

Subject Environment and Natural Resources

Authors Hansen, R.

Analyst Janelle Taylor

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Overview

This bill contains the 2023 supplemental budget appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), and other entities. It also contains a number of statutory and other changes related to the environment and natural resources.

Article 1: Environment and Natural Resources Appropriations

This article contains supplemental fiscal year 2023 appropriations for the PCA, DNR, BWSR, Conservation Corps Minnesota, Metropolitan Council, the Minnesota Zoo, the Science Museum, and Explore Minnesota Tourism and other entities.

Section Description – Article 1: Environment and Natural Resources Appropriations

- 1 Environment and natural resources appropriations.**
Technical.
- 2 Pollution Control Agency.**
Appropriates \$58,535,000 in fiscal year 2023 to the PCA for various purposes.
- 3 Natural resources.**
Appropriates \$54,727,000 in fiscal year 2023 to the DNR for various purposes.
- 4 Board of Water and Soil Resources.**
Appropriates \$68,920,000 in 2023 to BWSR.
- 5 Conservation Corps Minnesota.**
Appropriates \$500,000 in fiscal year 2023 for the Conservation Corps Minnesota.
- 6 Metropolitan Council.**
Appropriates \$13,085,000 in fiscal year 2023 to the Metropolitan Council.

Section Description – Article 1: Environment and Natural Resources Appropriations

- 7 **Zoological Board.**
Adds a onetime base increase for the Minnesota Zoo of \$45,000 in 2024.
- 8 **Science Museum.**
Appropriates \$500,000 in fiscal year 2023 to the Science Museum of Minnesota.
- 9 **Explore Minnesota Tourism.**
Appropriates \$10,465,000 in fiscal year 2023 to Explore Minnesota Tourism.
- 10 **Minnesota Outdoor Recreation Office.**
Appropriates \$1,750,000 in fiscal year 2023 to the new Minnesota Outdoor Recreation Office established in the bill.
- 11 **University of Minnesota.**
Appropriates \$180,000 in fiscal year 2023 to the University of Minnesota.

Article 2: Statutory Changes

This article contains a number of policy provisions related to the environment and natural resources.

Section Description – Article 2: Statutory Changes

- 1 **Group II salary limits.**
Sets the salary limit for the director of the new Minnesota Outdoor Recreation Office created in this bill at 120 percent of the governor’s salary.
- 2 **Authority.**
Allows cities to prohibit the use of pollinator-lethal pesticides within their borders, as provided in the next section.
- 3 **Application of certain pesticides prohibited.**
States that a person may not apply or use a pollinator-lethal pesticide within a city that has adopted an ordinance. Defines “pollinator-lethal pesticide” for these purposes. Provides exceptions to the prohibition and requires the Minnesota Department of Agriculture (MDA) to maintain a list of pollinator-lethal pesticides on the department’s website.

Section Description – Article 2: Statutory Changes

- 4 **Coated agricultural seed.**
Defines “coated agricultural seed” for purposes of the Minnesota Seed Law.
- 5 **Miscellaneous violations.**
Prohibits using or selling neonicotinoid-treated seed for food, feed, oil, or ethanol production.
- 6 **Pesticide treated seed use and disposal; consumer guidance required.**
Requires MDA to develop and maintain consumer guidance regarding the proper use and disposal of neonicotinoid-treated seed. Requires retailers to post MDA’s guidance in a conspicuous location.
- 7 **Peat soil goal.**
Establishes state goals to protect, restore, and enhance the state’s presettlement peat soils or histosols that were drained for and used for agricultural purposes or pastures as of August 1, 2022. The goals are to protect, restore, and enhance at least 25 percent by August 1, 2030, and at least 50 percent by August 1, 2040.
- 8 **Insecticides on state lands.**
Prohibits a person from using certain pesticides (neonicotinoids and chlorpyrifos) in a wildlife management area (WMA), state park, state forest, aquatic management area (AMA), or scientific and natural areas (SNA).
- 9 **Management plan.**
Modifies a law requiring the DNR to prepare and maintain a long-term invasive species management plan by requiring the plan to be updated by December 31, 2022, and every five years thereafter and requiring the plan to address the impacts of climate change on invasive species management.
- 10 **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.**
Expands the authorization of the Luce Line State Trail to include a connection to Greenleaf Lake State Recreation Area.
- 11 **Creation.**
Allows members of the Minnesota Zoological Board to be compensated at a rate of up to \$125 per day.
- 12 **Minnesota Outdoor Recreation Office.**
 Subd. 1. Establishment. Establishes the Minnesota Outdoor Recreation Office and requires the governor to appoint a director for the office.

Section Description – Article 2: Statutory Changes

Subd. 2. Office; administration. Requires the Department of Administration to provide office space for the Minnesota Outdoor Recreation Office and requires the office to have locations in Ely and Winona.

Subd. 3. Purpose; goals. Establishes the purpose of the Minnesota Outdoor Recreation Office.

Subd. 4. Duties. Establishes duties of the Minnesota Outdoor Recreation Office.

Subd. 5. Powers. Gives certain powers to the director of the Minnesota Outdoor Recreation Office.

Subd. 6. Report. Requires the director of the Minnesota Outdoor Recreation Office to submit an annual report to the legislature on the office’s performance and expenditure of funds.

13 **Definitions.**

Defines “accompanying operator,” “adult operator,” “exempt operator,” “motorboat rental business,” and “young operator” for purposes of new watercraft operator permit and motorboat rental business requirements.

14 **Watercraft operator’s permit.**

Requires a watercraft safety operator’s permit. The requirements are phased as follows:

- effective July 1, 2024, for those born on or after July 1, 2003;
- effective July 1, 2025, for those born on or after July 1, 1999;
- effective July 1, 2026, for those born on or after July 1, 1995; and
- effective July 1, 2027, for those born on or after July 1, 1987.

Subd. 1. Generally. Requires the commissioner to issue a watercraft operator’s permit to those 12 years of age or older who complete a water safety course and written test. Under current law, youth 12 to 17 years of age are required to obtain the permit.

Subd. 2. Issuing permit to certain young operators. Allows the commissioner to issue a permit to an 11-year-old but the permit would not be valid until the person is 12.

Subd. 3. Personal possession required. Requires a person required to have a watercraft operator’s permit to have the permit or a driver’s license/identification card with a valid watercraft operator’s permit indicator in

Section Description – Article 2: Statutory Changes

their possession. Requires a person to display one of these to a conservation officer or peace officer upon request.

Subd. 4. Using electronic device to display proof of permit. States that if a person uses an electronic device to display the watercraft operator's permit, the conservation officer or police officer is immune from liability for any damage to the device unless the officer does not exercise due care. Also states that this does not constitute consent for the officer to access other content on the device.

States that the section is effective July 1, 2024.

15 Operating personal watercraft and other motorboats.

Subd. 1. Adult operator. Requires an adult operator of a motorboat, including a personal watercraft, to have a valid watercraft operator's permit, be exempt from permit requirements, or have an accompanying operator in the watercraft.

Subd. 2. Young operators. Prohibits a young operator from operating a personal watercraft or motorboat of more than 75 horsepower. Allows a young operator to operate a motorboat with up to 75 horsepower if an accompanying operator is in the motorboat. Under an existing law (repealed under this bill), similar restrictions apply, however, there is an exemption for motorboats with less than 25 horsepower which would no longer apply under this bill.

Subd. 3. Accompanying operators. States that for the purposes of this section and existing driving while impaired provisions, the accompanying operator and the actual operator are operating and in physical control of the motorboat.

Subd. 4. Owners may not allow unlawful use. Prohibits the owner or other person in control of a motorboat from allowing the motorboat from being operated in violation of this section.

States that the section is effective July 1, 2024.

16 Watercraft safety program.

Requires the commissioner to establish a watercraft safety course and testing program for personal watercraft and watercraft operators, including a written test. Similar requirements exist under current law. Requires the course to be approved by the National Association of State Boating Law Administrators and be available online. Allows the commissioner to designate courses administered by third parties and enter into reciprocity agreements or certify programs from other states that are similar to in-state programs. Requires the commissioner to establish a work group to assist with developing and implementing the program. Requires a short boater safety examination to be administered by rental businesses electronically or on paper.

Section Description – Article 2: Statutory Changes

States that the section is effective July 1, 2024.

17 Motorboat rental businesses.

Subd. 1. Requirements. Prohibits a motorboat rental business from renting or leasing a motorboat to a person unless the person is 18 years of age or older and has a valid watercraft operator’s permit or is exempt from the requirements.

Subd. 2. Authorized operators. Requires a motorboat rental business to list on each rental or lease agreement the name and age of each operator authorized to operate the motorboat or personal watercraft. Requires the renter or lessee to ensure that only those listed operate the motorboat or personal watercraft.

Subd. 3. Summary of boating regulations; examination. Requires a motorboat rental business to provide each authorized operator a summary of the watercraft safety laws. Requires each authorized operator to review the summary and take a short boater safety examination before they leave the motorboat rental business, with exceptions.

Subd. 4. Safety equipment for personal watercraft. Requires a motorboat rental business to provide a free U.S. Coast Guard approved wearable personal flotation device meeting certain requirements to all people who rent a personal watercraft. (This is a recodification of a similar law which is removed in the next section.)

States that the section is effective July 1, 2024.

18 Dealers and rental operations.

Removes provisions related to the rental of personal watercraft that have been recodified elsewhere in the bill.

States that the section is effective July 1, 2024.

19 Membership regulation.

Allows members of the Minnesota Forest Resources Council (MFRC) to be compensated at a rate of up to \$125 per day.

20 Deferred payments.

Allows a payment for timber to be postmarked within 30 days of a statement date before interest begins to accrue. Under current law, payment is required within 30 days of the statement date.

Section Description – Article 2: Statutory Changes

- 21 **Native swan.**
Defines “native swan” for purposes of the game and fish laws as trumpeter and tundra swans and excludes mute swans.
- 22 **Unloaded.**
Amends the definition of “unloaded” to accommodate muzzle loading firearms with encapsulated powder charge and electronic ignition systems which are added to allowable firearms under section 26.
- 23 **Walk-in access program.**
Expands the purpose of the walk-in access program to include providing access for bird-watching, nature photography, and similar compatible uses.
- 24 **Use of motorized vehicles by people with disabilities.**
Modifies a provision allowing the use of motorized vehicles in a WMA under a special permit issued by the DNR to a person with a disability. The changes include no longer requiring a hunting license, the vehicles must meet a federal definition for “other power-driven mobility devices,” and the person would need to provide credible assurance that the device or motorboat is being used because of the disability.
- 25 **Turtle license.**
Eliminates the turtle seller’s license fee and turtle seller’s apprentice license fee.
- 26 **Permissible firearms and ammunition; big game and wolves.**
Amends the list of permissible firearms to take big game and wolves to accommodate muzzle loading firearms with electronic ignitions and encapsulated powder charge ignition systems.
- 27 **Nontoxic shot required for taking small game in certain areas.**
Requires the use of nontoxic shot when hunting small game on a WMA in the farmland zone beginning July 1, 2023. The farmland zone is a portion of the state that falls south and west of a line that follows Highway 70 westward from the Wisconsin border to Highway 65 to Highway 23 to U.S. Highway 169 at Milaca to Highway 18 at Garrison to Highway 210 at Brainerd to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the Canadian border.
- 28 **Swans.**
States that a person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a native swan in violation of the game and fish laws is guilty of a gross misdemeanor.

Section Description – Article 2: Statutory Changes

- 29 **Taking turtles; requirements.**
Requires a recreational turtle license to take turtles (in addition to a resident angling license which is required under current law). Prohibits turtles taken from the wild from being sold and makes other conforming changes needed due to the elimination of the turtle seller’s license.
- 30 **License exemptions.**
Modifies exemptions from the recreational turtle license requirements to conform to the removal of the turtle seller’s license. Provides an exemption from licensing requirements for a person with an aquatic farm license with a turtle endorsement or private fish hatchery license with a turtle endorsement.
- 31 **Taking methods prohibited.**
Makes changes to conform to the removal of the turtle seller’s license.
- 32 **Turtle species; limits.**
Makes changes to conform to the removal of the turtle seller’s license.
- 33 **Voting members.**
Allows members of BWSR to be compensated at a rate of up to \$125 per day.
- 34 **Easement stewardship accounts.**
Allows BWSR to use money from the water and soil conservation easement stewardship account and the mitigation easement stewardship account for repairing or replacing structures. Allows BWSR to use up to ten percent of the money in the accounts each year, in addition to the five percent that is already annually appropriated, to cover the emergency repair/replacement of water control structures. The bill would also require the board to include the estimated costs for repairing or replacing water control structures when calculating the financial contribution made to the account when an easement is acquired.
- 35 **Lawns to legumes program.**
Requires BWSR to establish a program to provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators (a similar program, “Lawns to Legumes” has been funded in previous years). Establishes criteria for the program.
- 36 **Soil-health goals.**
Establishes soil-health goals for the state.

Section Description – Article 2: Statutory Changes

37 Drainage registry information portal.

Requires BWSR to establish a drainage registry information portal that includes a searchable electronic database of drainage proceedings and nonpetitioned repairs. Specifies the types of information required for purposes of searching the database. Requires local contact information to be included in the database for each proceeding. Requires a drainage authority to file with BWSR an electronic copy of a petition or document initiating a repair within ten days of receiving the petition or ordering the repair. Requires a drainage authority to file an electronic copy of the drainage inspection report or other document initiating the repair or maintenance within ten days of the report or document being presented to the drainage authority. Prohibits a drainage authority from taking action until the drainage inspector's report has been posted on the portal for 30 days.

38 Soil health cost-share program.

Establishes the soil health cost-share program.

Subd. 1. Definitions. Defines “board,” “local units of government,” and “soil health” for purposes of the program.

Subd. 2. Establishment. Requires BWSR to establish a cost-share program, consistent with provisions of an existing cost-share program, for the purposes of mitigating climate change impacts and improving water quality and related public benefits.

Subd. 3. Financial assistance. Allows BWSR to provide financial assistance to local units of government, private sector providers, and farmers for the costs of soil health and related water quality practices consistent with certain approved water management plans. Requires BWSR to establish costs eligible for financial assistance under the program. Allows BWSR to enter into agreements with local units of government receiving financial assistance. Requires priority to be given to multiyear contracts meeting certain conditions and to leveraging contributions from nonstate sources.

Subd. 4. Technical assistance. Allows BWSR to employ or contract with experts to work on program implementation. Requires BWSR to provide assistance to local units of government, review and assess practice standards, and evaluate the effectiveness of completed practices funded under the program.

Subd. 5. Federal aid availability. Requires BWSR to regularly complete an analysis of federal funds and programs available to supplement or complement local and state efforts under the program.

Section Description – Article 2: Statutory Changes

- 39 **Orders and investigations.**
Provides a number of powers and duties of the commissioner of natural resources when enforcing provisions under chapter 103G, which includes water appropriation permit, public water work permit, and other water related requirements. The powers and duties include the power to: issue and enforce reasonable orders, schedules of compliance, and stipulation agreements; issue notices of violation; require permit holders to make reports, install certain equipment, perform certain tests, and provide other information; and conduct investigations and order hearings.
- 40 **Duty of candor.**
Prohibits a person from knowingly making a false statement, failing to disclose necessary information, or offering information that the person knows is false. Requires a person to take reasonable measures to provide accurate information when a person finds out they have offered information to the commissioner that is false.
- 41 **Public meeting.**
Requires the DNR to hold a public meeting prior to issuing a water-use permit if the permit is for more than 100,000,000 gallons per year average. Specifies the location and notice requirements for the meeting.
- 42 **Sustainability standard.**
Requires the DNR to make a determination that the level of recharge to an impacted aquifer is sufficient to replenish the supply to meet the needs of future generations when determining whether a water-use is sustainable.
- 43 **Authority to issue administrative penalty orders.**
Expands the DNR’s authority to issue administrative penalty orders to those violating the terms of a water appropriation permit.
- 44 **Amount of penalty; considerations.**
Allows the DNR to issue administrative penalties of up to \$40,000. Under current law, penalties are capped at \$1,000 when there is the potential for minor harm, \$10,000 when there is moderate potential, and \$20,000 when there is severe potential.
- 45 **Penalty.**
Requires penalties to be forgiven if a violation has been corrected or appropriate steps have been taken unless there are repeated or serious violations.

Section Description – Article 2: Statutory Changes

46 Cumulative remedy.

Removes provisions prohibiting the state from seeking civil penalties for violations covered by an administrative penalty order.

47 Penalties; enforcement.

Subd. 1. Civil penalties. Allows the commissioner to issue a notice to those who violate chapter 103G, including rules, permits, duties, orders, and stipulation agreements issued under it. States that a person issued a notice must forfeit and pay a penalty determined by the district court of no more than \$10,000 per day of violation. Allows the courts to require a defendant to pay the reasonable value of restoration, monitoring, and other expenses resulting from the unauthorized use of or damage to natural resources and just compensation for any loss, destruction, or damages. Allows a defendant, in defense of the damages assessed, to prove a violation was caused solely by an act of God, war, negligence by the state, sabotage or vandalism, or a combination.

Subd. 2. Enforcement. States that chapter 103G may be enforced by one or more of the following: criminal prosecution; civil penalties; injunction; action to compel performance; or other appropriate action.

Subd. 3. Injunctions. States that a violation of chapter 103G may be enjoined in an action in the name of the state brought by the attorney general.

Subd. 4. Actions to compel performance. Allows the court to require a defendant to act within the defendant's power. Allows the court to require a municipality to exercise its powers without regard to certain limitations. Requires the court to grant a municipality the opportunity to determine the appropriate financial alternatives to comply. Requires actions brought under this subdivision to take place in Ramsey County District Court.

48 Duty to notify; avoiding water pollution.

Requires a publicly owned water treatment works or domestic sewer system owner to promptly notify the public and any downstream drinking water facility of a discharge of a pollutant. Requires the notice to be made using the most efficient communication system available. Requires signs to be posted at all impacted public use areas within the same jurisdiction or notice to be provided to the entity that has jurisdiction over the impacted area. Specifies requirements of the notice and requires the PCA to provide guidance.

49 Public informational meeting.

Requires the PCA to hold an informational meeting before finalizing a stipulation agreement or consent decree of \$25,000 or more.

Section Description – Article 2: Statutory Changes

- 50 **Composting; multifamily buildings; competitive grant program.**
Establishes a program in the PCA to award grants in order to increase composting of food wastes by residents in multifamily buildings. Eligible applicants include multifamily building owners, local and Tribal governments, nonprofit organizations, and homeowners associations.
- 51 **Zero-waste grant program.**
Creates a zero-waste grant program to be administered by the PCA.
- Subd. 1. Definitions.** Defines terms for the program, including that “eligible entity” means a nonprofit organization or unit of government. Defines “zero-waste practice” as a practice that helps achieve conservation of all resources without destroying embodied energy or discharges that threaten environmental or human health.
- Subd. 2. Establishment.** Establishes the zero-waste competitive grant program to make grants to eligible entities for projects consistent with zero-waste practices, such as electronic waste reuse and recycling, source reduction, market development, and organics recycling infrastructure.
- Subd. 3. Electronic waste reuse and recycling.** Requires electronic waste reuse and recycling projects be carried out by organizations certified in sustainable electronic waste standards by an accredited organization. Allows funds granted under this subdivision to be used for infrastructure, technology, research and development, and product refurbishment, but not for electronic waste buy-back programs that give credit towards the purchase of additional electronics.
- Subd. 4. Source reduction.** Allows grant funds for source reduction projects to be used for educational programming and outreach to encourage consumer behavior change, or product or manufacturing redesign or redevelopment to reduce outputs. Requires that projects involving product manufacturing redesign or redevelopment pay a living wage and not result in higher toxicity, more complicated recyclability, or increased volume of byproducts.
- Subd. 5. Market development.** Requires projects related to market development, such as creating demand for recycled commodities and refurbished goods, to target easily or commonly recycled materials that are disproportionately disposed of in landfills or incineration and to reduce this waste without conflicting with other laws or requirements identified by the commissioner.
- Subd. 6. Organics recycling infrastructure.** Allows grant funds for organics recycling infrastructure to be used for facilities, machinery, or equipment needed for organics collection or processing on a city- or county-wide scale. Requires

Section Description – Article 2: Statutory Changes

projects to result in increased capacity for separated organics streams and to generate a useable product with demonstrable environmental benefits. Forbids funding projects that include mixed-waste composting.

Subd. 7. Grant process. Directs the commissioner to award grants through a competitive grant process with a written application form developed by the commissioner. Requires applications to demonstrate specific source reduction or waste prevention targets and that the project will take place in a community in the 80th percentile or higher for one or more pollutants as noted in tools provided by the Environmental Protection Agency.

Subd. 8. Award criteria. Sets priorities for awarding grants, such as favoring projects that create living wage jobs, take place in schools, address their own environmental consequences, show the need for additional projects, develop new technologies or strategies, encourage further investment, and incorporate stakeholder involvement.

Subd. 9. Report to the legislature. Requires a report to the legislature by January 15, 2024, on the use of grant funds.

52 Prohibited disposal methods.

Prohibits certain disposal methods for neonicotinoid-treated seed.

53 Requests for review, investigation, and oversight.

Establishes an account to receive revenues above the first \$350,000 received under the PCA's voluntary investigation and cleanup program and appropriates the money to the PCA.

54 Testing for private wells; east metropolitan area.

Changes the date the PCA must report east metropolitan private well testing results to the community and the legislature from January 15 each year to February 15.

55 Reporting.

Modifies the 3M settlement reporting requirements for the PCA and DNR to make the report due annually on October 1, instead of twice a year as required under current law.

56 Applicability.

Technical. Applies definitions to the new environmental justice area boundary and mapping requirements section.

Section Description – Article 2: Statutory Changes

- 57 **Commissioner.**
Defines commissioner as the commissioner of the PCA for purposes of certain provisions.
- 58 **Environmental justice.**
Defines environmental justice for purposes of certain provisions.
- 59 **Environmental justice area.**
Defines environmental justice area for purposes of certain provisions.
- 60 **Microplastics.**
Establishes a definition of microplastics in chapter 116.
- 61 **Nanoplastics.**
Establishes a definition of nanoplastics in chapter 116.
- 62 **Plastic.**
Establishes a definition of plastic in chapter 116.
- 63 **Air toxics emissions reporting.**
Directs the commissioner of the PCA to require facilities that emit toxic chemicals to report the volume of emissions to the agency annually.
- 64 **Permits.**
Requires an analysis of the cumulative environmental and health impacts of a permit issuance or renewal or the incorporation of a major amendment into a permit that may increase pollution levels or toxicity in an environmental justice area, and analysis of the sensitivity of the population of the area required in the next section. The commissioner is responsible for determining whether an environmental justice area will be impacted by a permit action.
- 65 **Demographic analysis.**
Specifies the contents of a demographic analysis to be conducted when a permit action will impact an environmental justice area. Demographic characteristics of the population, health indicators, and other environmental stressors to measure the degree of sensitivity of the population to additional exposure to pollutants must be analyzed, if available.
- 66 **Permits; environmental justice area.**
Requires a public hearing on a permit application required to conduct a cumulative environmental analysis. The commissioner must determine whether granting the permit action would exacerbate environmental or health impacts on residents of the

Section Description – Article 2: Statutory Changes

environmental justice area, and if so, must either deny the permit action or incorporate conditions into the permit to eliminate those impacts.

67 Financial assurance.

Requires feedlot permit applicants to submit sufficient proof of financial assurance before the PCA may issue or renew the permit. Specifies that the financial assurance instrument must be fully binding and enforceable, not dischargeable through bankruptcy, and of an amount sufficient to pay the estimated closure costs plus any estimated costs that would be incurred by the PCA to hire a third party to execute the required closure activities. Requires the applicant to estimate closure costs and authorizes the PCA to modify the applicant's cost estimates. Requires the applicant to pay any costs incurred by the PCA to consult third parties with experience in evaluating financial assurance instruments or in feedlot or manure storage area closure or remediation.

68 Abandoned manure storage areas.

Requires the PCA to annually compile a list of abandoned manure storage areas. Defines this term as those manure storage areas that have (1) been previously registered with the state as a feedlot with a manure storage area, (2) permanently ceased operation but are not in compliance with the PCA's 7020.2025 closure requirements, or (3) been unused for at least three years.

Specifies that the PCA's list is not a "feedlot inventory." Under current law, if the PCA conducts a feedlot inventory, it must publicize notice in a newspaper of general circulation and other media that states when the inventory will be conducted, what information the PCA will request, how the collected information will be provided to the public, and the date of a public meeting to address the inventory.

69 Environmental justice areas; boundaries; maps.

Requires the commissioner to determine the boundaries of environmental justice areas in the state by December 1, 2022. The determination may be appealed by petition of residents in or near the proposed area. The commissioner must post updated maps of the areas on the agency website.

70 Public members.

Allows public members of the Environmental Quality Board (EQB) to be compensated at a rate of up to \$125 per day.

71 Demographic analysis.

Requires an environmental assessment worksheet or environmental impact statement that will impact an environmental justice area to conduct the demographic analysis required under a previous section.

Section Description – Article 2: Statutory Changes

72 Membership.

Allows citizen members of the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to be compensated at a rate of up to \$125 per day.

73 Qualifications.

Technical. Removes obsolete language.

74 Duties; powers.

Modifies duties of the school trust lands director including requiring the director to act in a fiduciary capacity for trust beneficiaries, and eliminating the duty to submit an annual budget and management plan to the Legislative Permanent School Fund Commission. Modifies powers of the director, including allowing the director to employ an unlimited number of staff within the limitations of money appropriated to the director, and striking the requirement that employees be in the unclassified service.

75 Watercraft operator's permit.

Requires the Department of Public Safety to maintain information on a person issued a watercraft operator's permit and include the information on all drivers' licenses or identification cards issued to the person.

States that the section is effective July 1, 2024.

76 Apportionment of proceeds to taxing districts.

Allows counties to pass a resolution setting aside up to 100 percent of the remaining balance from tax-forfeited land proceeds (sales, rents, or other revenues generated from products on the land) for the following purposes: (1) sewer, water, and other maintenance activities of tax-forfeited lands, including noxious weed removal; (2) remediating contamination at tax-forfeited properties; and (3) correcting blighted conditions at tax-forfeited properties. States that the county's election to do so would be in effect for five years unless the county specified a shorter duration. The provision would take effect the day following final enactment.

77 Deposit of revenues.

Increases the percentage of the amount from the in lieu of sales tax on state lottery tickets that is dedicated for certain purposes. Under current law, 72.43 percent of the lottery in lieu (LIL) tax is dedicated to five different purposes. This section would increase the amount dedicated for those purposes to 97 percent. The remaining three percent would go to the general fund.

Section Description – Article 2: Statutory Changes

- 78 **Lead and cadmium in consumer products; prohibition.**
Prohibits a person from importing, manufacturing, selling, holding for sale, distributing, or offering for use certain products containing lead or cadmium above certain levels unless preempted by federal law. Allows the PCA, Department of Commerce, and Department of Health to coordinate in enforcing the section. The section is effective July 1, 2023.
- 79 **Nonconformities; certain classes of property.**
Allows a county to adopt an ordinance to permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.
- 80 **Community water system.**
Establishes a definition of community water system in chapter 473.
- 81 **Lead service line.**
Establishes a definition of lead service line in chapter 473.
- 82 **Service line.**
Establishes a definition of service line in chapter 473.
- 83 **System side.**
Establishes a definition of system side in chapter 473.
- 84 **Person with a disability; rulemaking.**
Requires the DNR to amend certain rules to conform with the changes to the motorized vehicle disability permits in the bill and allows the DNR to use the good cause exemption from rulemaking to do so.
- 85 **Community air monitoring system pilot grant program.**
Establishes a pilot program in the PCA to award grants to nonprofit organizations in environmental justice areas partnering with firms experienced in deploying and operating air quality monitors to utilize a variety of low-cost, mobile, and handheld air monitoring equipment to conduct intensive air monitoring at various locations within an environmental justice area. The agency must approve all monitoring equipment used in the project, and must prioritize grant awards to areas with high rates of illness associated with exposure to air pollution. The agency must report project results to the legislature, including any proposed changes in its own air monitoring network as a result of the project and any actions it proposes to take to reduce pollution in the project area.

Section Description – Article 2: Statutory Changes

86 Rulemaking; air toxics emissions.

Requires the agency to initiate rulemaking by January 15, 2023, to regulate air toxics emissions. Specifies contents of the rules. Requires permits to incorporate air toxics emissions limits into permits once rules are promulgated. Specifies that the cost of the rulemaking is to be recovered through permit fees on holders of air permits, as provided by law.

87 Pig’s Eye Area Task Force.

Subd. 1. Pig’s Eye Area Task Force. Requires the commissioner of the PCA to establish a Pig’s Eye Area Task Force to coordinate efforts to remediate and restore the Pig’s Eye Landfill Superfund site and adjacent areas and to address contaminated groundwater, surface water, and sediments.

Subd. 2. Membership. Specifies that the members of the task force include the commissioners of the PCA, health, and natural resources, and representatives from the Metropolitan Council, certain relevant federal entities, the local watershed district, and certain impacted local governments.

Subd. 3. Organization. Requires the task force to meet by January 15, 2023, and specifies that meetings must be held monthly or as determined by the chair. Requires members to elect a chair, vice chair, and other officers deemed necessary.

Subd. 4. Staff. Requires the PCA to provide support staff, office space, and administrative services for the task force.

Subd. 5. Reports. Requires the PCA to submit annual reports to the legislature on the task force’s work with a final report due February 15, 2026. The final report must: (1) include a summarized history of the site; (2) include a coordinated plan to address cleanup and remediation of the site, restoration, and enhancement of wildlife habitat, water contamination prevention, and water quality issues; (3) identify infrastructure needs; (4) identify funding needs; and (5) include any recommendations for legislative action.

Subd. 6. Sunset. States that the task force expires June 30, 2026.

88 Turtle seller’s licenses; transfer and renewal.

Prohibits the DNR from renewing or transferring turtle seller’s licenses.

89 Seed disposal rulemaking required.

Requires the PCA, in consultation with MDA and the University of Minnesota, to adopt rules regarding the safe and lawful disposal of unwanted or unused

Section Description – Article 2: Statutory Changes

neonicotinoid-treated seed and specifies that these rules must clearly identify the regulatory jurisdictions of state agencies and local governments.

90 Designated swan resting areas.

Subd. 1. Swan resting areas. Allows the commissioner of natural resources to designate swan resting areas within Minnesota’s swan migration corridor.

Subd. 2. Public notice and meeting. Requires a public meeting to be held prior to designating or removing a designation of a swan resting area. The meeting must be held in the county where the largest portion of the water is located. Requires notices of the meeting, including requiring notice to be posted at public access sites for the water.

Subd. 3. Using lead tackle. Prohibits a person from using lead sinkers on waters designated as swan resting areas. Requires the commissioner to maintain a list of the waters and prohibitions on sinkers on the DNR’s website and in the summary of fishing regulations.

Subd. 4. Report. Requires the DNR to submit a report the legislature on the implementation of this section by January 15, 2025.

Subd. 5. Sunset. States that the section expires January 1, 2026.

91 Swan restitution values; rule amendments.

Requires the commissioner of natural resources to amend DNR rules to increase the restitution value for a tundra swan (from \$200 to \$1,000) and a trumpeter swan (from \$1,000 to \$2,500). Allows the commissioner to use the good cause exemption from rulemaking to do so.

92 Feedlot financial assurance requirements compliance schedule.

Allows the PCA to phase in the new financial assurance requirements for feedlots during the next National Pollutant Discharge Elimination System (NPDES) general permit with certain conditions.

93 Manure storage area reports required.

Requires the PCA to develop a list of potentially abandoned manure storage areas for each county by December 15, 2022. Requires each delegated county to report a list of abandoned manure storage areas to the PCA by January 15, 2024. Requires the PCA to compile a list of abandoned manure storage areas for counties without a delegation agreement by January 15, 2024. Requires the PCA to submit a compilation report and recommendations to the legislature by February 15, 2024. Specifies that

Section Description – Article 2: Statutory Changes

- these county lists and reports are not feedlot inventories for purposes of current law requirements.
- 94 **Petroleum tank release cleanup; report to legislature.**
Requires the PCA to undertake activities to improve the performance of the agency’s petroleum tank release cleanup program by addressing recommendations made by the Office of the Legislative Auditor in its report on the program issued in February 2021 and submit a report to the legislature on the results and any recommendations.
- 95 **Carpet stewardship program; report.**
Requires the commissioner of the PCA to develop a plan for a carpet stewardship program designed to collect and recycle used carpet, and to convene a task force to assist with its development.
- 96 **Repealer.**
Paragraph (a) repeals statutory provisions establishing turtle seller licensing requirements (section 97C.605, subdivisions 2, 2a, 2b, and 5) and the associated rules, and rules regulating the use of traps and other equipment to take turtles (Minn. Rules part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8).

Paragraph (b) repeals provisions prohibiting lead in cadmium in certain products being replaced with new prohibitions in the bill.

Paragraph (c) repeals sections 86B.101 (existing watercraft safety program), 86B.305 (existing youth operator provisions), and 86B.313, subds. 2 and 3 (youth personal watercraft provisions).

Article 3: Farmed Cervidae

This article modifies a number of provisions regarding the regulation of farmed cervids (deer, elk, moose, etc.).

Section Description – Article 3: Farmed Cervidae

- 1 **Animal premises data.**
Requires the Board of Animal Health (BAH) to provide the public access to data that identifies the location of registered cervid farms.
- 2 **Running at large prohibited.**
Requires the owner of farmed cervids to immediately notify the DNR of an escape if the animal is not returned/captured within 24 hours. Allows a licensed deer hunter

Section Description – Article 3: Farmed Cervidae

to kill and possess an escaped farmed cervid during the appropriate deer hunting season without liability to the owner for the loss of the animal. Requires the owner to pay for CWD testing of an escaped farmed cervid that is killed by a licensed hunter or the DNR.

Establishes that the owner of an escaped and destroyed farmed cervid that tests positive for chronic wasting disease (CWD) is responsible for properly disposing of the animal. Provides that the owner is liable for any additional costs associated with the escape of an animal infected with CWD, including additional surveillance and capture costs. Authorizes the Office of the Attorney General to enforce this requirement on behalf of a state agency.

Effective date: This section would take effect on September 1, 2022.

3 Fencing.

Requires perimeter fencing for farmed cervids to be constructed and maintained to prevent physical contact between farmed and wild cervids beginning September 1, 2023. Beginning that same date, this section requires cervid farmers to repair fence deficiencies within 14 days. Under current law, that farmer has up to 45 days to repair the deficiency.

4 Fencing; commercial herds.

Requires commercial white-tailed deer farmers to confine the animals with two or more perimeter fences of at least 120 inches in height beginning September 1, 2023.

5 Identification.

Requires white-tailed deer farmers, beginning September 1, 2023, to identify fawns within 14 days of birth using ear tags that conform to one of two specified animal identification systems.

6 Mandatory registration.

Generally prohibits BAH from approving new registrations for the possession of farmed white-tailed deer. Specifies that an existing registration may be sold or transferred once, but only to a family member who resides in the state, and BAH may approve the sale or transfer only if the person pays a \$500 transfer fee and BAH verifies that the herd is free from CWD.

Effective date: This section would take effect the day following final enactment.

Section Description – Article 3: Farmed Cervidae

7 Mandatory surveillance for CWD; depopulation.

Prohibits the intentional movement of farmed white-tailed deer from any premises. Requires CWD testing for all farmed cervids that die after six months of age—under current law this requirement applies to animals at least 12 months old.

Requires the owner of a premises where CWD has been detected to allow and cooperate with inspections as determined by BAH and the DNR conservation officers and wildlife managers. Requires depopulation of an infected herd within 30 days—under current law depopulation must occur within a reasonable time determined by BAH in consultation with the DNR.

Requires landowners to maintain fencing for ten years on premises where CWD has been detected (current law requires the fencing for five years) and prohibits raising farmed Cervidae on the premises for at least ten years.

Requires the landowner, prior to any sale or transfer of the premises, to use a BAH-approved method to test the soil for CWD and report the results to BAH. Requires the landowner to record a notice in the county's real estate records that includes specified information such as the legal description of the premises, the date of CWD detection, and the requirements incumbent upon an owner of the land under this subdivision.

8 Importation.

Prohibits the importation of live cervids and cervid semen from a herd that is infected with or exposed to CWD, as well as from a state or province where CWD is present in wild or farmed cervids. Prohibits the importation of live cervids and cervid semen from a herd that has not been subject to a state or provincial CWD monitoring program for at least three years. Authorizes the DNR to seize cervid semen that is in violation of this section.

9 White-tailed deer testing required; CWD.

Requires registered owners of farmed white-tailed deer to have each animal tested for CWD using the RT-QuIC live-animal test prior to October 1, 2022, and report the results to BAH. If a farmed white-tailed deer tests positive, the owner must have the animal tested again. Should the animal test positive a second time, the owner must have the white-tailed deer destroyed and tested using a BAH-approved postmortem test. If the postmortem test is positive, the owner must depopulate all farmed cervids on the premises after the federal indemnification process, if any, is complete.

10 Transfer of duties; farmed Cervidae.

Transfers oversight of cervid farms from BAH to the DNR effective July 1, 2024. This transfer would follow a standard statutory process whereby existing farmed cervid statutes and rules would remain in effect after the transfer, but BAH personnel would

Section Description – Article 3: Farmed Cervidae

not transfer to the DNR. Requires the DNR to contract with BAH for required veterinary services.

11 Revisor instruction.

Requires the Revisor of Statutes to modify Minnesota Statutes and Minnesota Rules to conform to the transfer of duties in section 10.

Article 4: Pollution Control; PFAS

This article contains a number of provisions pertaining to the regulation of perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Section Description – Article 4: Pollution Control; PFAS

1 PFAS in carpets and textiles.

Bans the manufacture, distribution, and sale of certain carpets, textiles, and related products that contain PFAS beginning January 1, 2025.

Subd. 1. Definitions. Defines “carpet or rug,” “fabric treatment,” “upholstered furniture,” “textile,” “textile furnishings,” and “PFAS” for purposes of the ban.

Subd. 2. Prohibition. Prohibits the manufacture, sale, or distribution of carpets, rugs, fabric treatments, upholstered furniture and textile furnishings that contain PFAS. Exempts the sale of used products from the ban.

Subd. 3. Enforcement. Allows the PCA to enforce the ban using existing authorities and allows coordination with the commissioners of commerce and health in enforcing the section. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

2 PFAS in cookware.

Bans the manufacture, distribution, and sale of cookware that contain PFAS beginning January 1, 2025.

Subd. 1. Definitions. Defines cookware and PFAS for purposes of the ban.

Subd. 2. Prohibition. Prohibits the manufacture, sale, or distribution of cookware that contains PFAS. Exempts the sale or resale of used products from the prohibition.

Subd. 3. Enforcement. Allows the PCA to enforce the ban using existing authorities and requires coordination with the commissioners of commerce and

Section Description – Article 4: Pollution Control; PFAS

health. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

3 PFAS in cosmetics.

Bans the manufacture, distribution, and sale of cosmetics that contain PFAS beginning January 1, 2025.

Subd. 1. Definitions. Defines cosmetic product and PFAS for purposes of the ban.

Subd. 2. Prohibition. Prohibits the manufacture, sale, or distribution of a cosmetic product that contains PFAS.

Subd. 3. Enforcement. Allows the PCA to enforce the ban using existing authorities and requires coordination with the commissioners of commerce and health. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

4 PFAS in juvenile products.

Bans the manufacture, distribution, and sale of juvenile products (products designed or marketed for use by infants and children under 12) that contain PFAS beginning January 1, 2025.

Subd. 1. Definitions. Defines “adult mattress,” “juvenile product,” “medical device,” and “PFAS” for purposes of the ban. “Juvenile products” are defined as products designed or marketed for use by infants and children under 12 and include items like bassinets, foam pillows, infant carriers, playpens, and crib/toddler mattresses. Certain items such as electronic products (phones, computers, etc.), medical devices, and adult mattresses are excluded from the definition.

Subd. 2. Prohibition. Prohibits the manufacture, sale, or distribution of a juvenile product that contains PFAS. Exempts the sale of used products from the ban.

Subd. 3. Enforcement. Allows the PCA to enforce the ban using existing authorities and allows coordination with the commissioners of commerce and health in enforcing the section. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

5 PFAS in ski wax.

Bans the manufacture, distribution, and sale of ski wax that contains PFAS beginning January 1, 2025.

Subd. 1. Definitions. Defines ski wax and PFAS for purposes of the ban.

Section Description – Article 4: Pollution Control; PFAS

Subd. 2. Prohibition. Prohibits the manufacture, sale, or distribution of ski wax or related tuning products that contain PFAS. Exempts the sale or resale of used products from the prohibition.

Subd. 3. Enforcement. Allows the PCA to enforce the ban using existing authorities and requires coordination with the commissioners of commerce and health. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

6 Disclosure of PFAS in products.

Requires manufacturers of products containing intentionally added PFAS to submit a notice of that fact to the PCA beginning January 1, 2025.

Subd. 1. Definitions. Defines “manufacturer,” “product,” and other terms.

Subd. 2. Notice required. Requires a manufacturer of a product containing intentionally added PFAS to provide notice to the commissioner of the amount of each PFAS, its function in the product, and other information.

Subd. 3. Commissioner’s authority. Authorizes the commissioner to waive part or all of the notice requirement in subdivision 2, and to extend a submission deadline.

Subd. 4. Rulemaking. Requires the commissioner to adopt rules to implement this section, and provides guidelines for the content of the rules.

7 Standards for labeling bags, food or beverage products, and packaging.

Subd. 1. “Biodegradable” label. Prohibits sale of a product labeled “biodegradable” unless a technical specification for the term has been developed by the American Society for Testing and Materials (ASTM) and approved by the legislature.

Subd. 2. “Compostable” label. Prohibits sale of a product labeled “compostable” that does not meet the existing ASTM standard.

Subd. 2a. Certification. Requires, beginning in 2024, that a covered product labeled as compostable be certified by a nonprofit third party as meeting the ASTM standard.

Subd. 3. Enforcement; civil penalty; injunctive relief. Provides that this section may be enforced under sections 115.071 and 116.072.

Subd. 4. Definitions. Technical.

Section Description – Article 4: Pollution Control; PFAS

8 Definitions.

Modifies the definitions for “class B firefighting foam” and “PFAS chemicals” used in existing law regulating the discharge of certain firefighting foams and for purposes of a new ban on the manufacture, distribution, sale, and use of class B firefighting foam containing PFAS chemicals.

9 Prohibition.

Prohibits the manufacture, sale, distribution, or use of class B firefighting foam containing PFAS. States that the restriction does not apply when the inclusion of PFAS is required by federal law. If federal requirements to include PFAS are revoked after January 1, 2023, the prohibition applies to those foams one year following the day of the revocation.

States that this section is effective January 1, 2023.

10 PFAS water quality standards.

Requires the PCA to adopt water quality standards for two PFAS (perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA)) by July 1, 2025.

11 Health risk limit; PFOS.

Requires the PCA to amend the health risk limit for PFOS to below 0.015 parts per billion by July 1, 2024.

Article 5: State Lands

This article contains a number of provisions that pertain to the administration of state lands.

Section Description – Article 5: State Lands

1 Conveying interests in lands to state, federal, and Tribal governments.

Allows the DNR to waive/assume certain fees and costs associated with issuing an easement on state lands if the commissioner determines that issuing the easement will benefit the state’s land management interests.

2 Road easements across state lands.

Allows the DNR to waive/assume certain fees and costs associated with issuing a road easement on state lands if the commissioner determines that issuing the easement will benefit the state’s land management interests.

Section Description – Article 5: State Lands

- 3 Conveyance of unneeded state easements.**
Allows the DNR to waive certain fees and costs associated with releasing a state easement if the commissioner determines that releasing the easement will benefit the state’s land management interests.
- 4 Leasing tax-forfeited and state lands.**
Allows the DNR to enter into a 30-year lease of DNR administered land for facilities.
- 5 Timber sales; land leases and uses.**
Allows a county auditor to lease tax-forfeited land for the purposes of investigating, analyzing and developing conservation easements the provide ecosystem services.
- 6 Conservation easements.**
Allows a county auditor, with prior review and consultation with the DNR, to convey conservation easements on tax-forfeited land.
- 7 Addition to state park.**
Adds land to the statutory boundary of Myre-Big Island State Park.
- 8 Deletion from state forest.**
Removes land from the statutory boundary of Cloquet Valley State Forest.
- 9 Addition to state forest.**
Adds land to the statutory boundary of Riverlands State Forest.
- 10 Private sale of tax-forfeited land; Beltrami County.**
Allows Beltrami County to sell by private sale certain tax-forfeited land.
- 11 Public sale of surplus state land bordering public water; Cass County.**
Allows the DNR to sell surplus state land bordering Agate Lake in Cass County.
- 12 Public sale of surplus state land bordering public water; Filmore County.**
Allows the DNR to sell surplus state land bordering the Root River and Watson Creek in Filmore County.
- 13 Conveyance of tax-forfeited land bordering public water; Goodhue County.**
Allows Goodhue County to convey certain tax-forfeited land bordering public water to the city of Wanamingo.

Section Description – Article 5: State Lands

- 14 **Private sale of surplus land bordering public water; Hennepin County.**
Allows the DNR to sell surplus state land bordering Long Lake in Hennepin County to a local government unit for less than market value.
- 15 **Public sale of surplus state land bordering public water; Itasca County.**
Allows the DNR to sell surplus state land bordering Trout Lake in Itasca County.
- 16 **Private sale of surplus state land; Pine County.**
Allows the DNR to sell surplus state land in Pine County by private sale.
- 17 **Land exchange; St. Louis County.**
Allows St. Louis County to exchange certain lands with the approval of the Land Exchange Board.
- 18 **Land acquisition trust fund; St. Louis County.**
Allows St. Louis County to deposit proceeds from the sale of tax-forfeited land into a tax-forfeited land acquisition trust fund to be spent on the purchase of lands better suited for retention and management by St. Louis County. Establishes certain requirements for the lands.
- 19 **Private sale of tax-forfeited lands; St. Louis County.**
Allows St. Louis County to sell by private sale certain tax-forfeited lands.
- 20 **Private sale of surplus state land bordering public water; Sherburne County.**
Allows the DNR to sell surplus state land in Sherburne County bordering public water by private sale.
- 21 **Authorization of adjutant general to exchange surplus property with the city of Rosemount.**
Allows the adjutant general of the Minnesota National Guard to exchange certain surplus state land for land within the city of Rosemount with the approval of the Land Exchange Board.
- 22 **Repealer.**
Repeals the sunset of a provision pertaining to the sale of leased tax-forfeited lakeshore lots in St. Louis County.



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