deposit return system is created with at least a two-year transition period prior to the expiry of the currently approved stewardship plan and conducted in a manner that does not create sudden and significant operational or financial disruption to the implementation of a stewardship plan under section 115A.1451, including provisions of recycling or reuse services contained in the plan.

Sec. 22. **[115A.1462] ENFORCEMENT.**

(a) The commissioner must enforce this act as provided under this section and sections 115.071 and 116.072. The commissioner may revoke a registration of a producer responsibility organization or producer found to have violated this act.

(b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and except as otherwise provided in paragraph (c), a person that violates or fails to perform a duty imposed by

this act or any rule adopted thereunder is liable for a civil penalty not to exceed \$25,000 per day of violation.

(c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a producer responsibility organization or producer that violates a provision of or fails to perform a duty imposed by this act, a rule adopted thereunder, or requirements of a stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed \$25,000 per day of violation. For a second violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$100,000 per day of violation.

Sec. 23. **WORKPLACE CONDITIONS AND EQUITY STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract with a third party that is not a producer or a producer responsibility organization to conduct a study of the recycling, composting, and reuse facilities operating in the state. The study must analyze, at a minimum information about:

(1) working conditions, wage and benefit levels, and employment levels of minorities and women at those facilities;

(2) barriers to ownership of recycling, composting, and reuse operations faced by women and minorities;

(3) the degree to which residents of multifamily buildings have less convenient access to recycling, composting, and reuse opportunities than those living in single-family homes;

(4) the degree to which environmental justice areas have access to fewer recycling, composting, and reuse opportunities compared to other parts of the state;

(5) the degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(6) strategies to increase participation in reuse, recycling, and composting; and

(7) the degree to which residents and workers in environmental justice areas are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and provide recommendations to mitigate those impacts.

(b) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans as required under Minnesota Statutes, section 115A.1451, including adjustments to service provider reimbursements as established under Minnesota Statutes, section 115A.1455.

Sec. 24. COVERED MATERIALS POLLUTION AND CLEANUP STUDY.

(a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health and natural resources, must contract with a third party that is not a producer or a producer responsibility organization to conduct a study to identify the contribution of covered products to litter and water pollution in Minnesota. The report must at a minimum:

(1) analyze historical and current environmental and human health impacts of littered covered materials and their associated toxic substances in the environment;

(2) estimate the cost of cleanup and prevention; and

(3) provide recommendations for how to reduce and mitigate the impacts of litter in the state.

(b) The contracted third party must consult with units of local government, the commissioners of health and natural resources, and environmental justice organizations.

(c) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans, as required under Minnesota Statutes, section 115A.1451."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for environment and natural resources; modifying prior appropriations; providing for and modifying disposition of certain receipts; modifying and establishing duties, authorities, and prohibitions regarding environment and natural resources; modifying and creating environment and natural resources programs; modifying and creating grant programs; modifying remedies, penalties, and enforcement; modifying requirements for recreation vehicles; modifying state trail, state forest, and state park provisions; modifying forestry provisions; modifying game and fish provisions; modifying water law; modifying environmental review and permitting requirements; authorizing sales, conveyances, and leases of certain state lands; establishing a Packaging Waste and Cost Reduction program; modifying and providing for fees; making technical changes; requiring reports; authorizing rulemaking; amending Minnesota Statutes 2022, sections 84.788, subdivisions 5a, 6; 85.015, subdivision 1b; 93.25, subdivisions 1, 2; 94.343, subdivision 8a; 94.3495, by adding a subdivision; 97A.475, subdivisions 2, 3; 115.071, subdivisions 1, 4, by adding subdivisions; 116.07, subdivision 9, by adding subdivisions; 116.11; 116.92, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 115.03, subdivision 1; 325E.3892, subdivision 2; Laws 2023, chapter 60, article 1, section 3, subdivision 3; article 3, section 35; article 8, section 6, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 93; 115A; 116; 282; repealing Minnesota Statutes 2022, sections 85.012, subdivisions 27b, 58; 97B.802; 138.662, subdivision 33."

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Murphy, from the Committee on Rules and Administration, to which was referred

H.F. No. 4661 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
4661	4745				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Marty from the Committee on Finance, to which was re-referred

S.F. No. 5335: A bill for an act relating to human services; the human services omnibus budget bill; modifying provisions related to disability services, aging services, substance use disorder treatment services, priority admissions to state-operated programs and civil commitment, and Direct Care and Treatment; modifying provisions related to licensing of assisted living facilities; making technical changes; appropriating money; amending Minnesota Statutes 2022, sections 13.46, subdivisions 1, as amended, 10, as amended; 144G.41, subdivision 1, by adding subdivisions; 144G.63, subdivisions 1, 4; 145.61, subdivision 5; 245.821, subdivision 1; 245.825, subdivision 1; 245A.11, subdivision 2a; 246.018, subdivision 3, as amended; 246.13, subdivision 2, as amended; 246.234, as amended; 246.36, as amended; 246.511, as amended; 252.27, subdivision 2b; 252.282, subdivision 1, by adding a subdivision; 256.88; 256.89; 256.90; 256.91; 256.92; 256B.02, subdivision 11; 256B.073, subdivision 4; 256B.0911, subdivisions 12, 17, 20, 25; 256B.0913, subdivision 5a; 256B.0924, subdivision 3; 256B.434, by adding a subdivision; 256B.49, subdivision 16, by adding a subdivision; 256B.4911, by adding subdivisions; 256B.77, subdivision 7a; 256R.53, by adding a subdivision; 256S.205, subdivision 5; 447.42, subdivision 1; Minnesota Statutes 2023 Supplement, sections 10.65, subdivision 2; 13.46, subdivision 2, as amended; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 15A.082, subdivisions 1, 3, 7; 43A.08, subdivisions 1, 1a; 246C.01; 246C.02, as amended; 246C.04, as amended; 246C.05, as amended; 253B.10, subdivision 1; 256.042, subdivision 2; 256.043, subdivision 3; 256.9756, subdivisions 1, 2; 256B.073, subdivision 3; 256B.0911, subdivision 13; 256B.0913, subdivision 5; 256B.4914, subdivision 10d; 256R.55, subdivision 9; 270B.14, subdivision 1; Laws 2021, First Special Session chapter 7, article 13, section 68; Laws 2023, chapter 61, article 1, sections 59, subdivisions 2, 3; 60, subdivisions 1, 2; 67, subdivision 3; article 4, section 11; article 8, sections 1; 2; 3; 8; article 9, section 2, subdivisions 5, 13, 16, as amended, 18; Laws 2024, chapter 79, article 1, sections 3; 18; 23; 24; 25, subdivision 3; article 10, sections 1; 6; Laws 2024, chapter 85, section 53; proposing coding for new law in Minnesota Statutes, chapters 144G; 245D; 246; 246C; 256S; repealing Minnesota Statutes 2022, sections 246.41; 252.021; 252.27, subdivisions 1a, 2, 3, 4a, 5, 6; 256B.0916, subdivision 10; Minnesota Statutes 2023 Supplement, sections 246C.03; 252.27, subdivision 2a.

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

Page 8, after line 10, insert:

"Sec. 30. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 7, as amended by Laws 2024, chapter 80, article 2, section 37, and Laws 2024, chapter 85, section 53, is amended to read:

Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or adult foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter for a physical location that will not be the primary residence of the license holder for the entire period of licensure. If a family adult foster care home license is issued during this moratorium, and the license holder changes the license holder's primary residence away from the physical location of the foster care license, the commissioner shall revoke the license according to section 245A.07. The commissioner shall not issue an initial license for a community residential setting licensed under chapter 245D. When approving an exception under this paragraph, the commissioner shall consider the resource need determination process in paragraph (h), the availability of foster care licensed beds in the geographic area in which the licensee seeks to operate, the results of a person's choices during their annual assessment and service plan review, and the recommendation of the local county board. The determination by the commissioner is final and not subject to appeal. Exceptions to the moratorium include:

(1) a license for a person in a foster care setting that is not the primary residence of the license holder and where at least 80 percent of the residents are 55 years of age or older;

(2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or community residential setting licenses replacing adult foster care licenses in existence on December 31, 2013, and determined to be needed by the commissioner under paragraph (b);

(3) new foster care licenses or community residential setting licenses determined to be needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD, or regional treatment center; restructuring of state-operated services that limits the capacity of state-operated facilities; or allowing movement to the community for people who no longer require the level of care provided in state-operated facilities as provided under section 256B.092, subdivision 13, or 256B.49, subdivision 24; ~~or~~

(4) new foster care licenses or community residential setting licenses determined to be needed by the commissioner under paragraph (b) for persons requiring hospital-level care; or

(5) new community residential setting licenses determined necessary by the commissioner for people affected by the closure of homes with a capacity of five or six beds currently licensed as supervised living facilities licensed under Minnesota Rules, chapter 4665, but not designated as intermediate care facilities. This exception is available until June 30, 2025.

(b) The commissioner shall determine the need for newly licensed foster care homes or community residential settings as defined under this subdivision. As part of the determination, the commissioner shall consider the availability of foster care capacity in the area in which the licensee seeks to operate, and the recommendation of the local county board. The determination by the commissioner must be final. A determination of need is not required for a change in ownership at the same address.

(c) When an adult resident served by the program moves out of a foster home that is not the primary residence of the license holder according to section 256B.49, subdivision 15, paragraph (f), or the adult community residential setting, the county shall immediately inform the Department of Human Services Licensing Division. The department may decrease the statewide licensed capacity for adult foster care settings.

(d) Residential settings that would otherwise be subject to the decreased license capacity established in paragraph (c) shall be exempt if the license holder's beds are occupied by residents whose primary diagnosis is mental illness and the license holder is certified under the requirements in subdivision 6a or section 245D.33.

(e) A resource need determination process, managed at the state level, using the available data required by section 144A.351, and other data and information shall be used to determine where the reduced capacity determined under section 256B.493 will be implemented. The commissioner shall consult with the stakeholders described in section 144A.351, and employ a variety of methods to improve the state's capacity to meet the informed decisions of those people who want to move out of corporate foster care or community residential settings, long-term service needs within budgetary limits, including seeking proposals from service providers or lead agencies to change service type, capacity, or location to improve services, increase the independence of residents, and better meet needs identified by the long-term services and supports reports and statewide data and information.

(f) At the time of application and reapplication for licensure, the applicant and the license holder that are subject to the moratorium or an exclusion established in paragraph (a) are required to inform the commissioner whether the physical location where the foster care will be provided is or will be the primary residence of the license holder for the entire period of licensure. If the primary residence of the applicant or license holder changes, the applicant or license holder must notify the commissioner immediately. The commissioner shall print on the foster care license certificate whether or not the physical location is the primary residence of the license holder.

(g) License holders of foster care homes identified under paragraph (f) that are not the primary residence of the license holder and that also provide services in the foster care home that are covered by a federally approved home and community-based services waiver, as authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human services licensing division that the license holder provides or intends to provide these waiver-funded services.

(h) The commissioner may adjust capacity to address needs identified in section 144A.351. Under this authority, the commissioner may approve new licensed settings or delicense existing settings. Delicensing of settings will be accomplished through a process identified in section 256B.493.

(i) The commissioner must notify a license holder when its corporate foster care or community residential setting licensed beds are reduced under this section. The notice of reduction of licensed beds must be in writing and delivered to the license holder by certified mail or personal service. The notice must state why the licensed beds are reduced and must inform the license holder of its right to request reconsideration by the commissioner. The license holder's request for reconsideration must be in writing. If mailed, the request for reconsideration must be postmarked and sent to the commissioner within 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds. If a request for reconsideration is made by personal service, it must be received

by the commissioner within 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

(j) The commissioner shall not issue an initial license for children's residential treatment services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter for a program that Centers for Medicare and Medicaid Services would consider an institution for mental diseases. Facilities that serve only private pay clients are exempt from the moratorium described in this paragraph. The commissioner has the authority to manage existing statewide capacity for children's residential treatment services subject to the moratorium under this paragraph and may issue an initial license for such facilities if the initial license would not increase the statewide capacity for children's residential treatment services subject to the moratorium under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2024."

Page 8, line 16, strike "(g)" and insert "(h)"

Page 10, line 9, before the period, insert ", and grant variances to paragraph (b) to allow the facility to admit an individual under the age of 55 if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located"

Page 10, line 14, delete "the day following final enactment" and insert "August 1, 2024"

Page 12, line 9, strike everything after the period

Page 12, strike lines 10 and 11

Page 12, line 12, strike everything before "The"

Page 18, delete section 17

Page 21, line 5, delete "Consumer-direct" and insert "Consumer-directed"

Page 26, delete section 31

Page 32, line 9, after the semicolon, insert "and"

Page 32, delete line 10

Page 32, line 11, delete "(5)" and insert "(4)" and delete "; or" and insert a period

Page 32, delete lines 12 and 13

Page 32, line 14, delete "prioritize" and insert "identify"

Page 32, line 16, delete everything after "256S" and insert a period

Page 32, delete lines 17 to 23

Page 32, line 27, delete everything after "efficiencies" and insert "for"

Page 32, line 28, delete everything before "service"

Page 32, line 29, delete everything before the comma

Page 33, delete section 34

Page 34, delete section 36

Page 36, after line 15, insert:

"Sec. 37. **ELECTRONIC VISIT VERIFICATION IMPLEMENTATION GRANT.**

Subdivision 1. **Establishment.** The commissioner of human services must establish a onetime grant program to assist home care service providers with a portion of the costs of implementation of electronic visit verification.

Subd. 2. **Eligible grant recipients.** Eligible grant recipients must:

(1) be providers of home care services licensed under Minnesota Statutes, chapter 144A;

(2) have an average daily census of at least 30 individuals; and

(3) have an average daily census of medical assistance and MinnesotaCare enrollees of 20 percent or higher in the 12 months prior to application.

Subd. 3. **Allowable uses.** Allowable uses of grant money include:

(1) administrative implementation of an electronic visit verification system, including but not limited to staff costs for loading patient information into the portal, programming, and training staff;

(2) electronic visit verification operations and maintenance, including but not limited to staff costs for addressing system flaws related to geographical location and clocking in and out;

(3) purchase and monthly fees for an upgraded electronic visit verification system;

(4) purchase of or reimbursement for cell phones and electronic tablets to be used by staff and the monthly fee for the phone service; and

(5) other activities approved by the commissioner.

Subd. 4. **Application for and distribution of grant money.** In order to receive a grant under this section, providers must apply to the commissioner by November 1, 2024. Grants must be distributed no later than February 1, 2025. Grant amounts awarded to each approved applicant must be determined by the total number of approved grantees and each approved applicant's medical assistance and MinnesotaCare average daily census.

Subd. 5. **Expiration.** This section expires June 30, 2026."

Page 42, line 22, delete "\$4,000" and insert "\$4,114"

Page 43, delete section 1

Page 43, line 18, delete "is" and insert "are"

Page 54, delete section 13

Page 57, line 5, delete "\$145" and insert "\$141"

Page 62, delete section 3

Page 64, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2023 Supplement, section 246.0135, as amended by Laws 2024, chapter 79, article 1, section 3, is amended to read:

246.0135 OPERATION OF REGIONAL TREATMENT CENTERS.

(a) The executive board is prohibited from closing any regional treatment center or state-operated nursing home ~~or, from closing any program at any of the regional treatment centers or state-operated nursing homes, and from closing the community addiction recovery enterprise program located in the city of Carlton or modifying the population served by the program,~~ without specific legislative authorization.

(b) Prior to closing or downsizing a regional treatment center, the executive board is responsible for assuring that community-based alternatives developed in response are adequate to meet the program needs identified by each county within the catchment area and do not require additional local county property tax expenditures.

(c) The nonfederal share of the cost of alternative treatment or care developed as the result of the closure of a regional treatment center, including costs associated with fulfillment of responsibilities under chapter 253B must be paid from state money appropriated for purposes specified in section 246C.11.

(d) The executive board must not divert state money used for providing for care or treatment of persons residing in a regional treatment center for purposes unrelated to the care and treatment of such persons.

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

Page 65, line 16, delete "OR" and insert "AND"

Page 70, line 23, after "amend" insert "Minnesota Statutes, section 253B.10, subdivision 1," and after "(b)" insert a comma

Page 98, delete subdivisions 5 and 6

Page 107, line 2, delete "serves" and insert "serve"

Page 109, delete section 36 and insert:

"Sec. 36. Laws 2024, chapter 79, article 1, section 24, is amended to read:

246C.10 FORENSIC SERVICES.

Subdivision 1. **Maintenance of forensic services.** (a) The executive board shall create and maintain forensic services programs.

(b) The executive board must provide forensic services in coordination with counties and other vendors.

(c) Forensic services must include specialized inpatient programs at secure treatment facilities, consultive services, aftercare services, community-based services and programs, transition services, nursing home services, or other services consistent with the mission of the Department of Direct Care and Treatment.

(d) The executive board ~~shall~~ may adopt rules to carry out the provision of this section and to govern the operation of the services and programs under the direct administrative authority of the executive board.

EFFECTIVE DATE. This section is effective July 1, 2024."

Page 113, delete section 1 and insert:

"Section 1. **FREE COMMUNICATION SERVICES.**

Subdivision 1. **Free communication services.** (a) A facility must provide patients and clients with voice communication services. A facility may supplement voice communication services with other communication services, including but not limited to video communication and email or electronic messaging services. A facility must continue to offer the services the facility offered as of January 1, 2024.

(b) To the extent that voice or other communication services are provided, which must not be limited beyond program participation and routine facility policies and procedures, neither the individual initiating the communication nor the individual receiving the communication must be charged for the service.

Subd. 2. **Communication services restrictions.** Nothing in this section allows a patient or client to violate an active protection order, harassment restraining order, or other no-contact order or directive. Nothing in this section entitles a civilly committed person to communication services restricted or limited under Minnesota Statutes, section 253B.03, subdivision 3, or 253D.19.

Subd. 3. **Revenue prohibited.** Direct Care and Treatment must not receive revenue from the provision of voice communication services or any other communication services under this section.

Subd. 4. **Visitation programs.** (a) Facilities shall maintain in-person visits for patients or clients. Communication services, including video calls, must not be used to replace a facility's in-person visitation program or be counted toward a patient's or client's in-person visitation limit.

(b) Notwithstanding paragraph (a), the Direct Care and Treatment executive board may waive the in-person visitation program requirement under this subdivision if there is:

(1) a declared emergency under Minnesota Statutes, section 12.31; or

(2) a local-, state-, or federal-declared natural disaster.

Subd. 5. **Reporting.** (a) By January 15, 2027, the Direct Care and Treatment executive board must report the information described in paragraph (b) to the commissioner of corrections. By March 15, 2027, the commissioner of corrections must submit a summary of the information submitted under this paragraph to the chairs and ranking minority members of the legislative committees having jurisdiction over corrections and human services policy and finance.

(b) The Direct Care and Treatment executive board must include the following information covering fiscal year 2025 in its annual report to the commissioner of corrections required under paragraph (a):

(1) the status of all the agency's communication contracts; efforts to renegotiate the agency's communication contracts, including the rates the agency is paying or charging confined people or community members for any and all services in the contracts; and plans to consolidate the agency's communication contracts to maximize purchasing power;

(2) a complete and detailed accounting of how appropriated funds for communication services are spent, including spending on expenses previously covered by commissions; and

(3) summary data on usage of all communication services, including monthly call and message volume.

Subd. 6. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "voice communications" means real-time, audio-only communication services, namely phone calls made over wireline telephony, voice over Internet protocol, or any other technology infrastructure;

(2) "other communication services" means communication services other than voice communications, including but not limited to video calls and electronic messages; and

(3) "facility" means any facility, setting, or program owned, operated, or under the programmatic or fiscal control of Direct Care and Treatment.

Subd. 7. **Expiration.** Subdivisions 1 to 4 expire June 30, 2026. Subdivisions 5 and 6 expire upon submission by the Direct Care and Treatment executive board of the report to the legislature required under subdivision 5."

Page 115, line 17, delete "PLANNING" and after "HUB" insert "PLANNING"

Page 117, delete section 1 and insert:

"Section 1. **HUMAN SERVICES APPROPRIATION.**

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2023, chapter 61, article 9; Laws 2023, chapter 70, article 20; and Laws 2023, chapter 74, section 6, to the agencies and for the purposes specified in this article. The appropriations are from the general fund or other named fund and are available for the fiscal years indicated for each purpose. The figures "2024" and "2025" used in this

article mean that the addition to or subtraction from the appropriation listed under them is available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. Base adjustments mean the increase or decrease of the base level adjustment set in Laws 2023, chapter 61, article 9; Laws 2023, chapter 70, article 20; and Laws 2023, chapter 74, section 6. Supplemental appropriations and reductions to appropriations for the fiscal year ending June 30, 2024, are effective the day following final enactment unless a different effective date is explicit.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2024</u>	<u>2025</u>

Page 117, line 23, delete "(4,872,000)" and insert "(5,261,000)" and delete "50,381,000" and insert "50,055,000"

Page 117, line 27, delete "2,485,000" and insert "2,165,000"

Page 117, line 30, delete "\$2,186,000" and insert "\$1,682,000"

Page 118, line 2, delete "\$25,000" and insert "\$175,000"

Page 118, line 3, delete "\$25,000" and insert "\$175,000"

Page 118, line 5, delete "(1,342,000)" and insert "(1,731,000)" and delete "4,846,000" and insert "5,435,000"

Page 118, line 17, delete "\$4,057,000" and insert "\$455,000 in fiscal year 2025 is available until June 30, 2026, and \$4,193,000"

Page 118, line 24, delete "935,000" and insert "1,265,000"

Page 118, line 30, delete "4,758,000" and insert "7,994,000"

Page 119, delete subdivisions 7 and 8 and insert:

"Subd. 7. Forecasted Programs; Behavioral Health

Fund

-0-

1,519,000"

Page 120, delete lines 7 to 10

Page 120, line 26, delete everything after the period

Page 120, delete lines 27 to 29

Page 121, line 17, delete everything after the period

Page 121, delete lines 18 to 34

Page 122, line 2, delete "9,000,000" and insert "8,922,000"

Page 122, line 4, delete "\$4,000,000" and insert "\$3,922,000"

Page 122, delete lines 20 to 30

Page 122, line 31, delete "10,561,000" and insert "13,535,000"

Page 123, line 9, delete everything after the period

Page 123, delete lines 10 to 13

Page 123, line 21, delete everything after the period

Page 123, delete lines 22 to 24

Page 124, line 13, delete everything after the period

Page 124, delete lines 14 to 16

Page 124, delete lines 24 to 27

Page 125, line 4, delete everything after the period

Page 125, delete lines 5 to 7

Page 125, delete lines 12 to 15

Page 125, line 22, delete everything after the period

Page 125, delete lines 23 to 25

Page 125, line 31, delete "are" and insert "is"

Page 126, after line 5, insert:

"(i) Electronic Visit Verification Implementation Grants. \$1,596,000 in fiscal year 2025 is for electronic visit verification implementation grants. This is a onetime appropriation. Notwithstanding Minnesota Statutes, section 16A.28, subdivision 3, this appropriation is available until June 30, 2027.

(j) SEWA-AIFW. \$500,000 in fiscal year 2025 is for a grant to SEWA-AIFW. Of this amount, \$150,000 is for SEWA-AIFW's South Asian persons of neurodiverse abilities (SAPNA) program and \$350,000 is for SEWA-AIFW's senior program. This is a onetime appropriation. Notwithstanding Minnesota Statutes, section 16A.28,

subdivision 3, this appropriation is available until June 30, 2027.

(k) **Base Level Adjustment.** The general fund base is increased by \$1,811,000 in fiscal year 2026 and \$1,811,000 in fiscal year 2027."

Page 126, line 14, delete everything after the period

Page 126, delete lines 15 to 17, and insert:

"**Base Level Adjustment.** The general fund base is decreased by \$1,811,000 in fiscal year 2026 and \$1,811,000 in fiscal year 2027."

Page 126, delete lines 22 to 24

Page 126, line 31, delete "606,000" and insert "898,000"

Page 126, line 35, delete "Minnesota Statutes, section 246.0142" and insert "article 6, section 1"

Page 127, delete subdivision 1 and insert:

<u>"Subdivision 1. Total Appropriation</u>		<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>986,000</u>
<u>Appropriations by Fund</u>					
	<u>2024</u>		<u>2025</u>		
General	<u>-0-</u>		<u>724,000</u>		
State Government					
Special Revenue	<u>-0-</u>		<u>262,000</u>		

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

<u>Subd. 2. Health Improvement</u>	<u>-0-</u>	<u>554,000</u>
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(a) **Community Care Hub Grant.** \$500,000 in fiscal year 2025 is from the general fund for the community care hub planning grant. Notwithstanding Minnesota Statutes, section 16A.28, subdivision 3, this appropriation is available until June 30, 2027. This is a onetime appropriation.

(b) **Carryforward Authority.** Notwithstanding Minnesota Statutes, section 16A.28, subdivision 3, \$54,000 in fiscal year

2025 is available for administration expenses until June 30, 2026."

Page 127, line 4, delete "2027" and insert "2026"

Page 127, after line 7, insert:

"Subd. 15. Grant Administration Costs

Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the commissioner of human services must not use any of the grant amounts appropriated under this section for administrative costs."

Page 127, line 9, delete everything after "HEALTH"

Page 127, line 13, delete "262,000" and insert "432,000"

Page 127, after line 13, insert:

<u>"Appropriations by Fund</u>		
<u>General</u>	<u>-0-</u>	<u>170,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>-0-</u>	<u>262,000"</u>

Page 127, line 18, after the third comma, insert "and \$170,000 in fiscal year 2025 is from the general fund"

Page 127, line 26, delete everything after the period

Page 127, delete lines 27 to 29

Page 127, after line 33, insert:

"Subd. 4. Grant Administration Costs

Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the commissioner of health must not use any of the grant amounts appropriated under this section for administrative costs."

Page 128, delete section 5 and insert:

"Sec. 5. Laws 2021, First Special Session chapter 7, article 17, section 19, as amended by Laws 2022, chapter 98, article 15, section 15, is amended to read:

Sec. 19. CENTERS FOR INDEPENDENT LIVING HCBS ACCESS GRANT.

(a) This act includes \$1,200,000 in fiscal year 2022 and \$1,200,000 in fiscal year 2023 for grants to expand services to support people with disabilities from underserved communities who are ineligible for medical assistance to live in their own homes and communities by providing accessibility modifications, independent living services, and public health program facilitation. The commissioner of human services must award the grants in equal amounts to grantees. To be eligible, a grantee must be an organization defined in Minnesota Statutes, section 268A.01, subdivision 8. Any unexpended amount in fiscal year 2022 is available through June 30, 2023. The general fund base included in this act for this purpose is \$0 in fiscal year 2024 and \$0 in fiscal year 2025.

(b) All grant activities must be completed by ~~March 31, 2024~~ June 30, 2025.

(c) This section expires June 30, ~~2024~~ 2025.

EFFECTIVE DATE. This section is effective retroactively from March 31, 2024."

Page 142, after line 16, insert:

"Sec. 8. **EXPIRATION OF UNCODIFIED LANGUAGE.**

All uncodified language contained in this article expires on June 30, 2025, unless a different expiration date is explicit."

Renumber the subdivisions and sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 5337 and 5335 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 4661 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Klein and Dziedzic introduced--

S.F. No. 5482: A bill for an act relating to capital investment; appropriating money for suicide prevention barriers on the Washington Avenue Pedestrian Bridge; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Frentz introduced--

S.F. No. 5483: A bill for an act relating to capital investment; appropriating money for water treatment plant improvements in the city of Lafayette; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Oumou Verbeten introduced--

S.F. No. 5484: A bill for an act relating to public safety; limiting segregated housing in Minnesota jails and prisons; prohibiting solitary confinement; requiring rulemaking; requiring reports; amending Minnesota Statutes 2022, section 243.521.

Referred to the Committee on Judiciary and Public Safety.

Senators Koran and Howe introduced--

S.F. No. 5485: A bill for an act relating to state government; directing that further work on any project previously authorized by Minnesota Statutes, section 16B.2406, must be suspended until a design plan for the project has been further approved by law; requiring the Capitol Area Architectural and Planning Board to submit a recommended design plan for the State Office Building no later than January 15, 2025.

Referred to the Committee on State and Local Government and Veterans.

Senators Abeler and Hoffman introduced--

S.F. No. 5486: A bill for an act relating to taxation; property; establishing a property tax exemption for certain property owned and operated by a congressionally chartered veterans service organization; amending Minnesota Statutes 2022, section 272.02, by adding a subdivision; Minnesota Statutes 2023 Supplement, section 273.13, subdivision 25.

Referred to the Committee on Taxes.

Senators Mohamed and Oumou Verbeten introduced--

S.F. No. 5487: A bill for an act relating to state government; requiring an audit of the Minnesota Housing Finance Agency; requiring a report; appropriating money.

Referred to the Committee on State and Local Government and Veterans.

Senator Limmer introduced--

S.F. No. 5488: A bill for an act relating to public safety; expanding driver's license suspensions to include all cases where a person is believed to have committed criminal vehicular homicide or criminal vehicular operation; requiring peace officers to report all cases where a person is believed to have committed criminal vehicular homicide or criminal vehicular operation; amending Minnesota Statutes 2022, sections 171.187, subdivisions 1, 3; 629.344.

Referred to the Committee on Judiciary and Public Safety.

Senator Limmer introduced--

S.F. No. 5489: A bill for an act relating to public safety; expanding driver's license suspensions to include all cases where a person is believed to have committed criminal vehicular homicide or criminal vehicular operation; establishing driving in excess of certain speeds as an element in criminal vehicular homicide and criminal vehicular operation offenses; requiring peace officers to report all cases where a person is believed to have committed criminal vehicular homicide or criminal vehicular operation; amending Minnesota Statutes 2022, sections 171.187, subdivisions 1, 3; 629.344; Minnesota Statutes 2023 Supplement, sections 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2.

Referred to the Committee on Judiciary and Public Safety.

Senator Lang introduced--

S.F. No. 5490: A bill for an act relating to capital investment; authorizing the sale and issuance of appropriation bonds to fund a wastewater industrial pretreatment facility in the city of Litchfield; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Capital Investment.

Senator Dibble introduced--

S.F. No. 5491: A bill for an act relating to economic development; appropriating money for a live musical theater production grant program.

Referred to the Committee on Jobs and Economic Development.

MOTIONS AND RESOLUTIONS

Senator Kunesh moved that the name of Senator McEwen be added as a co-author to S.F. No. 4581. The motion prevailed.

Senator Seeberger moved that the names of Senators Lang and Rasmusson be added as co-authors to S.F. No. 4835. The motion prevailed.

Senator Pappas moved that the name of Senator Fateh be added as a co-author to S.F. No. 4859. The motion prevailed.

Senator Westlin moved that the name of Senator Limmer be added as a co-author to S.F. No. 4985. The motion prevailed.

Senator Rest moved that the names of Senators Dibble and Nelson be added as co-authors to S.F. No. 5444. The motion prevailed.

Senator Dibble moved that H.F. No. 3800 be taken from the table, given a second reading, and placed on General Orders. The motion prevailed.

H.F. No. 3800: A bill for an act relating to cooperatives; providing for the organization and operation of housing cooperatives for seniors, low and moderate income people, limited equity cooperatives and leasing cooperatives for designated members; amending Minnesota Statutes 2022, sections 116J.395, subdivision 3; 273.11, subdivision 8; 273.124, subdivisions 3, 3a; 290.0922, subdivision 2; 327C.095, subdivision 5; 515B.3-101; 515B.3-103; Minnesota Statutes 2023 Supplement, sections 273.124, subdivision 6; 290.0694, subdivision 1; 290A.03, subdivision 16; 462A.38, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 308C.

H.F. No. 3800 was read the second time.

Senator Nelson moved that any member of the Senate who, during this Ninety-Third Legislature, has been charged with a "crime of violence" listed in Minnesota Statutes 624.712, subd. 5, be prohibited from voting on all matters before the body, until the Subcommittee on Ethics has completed its investigation into the member's conduct and submitted its findings pursuant to Senate Rule 55.8.

Pursuant to Rule 27.1, Senator Klein requested the Nelson motion be written.

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on the Nelson motion. The Sergeant at Arms was instructed to bring in the absent members.

Senator Latz raised a point of order pursuant to Sec. 517 of Mason's Manual of Legislative Procedure that the Nelson motion was out of order.

The President ruled the point of order well taken.

Senator Rasmusson appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Abeler	Draheim	Gruenhagen	Kreun	Miller
Anderson	Drazkowski	Housley	Lang	Nelson
Bahr	Duckworth	Howe	Lieske	Pratt
Coleman	Eichorn	Jasinski	Limmer	Rarick
Dahms	Farnsworth	Johnson	Lucero	Rasmusson
Dornink	Green	Koran	Mathews	Utke

Weber

Wesenberg

Westrom

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the decision of the President was sustained.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Drazkowski moved that the Secretary of the Senate be prohibited from registering and recording the vote of any Senate member who, during this Ninety-Third Legislature, has been charged with a "crime of violence" as defined in Minnesota Statutes 624.712, subd. 5, until the Subcommittee on Ethics has completed its investigation into the member's conduct and submitted its findings pursuant to Senate Rule 55.8.

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on the Drazkowski motion. The Sergeant at Arms was instructed to bring in the absent members.

Senator Latz raised a point of order pursuant to Sec. 180 of Mason's Manual of Legislative Procedure that the Drazkowski motion was out of order.

The President ruled the point of order well taken.

Senator Drazkowski appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the decision of the President was sustained.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 26, Senator Murphy, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 3766, H.F. Nos. 3868, 3376, 1989, and S.F. No. 5289.

SPECIAL ORDER

S.F. No. 3766: A bill for an act relating to transportation; designating the bridge on marked U.S. Highway 212 over the Minnesota River in the city of Granite Falls as "Mayor Dave Smiglewski Memorial Bridge"; amending Minnesota Statutes 2022, section 161.14, by adding a subdivision.

S.F. No. 3766 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Johnson	Maye Quade	Putnam
Anderson	Farnsworth	Klein	McEwen	Rarick
Boldon	Fateh	Koran	Miller	Rasmusson
Carlson	Frentz	Kreun	Mitchell	Rest
Champion	Green	Kunesh	Mohamed	Seeberger
Coleman	Gruenhagen	Kupec	Morrison	Utke
Cwodzinski	Gustafson	Lang	Murphy	Weber
Dahms	Hauschild	Latz	Nelson	Wesenberg
Dibble	Hawj	Limmer	Oumou Verbeten	Westlin
Dornink	Hoffman	Lucero	Pappas	Westrom
Draheim	Housley	Mann	Pha	Wiklund
Drazkowski	Howe	Marty	Port	Xiong
Dziedzic	Jasinski	Mathews	Pratt	

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

So the bill passed and its title was agreed to.

RECESS

Senator Dahms moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDER**

H.F. No. 3868: A bill for an act relating to commerce; adopting amendments to the Uniform Commercial Code to accommodate emerging technologies; amending Minnesota Statutes 2022, sections 336.1-201; 336.1-204; 336.1-301; 336.1-306; 336.2-102; 336.2-106; 336.2-201; 336.2-202; 336.2-203; 336.2-205; 336.2-209; 336.2A-102; 336.2A-103; 336.2A-107; 336.2A-201; 336.2A-202; 336.2A-203; 336.2A-205; 336.2A-208; 336.3-104; 336.3-105; 336.3-401; 336.3-604; 336.4A-103; 336.4A-201; 336.4A-202; 336.4A-203; 336.4A-207; 336.4A-208; 336.4A-210; 336.4A-211; 336.4A-305; 336.5-104; 336.5-116; 336.7-102; 336.7-106; 336.8-102; 336.8-103; 336.8-106; 336.8-110; 336.8-303; 336.9-102; 336.9-104; 336.9-105; 336.9-203; 336.9-204; 336.9-207; 336.9-208; 336.9-209; 336.9-210; 336.9-301; 336.9-304; 336.9-305; 336.9-310; 336.9-312; 336.9-313; 336.9-314; 336.9-316; 336.9-317; 336.9-323; 336.9-324; 336.9-330; 336.9-331; 336.9-332; 336.9-334; 336.9-341; 336.9-404; 336.9-406; 336.9-408; 336.9-509; 336.9-513; 336.9-605; 336.9-608; 336.9-611; 336.9-613; 336.9-614; 336.9-615; 336.9-616; 336.9-619; 336.9-620; 336.9-621; 336.9-624; 336.9-628; Minnesota Statutes 2023 Supplement, section 336.9-601; proposing coding for new law in Minnesota Statutes, chapter 336.

H.F. No. 3868 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Jasinski	Mathews	Port
Anderson	Eichorn	Johnson	Maye Quade	Pratt
Boldon	Farnsworth	Klein	McEwen	Putnam
Carlson	Fatch	Koran	Miller	Rarick
Champion	Frentz	Kreun	Mitchell	Rasmusson
Coleman	Green	Kunesh	Mohamed	Seeberger
Cwodzinski	Gustafson	Kupec	Morrison	Utke
Dahms	Hauschild	Lang	Murphy	Weber
Dibble	Hawj	Latz	Nelson	Westlin
Dornink	Hoffman	Limmer	Oumou Verbeten	Wiklund
Draheim	Housley	Mann	Pappas	Xiong
Drazkowski	Howe	Marty	Pha	

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Bahr Gruenhagen Lucero Westrom

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3376: A bill for an act relating to natural resources; allowing the use of a digital image as proof of possession of certain passes and licenses; providing for using electronic devices to display documents; amending Minnesota Statutes 2022, section 97A.215, by adding a subdivision; Minnesota Statutes 2023 Supplement, section 97A.405, subdivision 2.

Senator Hoffman moved that the amendment made to H.F. No. 3376 by the Committee on Rules and Administration in the report adopted April 18, 2024, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 3376 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Jasinski	Mathews	Pratt
Anderson	Eichorn	Johnson	Maye Quade	Putnam
Bahr	Farnsworth	Klein	McEwen	Rarick
Boldon	Fateh	Koran	Miller	Rasmusson
Carlson	Frentz	Kreun	Mitchell	Rest
Champion	Green	Kunesh	Mohamed	Seeberger
Coleman	Gruenhagen	Kupec	Morrison	Utke
Cwodzinski	Gustafson	Lang	Murphy	Weber
Dahms	Hauschild	Latz	Nelson	Westlin
Dibble	Hawj	Limmer	Oumou Verbeten	Westrom
Dornink	Hoffman	Lucero	Pappas	Wiklund
Draheim	Housley	Mann	Pha	Xiong
Drazkowski	Howe	Marty	Port	

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1989: A bill for an act relating to consumer protection; requiring disclosures relating to ticket sales; prohibiting conduct in connection with ticket sales; requiring disclosure of data to the commissioner of commerce; allowing enforcement by the commissioner of commerce; proposing coding for new law in Minnesota Statutes, chapter 325F.

Senator Klein moved that the amendment made to H.F. No. 1989 by the Committee on Rules and Administration in the report adopted April 18, 2024, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

President Champion called President Pro Tem Rest to preside.

Senator Rasmusson moved to amend H.F. No. 1989 as follows:

Page 4, line 11, delete "advertise," and delete the comma

Page 4, line 12, delete everything after "presale,"

Page 4, line 13, delete everything before "actual" and insert "unless the ticket reseller has" and delete the comma

Page 4, line 14, delete everything before "owns" and insert "or"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Morrison cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion did not prevail. So the amendment was not adopted.

H.F. No. 1989 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Fateh	Kunesh	Mitchell	Port
Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Anderson	Drazkowski	Howe	Limmer	Rarick
Bahr	Eichorn	Jasinski	Lucero	Rasmusson
Coleman	Farnsworth	Johnson	Mathews	Utke
Dahms	Green	Koran	Miller	Weber
Dornink	Gruenhagen	Kreun	Nelson	Westrom
Draheim	Housley	Lang	Pratt	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 5289: A bill for an act relating to economic development; making supplemental budget adjustments for the Department of Employment and Economic Development and Explore Minnesota; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 116U.26; 116U.27, subdivisions 5, 6; Minnesota Statutes 2023 Supplement, sections 116L.43, subdivision 1; 116U.27, subdivisions 1, 4; Laws 2023, chapter 53, article 20, section 2, subdivisions 1, 2, 3, 4, 6; article 21, sections 6; 7; Laws 2023, chapter 64, article 15, section 30; proposing coding for new law in Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2022, section 116J.439.

Senator Rarick moved to amend S.F. No. 5289 as follows:

Page 2, delete subdivision 2

Renumber the subdivisions in sequence

Page 10, delete lines 28 to 35

Page 11, delete lines 1 to 23

Page 12, line 1, delete "(a)"

Page 12, delete lines 6 to 14

Page 12, before line 15, insert:

"Sec. 4. PUBLIC FACILITIES AUTHORITY \$ 0 \$ 3,922,000

\$3,922,000 the second year is for grants for water systems that have per- and polyfluoroalkyl substances (PFAS) at levels above standards set by the United States Environmental Protection Agency. The following systems are eligible for grants under this section:

(1) the municipal systems for Alexandria, Battle Lake, Brooklyn Park, Cloquet, Hastings, Lake Elmo, Newport, Pease, Pine City, Princeton, Sauk Rapids, South St. Paul, Stillwater, Swanville, Wabasha, Waite Park, and Woodbury;

(2) the Minnesota Veterans Home in the city of Hastings; and

(3) the following systems at manufactured home parks: Austin Mobile Home Park in Mower County, Cimarron Park in Washington County, Mobile Manor Mobile Home Park in Scott County, and Roosevelt Court in Beltrami County."

Correct the section totals and the appropriation summary

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on S.F. No. 5289. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Rarick amendment.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Seeberger
Bahr	Eichorn	Johnson	Mathews	Utke
Coleman	Farnsworth	Koran	Miller	Weber
Dahms	Green	Kreun	Nelson	Wesenberg
Dornink	Gruenhagen	Lang	Pratt	Westrom
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Westlin
Cwodzinski	Hawj	Marty	Oumou Verbeten	Wiklund
Dibble	Hoffman	Maye Quade	Pappas	Xiong
Dziedzic	Klein	McEwen	Pha	
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Morrison cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion prevailed. So the amendment was adopted.

S.F. No. 5289 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Morrison cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

PROTEST AND DISSENT

President Champion:

Pursuant to Article IV, Section 11 of the Minnesota Constitution, we the undersigned submit this letter of protest and dissent in response to the vote on SF 5289.

Passage of SF 5289 relied on the vote of a Senator who has been charged with a felony count of Burglary in the First Degree. Senator Nicole Mitchell's actions have put the work of the Minnesota Senate under a cloud of public distrust.

According to a criminal complaint describing her arrest, the facts of which were attested to under penalty of perjury to law enforcement, Sen. Mitchell entered her stepmother's home through a basement window in the early morning hours of April 22nd dressed in black, carrying a flashlight covered in a black sock to mute the brightness of the light, and attempting to steal items that did not belong to her. According to the 911 call transcript of the incident, she was allegedly lying on the floor next to her stepmother's bed and startled that individual when she got out of bed: "No, it was completely dark. I tripped over 'em. Ah, he was on the floor next to my bed. He ran downstairs into my basement."

After being apprehended by police on scene, Sen. Mitchell told officers, "I know I did something bad" and "I'm not good at this." These statements of guilt clearly allow a reasonable person to question Sen. Mitchell's judgement.

Since her arrest, Sen. Mitchell has made public statements which contradict those she made to law enforcement. This type of action is contrary to the expectations Minnesotans hold for their public officials.

Since her arrest, residents in her district have begun recall efforts against the Senator, clear evidence that the public expects better from elected leaders. Additionally, a complaint against Sen. Mitchell has been filed with the Office of Lawyers Professional Responsibility to question her fitness to practice law in Minnesota.

Since her arrest, Sen. Mitchell's stepmother has been granted an order for protection due to her stated fears of Sen. Mitchell by the judge presiding over the case.

We protest and dissent against the vote on SF 5289 which was adopted by the Senate with a deciding vote being cast by someone clearly unfit for office. We believe it is an abuse of power by both Sen. Mitchell, the Senate Majority Caucus, and its members.

Senator Jim Abeler

Senator Bruce Anderson

Senator Cal Bahr

Senator Julia Coleman

Senator Gary Dahms

Senator Gene Dornink

Senator Rich Draheim

Senator Steve Drazkowski

Senator Zach Duckworth

Senator Mark Koran

Senator Michael Kreun

Senator Andrew Lang

Senator Bill Lieske

Senator Warren Limmer

Senator Eric Lucero

Senator Andrew Mathews

Senator Jeremy Miller

Senator Carla Nelson

Senator Justin Eichorn
Senator Robert Farnsworth
Senator Steve Green
Senator Glenn Gruenhagen
Senator Karin Housley
Senator Jeff Howe
Senator John Jasinski
Senator Mark Johnson

Senator Eric Pratt
Senator Jason Rarick
Senator Jordan Rasmusson
Senator Paul Utke
Senator Bill Weber
Senator Nathan Wesenberg
Senator Torrey Westrom

RECESS

Senator Murphy moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

APPOINTMENTS

Senator Murphy from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3492: Senators Mohamed, Oumou Verbeten, and Housley.

S.F. No. 4579: Senators Dibble, Port, and Weber.

Senator Murphy moved that the foregoing appointments be approved. The motion prevailed.

RECESS

Senator Murphy moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, President Champion called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Report of Committees.

REPORTS OF COMMITTEES

Senator Murphy moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Murphy from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 3887 and that the report from the Committee on Environment, Climate, and Legacy, shown in the Journal for April 29, 2024, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

Senator Murphy from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 5430: A bill for an act relating to employees; modifying paid leave provisions; amending Minnesota Statutes 2023 Supplement, sections 268B.01, subdivisions 3, 5, 8, 15, 23, 44, by adding subdivisions; 268B.04; 268B.06, subdivisions 3, 4, 5, by adding a subdivision; 268B.07, subdivisions 1, 2, 3; 268B.085, subdivision 3; 268B.09, subdivisions 1, 6, 7; 268B.10, subdivisions 1, 2, 3, 6, 12, 16, 17, by adding subdivisions; 268B.14, subdivisions 3, 7, by adding subdivisions; 268B.15, subdivision 7; 268B.155, subdivision 2; 268B.185, subdivision 2; 268B.19; 268B.26; 268B.27, subdivision 2; 268B.29; proposing coding for new law in Minnesota Statutes, chapter 268B; repealing Minnesota Statutes 2023 Supplement, sections 268B.06, subdivision 7; 268B.08; 268B.10, subdivision 11; 268B.14, subdivision 5.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 5430 and that the report from the Committee on Jobs and Economic Development, shown in the Journal for April 24, 2024, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection". Amendments adopted. Report adopted.

Senator Murphy from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 4643: A bill for an act relating to retirement; authorizing eligible employees of the Minnesota State Colleges and Universities who are members of the higher education individual retirement account plan to elect coverage by the Teachers Retirement Association and purchase past service credit; requiring an annual report; appropriating money for offsetting the cost of service credit purchases; amending Minnesota Statutes 2022, section 354B.20, subdivision 18, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 354B.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 4643 and that the report from the Committee on State and Local Government

and Veterans, shown in the Journal for April 24, 2024, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

ADJOURNMENT

Senator Murphy moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 30, 2024. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate