

Subject Environment and Natural Resources

Authors Hansen, R.

Analyst Janelle Taylor
Bob Eleff (Articles 2 and 5)

Date April 23, 2024

Overview

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

Article 1: Environment and Natural Resources Appropriations

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

Section Description - Article 1: Environment and Natural Resources Appropriations

- 1 **Pollution Control Agency; appropriations.**
Appropriates \$13,870,000 in fiscal year 2025 to the PCA for various purposes.
- 2 **Department of Natural Resources; appropriations and transfers.**
Appropriates \$4,100,000 in fiscal year 2024 and \$12,554,000 in fiscal year 2025 to the DNR for various purposes.
- 3 **Board of Water and Soil Resources; appropriations.**
Appropriates \$1,623,000 in fiscal year 2025 to BWSR for various purposes.
- 4 **Metropolitan Council; appropriations.**
Appropriates \$11,800,000 in fiscal year 2025 to the Metropolitan Council for various purposes.
- 5 **Zoological Board; appropriations.**
Appropriates \$150,000 in fiscal year 2025 to the Minnesota Zoo to plant trees at the zoo.

Section Description - Article 1: Environment and Natural Resources Appropriations

- 6 **Appropriation extensions.**
Extends the availability of four previous appropriations.

- 7 **Get Out MORE (Modernizing Outdoor Recreation Experiences).**
Modifies a previous appropriation for modernizing state fish hatcheries and fishing infrastructure to provide up to \$366,000 for installing continuous water-quality monitoring devices.

Article 2: Pollution Control

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

Section Description - Article 2: Pollution Control

- 1 **Budget reserve level.**
Technical related to the next section.

- 2 **Additional revenues; priority.**
Provides for the repayment of any money taken from the closed landfill investment fund (CLIF) or metropolitan landfill contingency action trust account (MLCAT) for purposes other than those authorized by statute. The repayment would come from the general fund when there is a forecasted positive general fund balance.

- 3 **Generally.**
Authorizes the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement, if they exceed \$25,000. Establishes an account in the environmental fund for the reimbursements and appropriates money from the account to the commissioner. Adds the task of encouraging practices that enable the recovery of waste heat from wastewater treatment operations to the list of the PCA commissioner's duties.

- 4 **Remedies available.**
Authorizes the PCA to use action to cease performance as an enforcement tool.

Section Description - Article 2: Pollution Control

- 5 **Civil penalties.**
Increases maximum penalty amounts for violations of environmental laws under chapters 115, 114C, and 116, including increases for repeat violations. Allows any person to bring a civil action to recover damages in the name of the state.
- 6 **Injunctions.**
Specifies the scope of injunctive relief and allows any person injured by a violation of chapter 115, 114C, or 116 to seek an injunction in the name of the state.
- 7 **Stipulation agreements.**
Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.
- 8 **Compliance when required permit not obtained.**
Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility and states that the facility is subject to liabilities and penalties for failing to operate in compliance with a permit not obtained.
- 9 **Legislative declaration of policy; purposes.**
Establishes a hierarchy of preferred management methods for surplus food and food waste.
- 10 **Finished sewage sludge product.**
Provides a definition of “finished sewage sludge product” for purposes of chapter 115A.
- 11 **Boat wrap product stewardship program.**
 Subd. 1. Definitions. Defines terms.

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

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

 Subd. 4. Stewardship plan required. By March 1, 2025, and before first offering boat wrap for sale in this state, a producer must submit evidence to the PCA that the producer is an active participant in a product stewardship plan approved by the PCA.

Section Description - Article 2: Pollution Control

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

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

Subd. 7. Agency review and approval. Requires the PCA to review or reject a plan within 90 days of receipt. If rejected, a revised plan must be submitted within 60 days. Plans must be updated every five years.

Subd. 8. Plan availability. The PCA must post a draft stewardship plan on the agency website at least 30 days prior to its decision regarding acceptance of the plan. Approved plans must also be posted.

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

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

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

Subd. 12. Agency responsibilities. Requires the PCA to maintain a list of compliant producers on the agency's website, and to establish annual performance goals under the plan regarding the amount of boat wrap to be collected and recycled. By the end of program year five, at least 50 percent of boat wrap sold in this state must be recycled, and by the end of program year ten, no less than 80 percent must be recycled.

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

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

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

Section Description - Article 2: Pollution Control

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

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

Provides an immediate effective date.

12 **Waste composition; information required.**

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

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

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

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

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

13 **Packaging practices; preferences; goals.**

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

14 **Closed landfill investment fund.**

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

Section Description - Article 2: Pollution Control

- 15 **Orders; investigations.**
Allows the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement, if they exceed \$25,000. Appropriates the reimbursement costs to the agency.
- 16 **Stipulation agreements.**
Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.
- 17 **Compliance when required permit not obtained.**
Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility and states that the facility is subject to liabilities and penalties for failing to operate in compliance with a permit not obtained.
- 18 **Air pollution facilities; prioritization; compliance protocols.**
Directs the agency to compile a list of the 30 air pollution facilities whose toxics emissions pose the greatest risk to the environment and public health, and to develop compliance protocols for those facilities that provide for more frequent physical measurement of emissions using a variety of methods. Requires direct measurements of emissions within 12 months of exceedance of an emission limit in the facility's permit, and after significant alteration, repair, or replacement of a facility's emissions control equipment.
- 19 **Amount of penalty; considerations.**
Increases from \$20,000 to \$25,000 the maximum amount the agency may impose administratively for noncompliance with any law, rule, or permit condition.
- 20 **Penalty.**
Prohibits the use of forgivable administrative penalties for repeated or serious environmental violations. Requires higher penalty amounts for violations occurring within 36 months of a previous violation.
- 21 **Emergency powers.**
Authorizes the PCA, when there is evidence of certain behaviors such as records falsification and chronic permit violations, to investigate and exercise powers that include revoking a permit, requiring financial assurances, and other measures.
- 22 **State salt purchase report and reduction goal.**
Requires the PCA to compile an annual report on the state's purchase of deicing salt beginning February 1, 2025, and establishes a state goal to reduce the purchase of

Section Description - Article 2: Pollution Control

- deicing salt by 25 percent by January 1, 2030. Deicing salt is defined to exclude salt used for roads managed by the Department of Transportation.
- 23 **State nitrogen fertilizer purchase report and reduction goal.**
Establishes a goal that by January 1, 2030, state agencies will reduce their purchase of nitrogen fertilizer by 25 percent. Each year, PCA would report to the legislature the amount of nitrogen fertilizer purchased by state agencies and strategies for achieving this nitrogen fertilizer reduction goal.
- 24 **Ban; mercury-containing general purpose lighting.**
Bans the sale of several types of compact fluorescent lamps in Minnesota by January 1, 2025 (screw- or bayonet-base type), or by January 1, 2026 (pin-base type or a linear fluorescent lamp). Exemptions are made for lamps used for image capture and projection; photocopying, printing, and lithography; film and video projecting; and others.
- 25 **Lawn and snow removal equipment electrification rebate program.**
Requires the PCA to establish a rebate program similar to an existing rebate program for electric-assisted bicycles to provide rebates to residents in the seven-county metropolitan area on the purchase of lawn and snow removal equipment. Priority for rebates must be given to those who reside in environmental justice areas. The program would sunset June 30, 2027.
- 26 **State responsibilities.**
Adds encouraging practices that enable the recovery and reuse of waste heat and water and recycling water and energy to the list of responsibilities of the state.
- 27 **Local notification.**
Requires the PCA to provide written notification to counties with facilities eligible for funding from MLCAT if money is spent or transferred or spent for purposes other than the statutory purposes of the account.
- 28 **Sewage sludge for land application analyzed for PFAS.**
Requires the PCA to develop a strategy to require sewage sludge prepared for application to land in Minnesota to be analyzed for the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS) by December 31, 2024, and begin implementing this strategy in water discharge permits.
- 29 **Critical materials recovery advisory task force.**
Requires the commissioner of the PCA to appoint a Critical Materials Recovery Advisory Task Force no later than October 1, 2024, consisting of 13 members from state government, labor, energy advocacy and environmental justice organizations,

Section Description - Article 2: Pollution Control

Tribal governments, and industry. The task force is charged with advising the commissioner with respect to policies designed to increase the amount of critical materials, as defined by the U.S. Secretary of Energy, recovered from end-of-life products. The task force is to be co-facilitated by the commissioner and a task force member who is an expert in industrial metallurgy. The task force must submit a report containing its findings and recommendations to the legislature no later than December 31, 2025.

30 Minnesota Pollution Control Agency; PFAS removal report.

Requires the PCA to submit a report to the legislature by January 15, 2025, that provides recommendations for strategies to require manufacturers using PFAS in their products or as part of the manufacturing process to pay the costs of purchasing and installing infrastructure designed to remove PFAS from influent waters at municipal wastewater facilities.

31 Postclosure care solid waste disposal facilities; rulemaking.

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

32 Mandatory environmental impact statement for large livestock projects; rulemaking.

Requires the Environmental Quality Board (EQB) to amend its environmental review rules to require that construction of an animal feedlot facility with a capacity of 10,000 or more animal units or the expansion of an existing facility to a total cumulative capacity of 10,000 or more animal units requires preparation of an environmental impact statement (EIS). Allows the board to use the good-cause exemption from rulemaking to amend the rules.

33 Repealer.

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

Article 3: Natural Resources

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

Section Description - Article 3: Natural Resources

- 1 Forest industry data.**
Adds a cross reference in the Data Practices Act to new forest industry data classification provisions established later on in the bill.
- 2 Forest trust lands.**
Requires the DNR to submit information necessary to certify forestry costs on state forest trust fund lands to the commissioner of management and budget by June 30 each year or after presentation to the Legislative Permanent School Fund Commission, whichever is sooner.
- 3 Property disposal; gift acknowledgement; advertising sales.**
Allows the DNR to request that the commissioner of administration donate or convey bison to a government unit or nonprofit in or outside of the state or sell the bison. States that the recipient of the bison is solely responsible for all future expenses related to the bison.
- 4 Data on forest industry.**
Classifies as private/nonpublic certain specified types of data that the DNR collects from forest industry businesses through voluntary surveys or questionnaires. Other data collected through the surveys or questionnaires remains public.
- 5 Prohibition.**
Modifies a provision prohibiting taking, importing, transporting, or selling endangered species to also include threatened species and adds the release of such species to the list of prohibited acts.
- 6 Community tree planting grants.**
Requires the DNR to establish a community tree planting grant program to provide grants to cities, counties, townships, Tribal governments, and park and recreation boards in cities of the first class for purposes of: removing and planting shade trees; replacing trees lost to pests, disease, or storms; or establishing more diverse community forests. Requires trees planted under the program to be climate-adapted species to Minnesota. Requires priority to be given to projects removing and replacing ash trees posing a significant public safety concern and to projects located in areas meeting certain criteria. Prohibits the DNR from prioritizing projects based on other criteria.
- 7 Designated trails.**
Prohibits a person from using an OHV on state lands administered by the DNR except on roads and trails specifically designated and posted for their use by the DNR by removing reference to certain exemptions currently in law and rule which are being

Section Description - Article 3: Natural Resources

removed/modified under this bill. Allows the DNR to limit the use of OHVs to specific purposes or seasons and include those limitations in the designation and posting.

The provision would become effective August 1, 2026.

8 **Mapped trails.**

Removes exemptions for land north of U.S. Highway 2 from restrictions on operating an OHV on state land that is not mapped for the type of OHV. Also removes a provision stating that forest access routes will not be signed or maintained and will not be included on public user maps of the forest.

The provision would become effective August 1, 2026.

9 **Exception by permit.**

Recodifies a provision allowing the DNR to issue a permit authorizing a person to operate an OHV on individual public trails (the existing provision is being repealed in the bill).

10 **Muffler requirements; penalties.**

Requires after-market mufflers installed on a snowmobile to have a permanent stamp, clearly visible on the muffler certified by the manufacturer stating that the muffler conforms to snowmobile muffler noise limits specified in DNR rules. Establishes a misdemeanor penalty for those who operate snowmobiles in violation of muffler and other noise related requirements and establishes minimum penalty amounts. Allows a civil citation to be issued for violations and establishes civil penalty amounts.

11 **Pledges and contributions.**

Removes provisions governing the appropriation and expenditure of critical habitat plate revenues which are being replaced with new provisions in the next section.

12 **Expenditures.**

Appropriates money from the critical habitat private sector matching account to the Department of Natural Resources (DNR) and requires revenues from critical habitat plates to be used for different purposes depending on the design of the plate as follows, revenues from plates depicting:

- big game, turkey, pheasants, or other designs not listed are dedicated to acquisition, restoration, and enhancement of critical habitat lands (this is similar to the purpose under current law with additional authority allowing money to be used to inventory and monitor the lands acquired);

Section Description - Article 3: Natural Resources

- a loon, chickadee, or lady slipper are dedicated for nongame wildlife purposes;
- anglers or fish are dedicated for aquatic management purposes; and
- bees or other pollinators are transferred to the Board of Water and Soil Resources (BSWR) for the lawns to legumes program.

Specifies that private contributions and other revenues must be used for acquisition, restoration, and enhancement of critical habitat lands, unless the donor specifies otherwise.

13 Corn planting on state lands.

Prohibits a person from planting corn on lands administered by the DNR for commercial purposes beginning January 1, 2026.

14 Minnesota releaf program.

Adds the encouragement, promotion, and funding of the utilization of trees and forest resources to the list of purposes of the Minnesota releaf program. Requires priority for grants awarded under the program to be given to projects located in areas meeting certain criteria.

15 Production at state nurseries.

Removes a provision that prohibited the DNR from producing more than 10,000,000 units of planting stock annually.

16 Private lands.

Removes a provision that limited the DNR to supplying only bare root seedlings for use on private land.

17 Expiration.

Extends the sunset of the Mineral Coordinating Committee by five years (from June 30, 2026, to June 30, 2031).

18 Taxidermist.

Defines “taxidermist” for purposes of the game and fish laws.

19 Liability for restitution.

Makes a person liable for the value of a wild animal if they are found in violation of Minnesota Statutes, section 343.21 (animal cruelty laws).

Section Description - Article 3: Natural Resources

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

Section Description - Article 3: Natural Resources

- 29 **Placing traps or snares on private land; permission required.**
Requires someone who is setting or placing a snare or trap on private property to get written or verbal permission from the owner, occupant, or lessee of the property first. Private property is defined as land occupied by an owner or tenant or private land that is ten acres or less and borders land on at least two sides. The provision would not apply to private property that is more than 40 acres and used primarily for timber production or located north of U.S. Highway 2, or to state, federal, or local governments removing animals causing damage or otherwise being a nuisance.
- 30 **Requirements.**
Expands the apprentice hunter validation to include trappers.
- 31 **Apprentice-hunter/trapper validation; fee.**
Conforming changes to accommodate the expansion of the apprentice hunter validation to include trappers.
- 32 **Clothing and ground blind requirements; blaze orange or blaze pink.**
Clarifies that requirements that ground blinds on public land have visible blaze orange apply to blinds used by deer hunters.
- 33 **Plan for elk management.**
Removes a provision prohibiting the DNR from managing elk herds in certain areas in a manner that would increase their size unless the commissioner of agriculture verifies that crop and fence damages attributed to the herd have not increased for at least two years. Also eliminates the requirement that the DNR and Department of Agriculture (MDA) present evidence that the damage has not increased and detail practices to reduce elk conflicts at a public meeting prior to implementing a plan to increase an elk herd.
- 34 **Public notice and comment.**
Allows public meetings regarding experimental waters designations to be held virtually and requires an opportunity for public comments to be submitted. Modifies public notice and timeline requirements. Requires that a public meeting also be held in the seven-county metropolitan area when the public water meets certain size thresholds if there is not a virtual meeting.
- 35 **Public notice and comment.**
Allows public meetings regarding special management waters designations to be held virtually. Modifies public notice and timeline requirements. Requires that a public meeting also be held in the seven-county metropolitan area when the public water meets certain size thresholds if there is not a virtual meeting.

Section Description - Article 3: Natural Resources

- 36 **Water quality monitoring at state fish hatcheries.**
Require the DNR to test the source water at certain state fish hatcheries and annually report to the legislature the results.
- 37 **Open seasons for angling.**
Makes all trout angling seasons the same. Modifies a provision establishing a continuous season to take fish to clarify that it applies to channel catfish and to accommodate a new definition of native rough fish.
- 38 **Sturgeon and paddlefish.**
Allows the DNR to permit the taking of lake sturgeon, shovelnose sturgeon, and paddlefish statewide; currently this is only allowed in state boundary waters and tributaries of the St. Croix River.
- 39 **Adoption.**
Clarifies that the DNR's authority to adopt model standards and criteria for shoreland areas is ongoing and not subject to certain time limit restrictions established under Minnesota Statutes, section 14.125.
- 40 **Public waters.**
Modifies the definition of "public waters" for purposes of Minnesota Statutes, chapter 103G (Waters of the State) to state that their inclusion or exclusion on the public waters inventory prepared by the DNR is not how public waters are exclusively defined.
- 41 **Permit application and notification fees.**
Establishes a separate application fee of \$100 for appropriating water under a general permit. NOTE: The new fee is intended to correct an unintended fee increase made in 2023.
- 42 **Rules.**
Clarifies that the DNR's authority to adopt rules for issuing and denying water-use permits and public waters work permits is ongoing and not subject to certain time limit restrictions established under Minnesota Statutes, section 14.125.
- 43 **Corn plot transition.**
Requires the DNR to transition existing corn plots to native. Allows the DNR to quantify carbon sequestration achieved.
- 44 **Report on recreational use of school trust lands.**
Requires the school trust lands director to study the recreational use of the state's school trust lands to determine the amount of money to be allocated to the

Section Description - Article 3: Natural Resources

- permanent school fund from fees paid to the state for outdoor recreation purposes. Requires the DNR to assist the director and allows the director to contract for additional survey data. Specifies the contents of the study and requires the director to submit a report with the findings to the legislature by January 15, 2026.
- 45 **Conforming changes to rule; OHV use and forest classifications.**
Requires the DNR to amend rules to require that the use of OHV vehicles is prohibited on DNR administered lands provided under Minnesota Statutes, section 84.777 (which is amended in this bill).
- 46 **State park license plate design contest.**
Requires the DNR to hold a license plate design contest to design a new state park license plate.
- 47 **Rusty patched bumble bee endangered species designation; rulemaking.**
Requires the DNR to amend rules to designate the rusty patched bumble bee as a state endangered species. Allows the DNR to use the good cause exemption from rulemaking to do so.
- 48 **Repealer.**
Paragraph (a) repeals Minnesota Statutes, section 84.926, subdivision 1 (allowing the DNR to issue case-by-case permits to operate an ATV on individual public trails which is being recodified in the bill).

Paragraph (b) repeals Minnesota Laws 2003, chapter 128, article 1, section 167, subdivision 1 (requiring DNR to review and classify forest lands with certain restrictions applicable to forests north of U.S. Highway 2).

Paragraph (c) repeals Minnesota Rules, part 6100.0500, subpart 8d (definition of scramble area).

Paragraph (d) repeals Minnesota Statutes, section 84.033, subdivision 3 (requirement to get county approval for scientific and natural area acquisitions) and section 97B.802 (special Canada good season).

Paragraphs (a), (b), and (c) are effective August 1, 2026.

Article 4: Board of Water and Soil Resources

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

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

1 Authority to issue penalty.

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

2 Authority to issue penalty orders; counties and watershed districts.

Increases the maximum APO amount that a county or watershed district may impose for violations of riparian buffer requirements from \$500 to \$10,000 and makes conforming changes.

3 Lawns to legumes program.

States that data on individuals who apply for assistance under the lawns to legumes program are classified as private under the Minnesota Government Data Practices Act.

4 Grant requirements.

Requires a soil health grant applicant receiving money to purchase soil health equipment to commit to: (1) becoming certified under the Agricultural Water Quality Certification Program; (2) not lease or rent the equipment for economic gain; and (3) when selling, selling it for no more than the farmer's documented share of the total price.

5 Corrective actions.

Allows BWSR to use its general APO authority for purposes of enforcing riparian buffer requirements.

6 Drain tile seller's disclosure required.

Requires a person selling agricultural land with subsurface drain tile to disclose the status and location of the tile to potential buyers of the land. If a seller does not know whether subsurface drain tile exists on the property, the seller would certify this fact to potential buyers.

After January 1, 2026, county recorders and registrars would be prohibited from recording a deed or other instrument of conveyance unless it contains the required drain tile disclosure certificate. County recorders and registrars would collect from the buyer a \$50 drain tile disclosure fee, remitting \$42.50 and the disclosure certificate to BWSR. BWSR would retain each certificate for at least six years.

Failure to comply with this seller disclosure requirement would not invalidate a sale, but a buyer could commence legal action within six years of the sale to recover the

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

buyer's drain tile repair costs if the seller failed to disclose the existence or status of the tile and knew, or had reason to know, this information at the time of sale.

Provides an effective date of July 1, 2025.

7 Soil health appropriations; report.

Requires BWSR to submit a report to the legislature by January 15, 2026, on the expenditure of an appropriation for soil health activities provided last session.

Article 5: Packaging Waste and Reduction Act

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

Section Description - Article 5: Packaging Waste and Reduction Act

1 Short title.

States that this act may be known as the "Packaging Waste and Cost Reduction Act."

2 Definitions.

3 Establishment of program.

Requires producers to implement and finance a statewide program to reduce the environmental and health impacts of packaging through redesign, waste reduction, reuse, and composting.

4 Registration of producer responsibility organizations.

Requires producers to appoint a producer responsibility organization (PRO) by January 1, 2025, and specifies the content of a registration the organization must submit to the Pollution Control Agency (PCA). Requires the PCA to establish an annual registration fee for a PRO beginning in 2028, set at a level to meet PCA's anticipated costs to administer and enforce this act. Allows more than one PRO to operate in the state, one of which may represent a specific covered material (packaging/paper products) or material type.

5 Establishment of producer responsibility advisory board.

Establishes an advisory board charged with reviewing PRO programs and advising the PRO and the commissioner.

Section Description - Article 5: Packaging Waste and Reduction Act

- 6 **Commissioner responsibilities.**
States the PCA commissioner's duties under the act, including approving stewardship plans, completing a needs assessment, compiling a list of recyclable/compostable packaging and paper products, and posting relevant information on PCA's website.
- 7 **Producer responsibility advisory board responsibilities.**
Requires the board to meet by 3/1/25 and lists its responsibilities.
- 8 **Producer responsibility organization responsibilities.**
Lists the PRO's responsibilities, including submitting stewardship plans to the PCA for approval, collecting producer fees, implementing an approved plan and ensuring that producers are in compliance with it, and reimbursing collectors, transporters, and processors of packaging and paper products for activities conducted under the plan.
- 9 **Producer responsibilities.**
Lists responsibilities of producers, including joining a PRO and complying with the provisions of this act. Prohibits a producer from bringing packaging/paper products into the state after 1/1/32 unless they are reusable, on the commissioner's list of recyclables/compostables or exempt materials, or collected under an approved stewardship plan.
- 10 **Service provider responsibilities.**
Requires service providers (collectors, transporters and processors of packaging/paper products) to collect and manage packaging/paper products under contractual agreements with a PRO.
- 11 **Needs assessment.**
Requires the PCA to complete a needs assessment – including evaluating the state's solid waste management efforts for packaging/paper products; developing performance targets for recycling and other waste management practices; inventorying infrastructure, capacity, and funding sources for the existing waste system; and estimating costs to improve recycling, composting, and reuse – by 12/31/26 and every five years thereafter.
- 12 **Stewardship plan.**
Requires a stewardship plan to be submitted to the commissioner by 3/1/28 and every five years thereafter. Specifies the content of a plan, and the process for plan amendment and review by the commissioner. Requires performance targets set by the commissioner to be part of the plan and sets statewide quantitative targets for 2033 and 2038 with respect to recycling, reuse, use reduction, and the percentage of postconsumer content that packaging/paper products must contain. The plan must

Section Description - Article 5: Packaging Waste and Reduction Act

also contain a description of how performance will be measured. Authorizes the commissioner to establish additional statewide requirements after 2038.

13 Recyclable or compostable covered materials lists; exempt materials list.

Requires the commissioner to develop, by 3/1/27 and every three years thereafter, a list of packaging/paper products determined to be recyclable or compostable statewide and a list of materials collected through an alternative collection system. Specifies collection requirements for covered materials. Provides a process allowing the commissioner to classify certain packaging as exempt materials, an exemption that is valid for two years.

14 Producer fees.

Requires the PRO to collect annual fees from members that generate sufficient revenue to pay the PRO's annual registration fee to the PCA (see section 4) and the PRO's operating costs, to reimburse service providers, and to create a financial reserve. The fee must also incentivize designers to reduce the amount and toxicity of materials and increase the proportion of postconsumer material in packaging/paper products, reduce packaging content, and enhance recyclability.

15 Service provider agreements; reimbursement rates.

Requires the PRO to reimburse collectors, transporters, and processors for their services through a service agreement that establishes performance standards, labor standards and safety practices, and prohibits charging a fee for services provided. Reimbursement rates must be based on formulas that reflect costs. The PRO must use competitive bidding processes established in statute (Minn. Stat. § 16C.28) in procuring collections services and infrastructure investments. Specifies that this act does not require a local unit of government to operate under a stewardship plan. Prohibits a producer responsibility organization from competing or interfering with a local unit of government's authority to collect solid waste within its jurisdiction.

16 Reporting.

Requires the PRO to file an annual report to the commissioner summarizing activities conducted under the plan and whenever a performance target is not met. A performance audit of the program must be conducted every four years. The commissioner must submit reports to the governor and legislature on program activities beginning in 2034 and every five years thereafter.

17 Producer responsibility organization website.

Specifies information that must be posted to the PRO website.

Section Description - Article 5: Packaging Waste and Reduction Act

- 18 **Anticompetitive conduct.**
Exempts the PRO from state antitrust laws and unfair trade practices for necessary activities conducted under the plan.
- 19 **Rulemaking.**
Authorizes the commissioner to adopt rules to implement this act.
- 20 **Providing information.**
Requires any person to furnish information to the commissioner, if requested, to assist in implementing or determining compliance with this act.
- 21 **Deposit return system.**
Declares the legislature’s intent that any future bottle deposit return system enacted in Minnesota will be harmonized with this act, and that materials under that system are exempt from this act.
- 22 **Enforcement.**
Authorizes the commissioner to enforce this act, and authorizes penalties for violations of up to \$25,000 per day.
- 23 **Workplace conditions and equity study.**
Requires the commissioner to contract with a third party by 1/1/32 to study the state’s recycling, composting, and reuse facilities.
- 24 **Covered materials pollution and cleanup study.**
Requires the commissioner to contract with a third party by 1/1/32 to study the contributions of packaging/paper products to litter and water pollution in the state.

Article 6: Feral Swine and Fur Farms

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

Section Description - Article 6: Feral Swine and Fur Farms

1 **Restricted species and domestic hog control.**

Subd. 1. Definitions. Adds a definition of “domestic hogs,” expands the definition of “restricted species” to include additional pig species, and modifies the definition of “release” for purposes of restrictions on releasing domestic hogs and restricted species.

Subd. 2. Restricted species permit required. Removes reference to prohibitions on releasing restricted species (new restrictions are established in the next subdivision).

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

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

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

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

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

2 **Game farms.**

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

3 **Fur farms.**

Establishes separate fur farm licensing requirements similar to existing requirements with a few additions, including establishment of an unspecified licensing fee to be deposited in a new account and appropriated to the DNR for administration and

Section Description - Article 6: Feral Swine and Fur Farms

- enforcement of the fur farm licensing provisions, and requirements for the DNR to develop containment and disposal requirements as well as disease testing and reporting requirements for fur farms.
- 4 **Definition.**
Establishes a definition of “domestic hogs” and “release” and modifies the definition of “feral swine” for purposes of feral swine and domestic hog release prohibitions and penalties in the next section.
- 5 **Prohibited actions; penalty.**
States that a person violating prohibitions on possessing or releasing feral swine is liable for the actual costs incurred by the state and damages caused by the possession or release.
- 6 **Domestic hogs and feral swine response protocols.**
Requires the DNR, in cooperation with MDA and the BAH, to develop protocols for responding to the release of domestic hogs and feral swine.
- 7 **Outreach required.**
Requires the MDA, DNR, and BAH to jointly develop and jointly or separately promote and provide to the public outreach certain outreach materials for managing feral swine.
- 8 **Repealer.**
Repeals Minnesota Statutes, section 17.353 (voluntary fur farm registration through MDA).

Article 7: Miscellaneous

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

Section Description - Article 7: Miscellaneous

- 1 **Pesticide treated seed.**
Provides a definition of “pesticide treated seed” in chapter 18B (Pesticide Control).
- 2 **Nitrogen inhibitor.**
Provides a definition of “nitrogen inhibitor” for purposes of chapter 18C (Fertilizer, Soil Amendment, and Plant Amendment).

Section Description - Article 7: Miscellaneous

- 3 **Systemic pesticide.**
Provides a definition of “systemic pesticide” for purposes of the Minnesota Seed Law.
- 4 **Miscellaneous violations.**
Prohibits a person, beginning January 1, 2026, from advertising, selling, or offering for sale any vegetable seed, flower seed, wildflower seed, grass seed, shrub seed, tree seed, or other seed that is not advertised, sold, or offered for sale as agricultural seed, if the seed is treated with a neonicotinoid pesticide.
- 5 **Definitions.**
Provides a definition of “qualified clean hydrogen” and modifies the definition of “sustainable aviation fuel” for purposes of sustainable aviation fuel credits.
- 6 **Credit certificates.**
Requires a business applying for a tax credit for sustainable aviation fuel derived from biomass or gaseous carbon oxides derived from biomass to demonstrate that the biomass was grown on agricultural land that had previously been cropped or hayed for five or more of the previous ten years and was bound by contract to be processed into sustainable aviation fuel.
- 7 **Conflict of interest.**
Prohibits a member of the Legislative-Citizen Commission on Minnesota Resources (LCCMR) from voting on a motion to approve the purchase of certain land if the member has a conflict of interest, and reduces the number of votes needed for purposes of required affirmative vote requirements.
- 8 **Lands in public domain.**
Provides a cross-reference to the new LCCMR voting restrictions established in the previous section.
- 9 **Community tree planting grants.**
Requires the Metropolitan Council to establish a community tree planting grant program to provide grants for purposes of: removing and planting shade trees; replacing trees lost to pests, disease, or storms; or establishing more diverse community forests. Requires trees planted under the program to be climate-adapted species to Minnesota. Requires priority to be given to projects removing and replacing ash trees posing a significant public safety concern and to projects located in areas meeting certain criteria. Prohibits the Metropolitan Council from prioritizing projects based on other criteria.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn.gov/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155