

(m) The revenues deposited under paragraphs (a) to (l) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

Sec. 7. **SOIL HEALTH APPROPRIATIONS; REPORT.**

By January 15, 2026, the Board of Water and Soil Resources must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources on the expenditure of money appropriated for soil health activities under Laws 2023, chapter 60, article 1, section 4, paragraph (k).

ARTICLE 5

PACKAGING WASTE AND COST REDUCTION ACT

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

Sections 115A.144 to 115A.1463 may be cited as the "Packaging Waste and Cost Reduction Act."

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

Subdivision 1. **Scope.** For the purposes of sections 115A.144 to 115A.1463, the terms in this section have the meanings given.

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

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

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

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

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

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

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

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

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

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

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

Subd. 9. **Covered entity.** "Covered entity" means a person or location that receives covered services for covered materials in accordance with the requirements of this act, including:

(1) a single-family residence;

(2) a multifamily residence;

(3) a school as defined in sections 120A.22, subdivision 4, and 136A.62, subdivision 3, clauses (1) and (2); a nonpublic school as defined in section 123B.41, subdivision 9; postsecondary educational systems as defined in section 119B.011, subdivision 18; a provider as defined in section 119B.011, subdivision 19; and any other location where education or child care is provided;

(4) a nonprofit corporation with annual revenue of less than \$35,000,000; and

(5) a state agency, political subdivision, public area, public entity as defined in section 115A.151, or other governmental unit.

Subd. 10. **Covered material.** "Covered material" means packaging and paper products introduced. Covered material does not include exempt materials.

Subd. 11. **Covered materials type.** "Covered materials type" means a singular and specific type of covered material, such as paper, plastic, metal, or glass, that:

(1) can be categorized based on distinguishing chemical or physical properties, including properties that allow a covered materials type to be aggregated into a discrete commodity category for purposes of reuse, recycling, or composting; and

(2) is based on similar uses in the form of a product or package.

Subd. 12. **Covered services.** "Covered services" means collecting, transferring, transporting, sorting, processing, recovering, preparing, or otherwise managing for purposes of waste reduction, reuse, recycling, or composting. Covered services does not mean any management method according to section 115A.02, paragraph (b), clauses (4) to (6).

Subd. 13. **De minimis producer.** "De minimis producer" means a person that in their most recent fiscal year:

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

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

Subd. 14. **Drop-off collection site.** "Drop-off collection site" means a physical location where covered materials are accepted from the public and that is open a minimum of 12 hours weekly throughout the year.

Subd. 15. **Environmental impact.** "Environmental impact" means the impact of a covered material on human health and the environment from extraction and processing of the raw materials composing the

material through manufacturing; distribution; use; recovery for reuse, recycling, or composting; and final disposal.

Subd. 16. **Exempt materials.** "Exempt materials" means materials, or any portion of materials, that:

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

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

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

(4) are packaging for a product regulated as a drug or medical device by the United States Food and Drug Administration, including associated components and consumable medical equipment;

(5) are packaging for a medical equipment or product used in medical settings that is regulated by the United States Food and Drug Administration, including associated components and consumable medical equipment;

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

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

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

(9) are paper products used for a newspaper's print publications, including supplements or enclosures, that include content derived from primary sources related to news and current events;

(10) are paper products used for a magazine's print publication that has a circulation of less than 95,000 and that primarily includes content derived from primary sources related to news and current events;

(11) are packaging used to contain hazardous or flammable products regulated by the 2012 federal Occupational Safety and Health Administration Hazard Communication Standard, Code of Federal Regulations, title 29, section 1910.1200, that prevent the packaging from being waste reduced or made reusable, recyclable, or compostable, as determined by the commissioner;

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

(13) are exempt materials, as determined by the commissioner under section 115A.1453, subdivision 6; or

(14) are covered materials that:

(i) a producer distributes to another producer;

(ii) are subsequently used to contain a product, and the product is distributed to a commercial or business entity for the production of another product; and

(iii) are not introduced to a person other than the commercial or business entity that first received the product used for the production of another product.

Subd. 17. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

Subd. 18. **Independent auditor.** "Independent auditor" means an independent and actively licensed certified public accountant that is:

(1) retained by a producer responsibility organization;

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

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

Subd. 19. **Infrastructure investment.** "Infrastructure investment" means an investment by a producer responsibility organization that funds or reimburses a person for:

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

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

or

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

Subd. 20. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship a product within or into this state.

Subd. 21. **Living wage.** "Living wage" means the minimum hourly wage necessary to allow a person working 40 hours per week to afford basic needs.

Subd. 22. **Needs assessment.** "Needs assessment" means an assessment conducted according to section 115A.1450, subdivision 4. Except where the context requires otherwise, needs assessment means the most recently completed needs assessment.

Subd. 23. **Packaging.** "Packaging" has the meaning given in section 115A.03 and includes food packaging. Packaging does not include exempt materials.

Subd. 24. **Paper product.** "Paper product" means a product made primarily from wood pulp or other cellulosic fibers but does not include bound books or products that recycling or composting facilities will not accept because of the unsafe or unsanitary nature of the paper product. Paper product does not include exempt materials.

Subd. 25. **Postconsumer recycled content.** "Postconsumer recycled content" means the amount of postconsumer material used by a producer in the production of a covered materials type, divided by the total amount of that covered materials type used for products sold or distributed by the producer in that same calendar year.

Subd. 26. **Producer.** (a) "Producer" means the following person responsible for compliance with requirements under this act for a covered material introduced:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Producer" does not include:

(1) a state, a federal or state agency, a political subdivision, or other governmental unit;

(2) a registered 501(c)(3) charitable organization or 501(c)(4) social welfare organization;

(3) a de minimis producer;

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

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

Subd. 27. **Producer responsibility organization.** "Producer responsibility organization" means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal Internal Revenue Code and that is created by a group of producers to implement activities under this act.

Subd. 28. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that recycling does not include reuse or composting, as defined in this act.

Subd. 29. **Recycling rate.** "Recycling rate" means the amount of recyclable covered material, in aggregate or by individual covered materials type, recycled in a calendar year divided by the total amount of recyclable covered materials sold or distributed into the state by the relevant unit of measurement established in section 115A.1451.

Subd. 30. **Refill.** "Refill" means the continued use of a covered material by a consumer through a system that is:

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

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

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

Subd. 31. **Responsible market.** "Responsible market" means a materials market that:

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

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

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

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

(5) minimizes adverse impacts to environmental justice areas, as defined in section 115A.03.

Subd. 32. **Return rate.** "Return rate" means the amount of reusable covered material in aggregate or by individual covered materials type, collected for reuse by a producer or service provider in a calendar year, divided by the total amount of reusable covered materials sold or distributed into the state by the relevant unit of measurement established in section 115A.1451.

Subd. 33. **Reusable.** "Reusable" means capable of reuse.

Subd. 34. **Reuse.** "Reuse" means the return of a covered material to the marketplace and the continued use of the covered material by a producer or service provider when the covered material is:

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

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

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

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

Subd. 35. **Reuse rate.** "Reuse rate" means the share of units of a reusable covered material sold or distributed into the state in a calendar year that are demonstrated and deemed reusable in accordance with an approved stewardship plan under section 115A.1451.

Subd. 36. **Service provider.** "Service provider" means an entity that provides covered services for covered materials. A political subdivision that provides or that contracts or otherwise arranges with another party to provide covered services for covered materials within its jurisdiction may be a service provider regardless of whether it provided, contracted for, or otherwise arranged for similar services before the approval of the applicable stewardship plan.

Subd. 37. **Third-party certification.** "Third-party certification" means certification by an accredited independent organization that a standard or process required by this act, or by a stewardship plan approved under this act, has been achieved.

Subd. 38. **This act.** "This act" means sections 115A.144 to 115A.1463.

Subd. 39. **Toxic substance.** "Toxic substance" means hazardous waste, a problem material, a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075, or 325F.172 to 325F.179, or a chemical of high concern identified under section 116.9402.

Subd. 40. **Waste reduction or source reduction.** "Waste reduction" or "source reduction" has the meaning given in section 115A.03, except that waste reduction or source reduction does not include reuse, but does include refill, as defined in this act.

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

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

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

Subdivision 1. **Annual registration.** (a) By January 1, 2025, producers must appoint a producer responsibility organization. The producer responsibility organization must register with the commissioner by July 1, 2026, and each January 1 thereafter by submitting the following:

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

(2) a list of all member producers that have entered into written agreements to operate under an approved stewardship plan administered by the producer responsibility organization and, for each producer, a list of all brands of the producer's covered materials introduced;

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

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

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

(b) Following the approval of the initial producer responsibility organization and the initial stewardship plan, if more than a single producer responsibility organization is established, the producers and producer responsibility organizations must establish a coordinating body and process to prevent redundancy. The coordinating body must integrate:

(1) stewardship plans of all producer responsibility organizations into a single stewardship plan that implements all requirements of this act and encompasses all producers when submitted to the commissioner for approval; and

(2) annual reports of all producer responsibility organizations into a single annual report that covers all requirements of this act and encompasses all producers when submitted to the commissioner.

Subd. 2. **Registration fee.** (a) Beginning January 1, 2029, as part of its annual registration with the commissioner, a producer responsibility organization must submit to the commissioner a registration fee, as determined by the commissioner. By October 1, 2028, and annually thereafter, the commissioner must provide written notice to registered producer responsibility organizations in writing of the amount of the registration fee. If there is more than one registered producer responsibility organization, the coordinating body described in subdivision 1, paragraph (b), must equitably apportion payment of the registration fee between all registered producer responsibility organizations. The registration fee must be set at an amount anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs required to perform the commissioner's duties as described in section 115A.1445 and to otherwise administer, implement, and enforce this act.

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

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

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

(2) a list of current member producers that have entered into written agreements to operate under an approved stewardship plan administered by the producer responsibility organization;

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

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

(5) documentation demonstrating adequate financial responsibility and financial controls to ensure proper management of funds and payment of the implementation fee required under paragraph (c).

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

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

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

(c) By February 15, 2025, and annually until February 15, 2028, the commissioner must provide written notice to the producer responsibility organization of the commissioner's estimates of the cost required to perform the commissioner's duties as described in section 115A.1445. The producer responsibility organization must remit payment in full for these costs to the commissioner within 45 days of receipt of this notice. The producer responsibility organization may charge each member producer a fee according to each producer's unit-, weight-, volume-, or sales-based market share or by another method it determines to be an equitable determination of each producer's payment obligation, so that the aggregate fees charged to member producers is sufficient to pay the commissioner's estimated costs in full.

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

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

(2) producers organize under additional producer responsibility organizations.

Subd. 5. **Registration of service providers.** By January 1, 2025, and annually thereafter, a service provider seeking reimbursement for services provided under an approved stewardship plan according to section 115A.1451 must register with the commissioner by submitting the following information:

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

(2) the address of the service provider; and

(3) if applicable to services provided, a report of the total amount billed for collection for covered entities, processing services, and transfer station operations provided during the preceding calendar year and, when possible, values must be separated for collection, transfer, and processing.

Subd. 6. **Disposition of fees.** All fees received under this section must be deposited in the state treasury and credited to the product stewardship account under section 115A.1463.

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

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

Subd. 2. **Membership.** (a) By January 1, 2025, the commissioner must establish and appoint the initial membership of the advisory board. The membership of the board must consist of the following:

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

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

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

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

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

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

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

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

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

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

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

(12) one member representing the commissioner.

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

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

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

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

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

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

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

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

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

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

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

Subd. 10. **Administrative and operating support.** The commissioner must provide administrative and operating support to the advisory board, including compensation in accordance with subdivision 4, and may contract with a third-party facilitator to assist in administering the activities of the advisory board, including establishing a website or landing page on the agency website.

Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board in developing policies and procedures governing the disclosure of actual or perceived conflicts of interest that advisory board members may have as a result of their employment or financial holdings with respect to themselves or family members. Each advisory board member is responsible for reviewing the conflict of interest policies and procedures. An advisory board member must disclose any instance of actual or perceived conflicts of

interest at each meeting of the advisory board at which recommendations regarding stewardship plans, programs, operations, or activities are made by the advisory board.

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

The commissioner must:

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

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

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

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

(5) provide lists established according to the requirements of section 115A.1453 to all producer responsibility organizations by July 1, 2028;

(6) establish statewide requirements as required under section 115A.1451, subdivision 7;

(7) post on the agency's website:

(i) the most recent registration materials submitted by producer responsibility organizations, including all information submitted under section 115A.1443, subdivision 1, paragraph (a), clauses (1), (2), and (4);

(ii) a list of registered service providers;

(iii) the most recent needs assessments;

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

(v) the most recent lists established as required under section 115A.1453;

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

(vii) links to producer responsibility organization websites;

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

(ix) links to adopted rules implementing this act;

(8) provide producer responsibility organizations with information regarding Minnesota and federal laws that prohibit toxic substances in covered materials, toxic substances' potential environmental impacts and human health impacts, and best practices to reduce intentionally added toxic substances as identified in the needs assessment;

(9) approve the selection of independent auditors to perform an annual financial audit of each producer responsibility organization; and

(10) consider and respond in writing to all written comments received from the advisory board.

Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD RESPONSIBILITIES.

The Producer Responsibility Advisory Board must:

(1) convene its initial meeting by March 1, 2025;

(2) consult with the commissioner regarding the scope of the needs assessments and provide written comments on needs assessments, as required under section 115A.1450, subdivision 2;

(3) advise on the development of stewardship plans and amendments to stewardship plans under section 115A.1451;

(4) submit comments to producer responsibility organizations and to the commissioner on any matter relevant to the administration of this act;

(5) provide written comments to the commissioner during any rulemaking process undertaken by the commissioner under section 115A.1459; and

(6) comply with all other applicable requirements of this act.

Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION RESPONSIBILITIES.

A producer responsibility organization must:

(1) register with the commissioner, as required under section 115A.1443;

(2) submit a stewardship plan to the commissioner by October 1, 2028, and every five years thereafter, as required under section 115A.1451;

(3) implement stewardship plans approved by the commissioner under section 115A.1451;

(4) forward upon receipt from the commissioner the lists established under section 115A.1453 to all service providers that participate in a stewardship plan administered by the producer responsibility organization;

(5) collect producer fees as required under section 115A.1454;

(6) submit the reports required under section 115A.1456;

(7) ensure that producers operating under a stewardship plan administered by the producer responsibility organization comply with the requirements of the stewardship plan and with this act;

(8) expel a producer from the producer responsibility organization if efforts to return the producer to compliance with the plan or with the requirements of this act are unsuccessful;

(9) notify the commissioner when a producer has been expelled;

(10) consider and respond in writing to comments received from the advisory board, including justifications for not incorporating board recommendations;

(11) provide producers with information regarding state and federal laws that prohibit substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172 to 325F.179, and all laws prohibiting toxic substances in covered materials;

(12) maintain a website under section 115A.1457;

(13) notify the commissioner within 30 days of a change made to the contact information for a person responsible for implementing the stewardship plan, to board membership, or to the executive director;

(14) assist service providers to identify and use responsible markets;

(15) reimburse service providers in a timely manner using applicable reimbursement rates; and

(16) comply with all other applicable requirements of this act.

Sec. 9. **[115A.1448] PRODUCER RESPONSIBILITIES.**

Subdivision 1. **Registration required; prohibition of sale.** (a) After July 1, 2025, a producer must be a member of a producer responsibility organization registered in this state.

(b) After January 1, 2029, no producer may introduce covered materials, either separately or when used to package another product, unless the producer enters into a written agreement with a producer responsibility organization to operate under an approved stewardship plan.

(c) After January 1, 2032, no producer may introduce covered materials unless covered services are provided for the covered materials through a program in a stewardship plan approved by the commissioner and the covered materials are:

(1) reusable and capable of being managed through a reuse system that meets the reuse rate and return rate required under section 115A.1451, subdivision 7;

(2) capable of refill and supported by a refill system;

(3) included on the list established under section 115A.1453, subdivision 1; or

(4) included on the list established under section 115A.1453, subdivision 2.

(d) A producer responsibility organization may petition the commissioner for a two-year extension to comply with the requirements of paragraph (c). The commissioner may approve the extension if the petition demonstrates that market or technical issues prevent a specific covered material from being considered reusable or included on the lists established under section 115A.1453. The producer responsibility organization may petition the commissioner for additional annual extensions until January 1, 2040, if the producer responsibility organization demonstrates that market or technical issues preventing compliance persist.

Subd. 2. **Duties.** A producer must:

(1) implement the requirements of the stewardship plan under which the producer operates;

(2) pay producer fees under section 115A.1454; and

(3) comply with all other applicable requirements of this act.

Sec. 10. **[115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

A service provider receiving reimbursement or funding under an approved stewardship plan must:

(1) provide covered services for covered materials included on the lists established under section 115A.1453, covered services for a refill system, or covered services for reusable covered materials, as applicable to the services offered by and service area of the service provider;

(2) register with the commissioner under section 115A.1443;

(3) submit invoices to the producer responsibility organization for reimbursement for services rendered as provided in sections 115A.1451 and 115A.1455;

(4) meet performance standards established in an approved stewardship plan under section 115A.1451;

(5) ensure that covered materials are sent to responsible markets;

(6) provide documentation to the producer responsibility organization on the amounts, covered materials types, and volumes of covered materials by covered service method;

(7) display the service provider's price, minus the reimbursement from the producer responsibility organization as determined in section 115A.1455, subdivision 4, when invoicing customers. The balance is what the service provider may charge the customer; and

(8) comply with all other applicable requirements of this act.

Sec. 11. **115A.1450] NEEDS ASSESSMENTS.**

Subdivision 1. **Needs assessments required.** (a) By December 31, 2025, the commissioner must complete a preliminary assessment according to this section.

(b) By December 31, 2026, and every five years thereafter, the commissioner must complete a needs assessment according to this section. The commissioner may adjust the required content in a specific needs assessment to inform the next stewardship plan.

Subd. 2. **Input from interested parties.** In conducting a needs assessment, the commissioner must:

(1) initiate a consultation process to obtain recommendations from the advisory board, political subdivisions, service providers, producer responsibility organizations, and other interested parties regarding the type and scope of information that should be collected and analyzed in the needs assessment required by this section;

(2) contract with a third party who is not a producer, a producer responsibility organization, or a member of the advisory board to conduct the needs assessment; and

(3) prior to finalizing the needs assessment, make the draft needs assessment available for comment by the advisory board, producer responsibility organizations, and the public. The commissioner must respond in writing to the comments and recommendations of the advisory board and producer responsibility organizations.

Subd. 3. **Content of preliminary assessment.** A preliminary assessment must be completed for a preceding period of no less than 12 months and no more than 36 months, that includes:

(1) identification of currently or recently introduced covered materials and covered materials types;

(2) tons of collected covered materials;

(3) the characteristics of recycling and composting programs, including a description of single-stream and dual-stream recycling systems offered in the state and prevalence of their use, average frequency of collection of covered materials for recycling and composting, types of collection containers used, commonly accepted materials for recycling and composting, and total costs by type of covered entity;

(4) processing capacity at recycling facilities, including total tons processed and sold, composition of tons processed and sold, current technologies utilized, and facility processing fees charged to collectors delivering covered materials for recycling;

(5) capacity of, technology used by, and characteristics of compost facilities to process and recover compostable covered materials;

(6) capacity and number of drop-off collection sites;

(7) capacity and number of transfer stations and transfer locations;

(8) average term length of residential recycling and composting collection contracts issued by political subdivisions and an assessment of contract cost structures;

(9) an estimate of total annual collection and processing service costs based on registered service provider costs;

(10) available markets in the state for covered materials and the capacity of those markets; and

(11) covered materials sales by volume, weight, and covered materials types introduced by producers.

Subd. 4. Content of needs assessment. A needs assessment must include at least the following:

(1) an evaluation of:

(i) existing waste reduction, reuse, recycling, and composting, as applicable, for each covered materials type, including collection rates, recycling rates, composting rates, reuse rates, and return rates, as applicable, for each covered materials type;

(ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered materials; and

(iii) the extent to which postconsumer recycled content, by the best estimate, is or could be incorporated into each covered materials type, as applicable, including a review of market and technical barriers to incorporating postconsumer materials into covered materials;

(2) an evaluation of covered materials in the disposal, recycling, and composting streams to determine the covered materials types and amounts within each stream, using new studies conducted by the commissioner or publicly available and applicable studies;

(3) proposals for a range of outcomes for each covered materials type to be accomplished within a five-year time frame in multiple units of measurement, including but not limited to unit-based, weight-based, and volume-based, for each of the following:

(i) waste reduction;

(ii) reuse rate and return rates;

(iii) recycling rates;

(iv) composting rates; and

(v) postconsumer recycled content, if applicable;

(4) proposals for a range of outcomes for the categories established in section 115A.1451, subdivision 7, that consider:

(i) information contained in or used to prepare a needs assessment according to this subdivision;

(ii) goals and requirements of the Waste Management Act;

(iii) statewide goals for greenhouse gas emission reductions under section 216H.02;

(iv) the need for continuous progress toward overall reduction in the generation of covered materials waste and the complete reuse, recycling, or composting of covered materials to reduce environmental impacts and human health impacts;

(v) a preference for statewide requirements that accomplish and further the goals and requirements in items (ii) to (iv) as soon as practicable and to the maximum extent achievable; and

(vi) information from packaging and paper product producer responsibility programs operating in other jurisdictions;

(5) an evaluation of the factors for each covered material collected for recycling or composting as established in section 115A.1453, subdivision 4;

(6) recommended collection methods by covered materials type to maximize collection efficiency, maximize feedstock quality, and optimize service and convenience for collection of covered materials to be considered or that are included on lists established in section 115A.1453;

(7) proposed plans and metrics for how to measure progress in achieving performance targets and statewide requirements;

(8) an evaluation of options for third-party certification of activities to meet obligations of this act;

(9) an inventory of the current system, including:

(i) infrastructure, capacity, performance, funding level, and method and sources of financing for the existing covered services for covered materials operating in the state;

(ii) an estimate of total annual costs of covered services based on registered service provider costs; and

(iii) availability and cost of covered services for covered materials to covered entities and any other location where covered materials are introduced, including identification of disparities in the availability of these services in environmental justice areas compared with other areas and proposals for reducing or eliminating those disparities;

(10) an evaluation of investments needed to increase waste reduction, reuse, recycling, and composting rates of covered materials according to the range of proposed performance targets and statewide requirements, including investments in existing and new infrastructure that would also:

(i) maintain or improve operations of existing infrastructure and accounts for waste reduction, reuse, recycling, and composting of covered materials statewide;

(ii) expand the availability and accessibility of recycling collection services for recyclable covered materials to all covered entities to optimize service and convenience; and

(iii) establish and expand the availability and accessibility of reuse services for reusable covered materials;

(11) a recommended methodology for applying criteria and formulas to establish reimbursement rates as described in section 115A.1455;

(12) an assessment of the viability and robustness of markets for recyclable covered materials and the degree to which these markets can be considered responsible markets;

(13) an assessment of the level and causes of contamination of source-separated recyclable materials, source-separated compostable materials and collected reusables, and the impacts of contamination on service providers, including the cost to manage this contamination;

(14) an assessment of toxic substances intentionally added to covered materials, whether this limits one or more covered materials types from being used as a marketable feedstock, and best practices producers can implement to reduce intentionally added toxic substances in covered materials that could be verified through suppliers certificates of compliance, testing, or other analytical and scientifically demonstrated methodology;

(15) an assessment of current best practices to increase public awareness, educate, and complete outreach activities accounting for culturally responsive materials and methods and an evaluation of the efficacy of these efforts, including assessments and evaluations of current best practices and efforts on:

(i) using product or packaging labels as a means of informing consumers about environmentally sound use and management of covered materials;

(ii) increasing public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, reuse, recycling, and composting services; and

(iii) encouraging behavior change to increase participation in waste reduction, reuse, recycling, and composting programs;

(16) identification of the covered materials with the most significant environmental impact, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(17) recommendations for meeting the criteria for an alternative collection program as established in section 115A.1451, subdivision 8; and

(18) other items identified by the commissioner that would aid the creation of the stewardship plan, its administration, and the enforcement of this act.

Subd. 5. **Needs assessment as baseline.** When determining the extent to which any statewide requirement or performance target under this act has been achieved, information contained in a needs assessment must serve as the baseline for that determination, when applicable.

Subd. 6. **Participation required; not public data.** (a) A service provider or other person with data or information necessary to complete a needs assessment must provide the data or information to the commissioner upon request.

(b) A service provider or other person providing the data or information may submit a written request to the commissioner that the data or information be classified as not public data. The request must set forth the statutory grounds and the reasons that justify the classification of the data or information as not public data. The commissioner must approve the request if the commissioner determines:

(1) the data or information constitutes trade secret information as defined in section 13.37, subdivision 1, paragraph (b), or sales information;

(2) disclosure of the data or information would tend to adversely affect the competitive position of the service provider or other person, including but not limited to data related to profits, service rates, fees, or business expenses; or

(3) the data or information is otherwise nonpublic data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, or private data on individuals, pursuant to section 13.02, subdivision 12.

(c) The contractor conducting the needs assessment must aggregate and anonymize the not public data or information, excluding location data necessary to assess needs, received from all parties under this subdivision and must then include the aggregated anonymized data in the needs assessment.

(d) The commissioner, any employee of the agency, or any agent thereof, when authorized by the commissioner, may enter upon any property, public or private, for the purpose of obtaining information necessary for completing the evaluation in subdivision 4, clause (2), provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Sec. 12. [115A.1451] STEWARDSHIP PLAN.

Subdivision 1. **Stewardship plan required.** By October 1, 2028, and every five years thereafter, a producer responsibility organization must submit a stewardship plan to the commissioner that describes the proposed operation by the organization of programs to fulfill the requirements of this act and that incorporates the findings and results of needs assessments. Once approved, a stewardship plan remains in effect for five years, as amended, or until a subsequent stewardship plan is approved.

Subd. 2. **Advisory board review of draft plan and amendments.** A producer responsibility organization must submit a draft stewardship plan or draft amendment to the advisory board at least 60 days prior to submitting the draft plan or draft amendment to the commissioner to allow the advisory board to submit comments and must address advisory board comments and recommendations prior to submission of the draft plan or draft amendment to the commissioner.

Subd. 3. **Content of stewardship plans.** A draft stewardship plan must include at a minimum:

(1) performance targets established under subdivision 5 as applicable to each covered materials type to be accomplished within a five-year period;

(2) a description of the methods of collection, how collection service convenience metrics will be met, and processing infrastructure and covered services to be used for each covered materials type at covered entities, at a minimum, and how these will meet the statewide requirements established in subdivision 7 for covered materials:

(i) included on the list established in section 115A.1453, subdivision 1;

(ii) included on the list established in section 115A.1453, subdivision 2;

(iii) that are reusable covered materials managed through a reuse system; and

(iv) that are capable of refill and managed through a refill system;

(3) proposals for exemptions from performance targets and statewide requirements for covered materials that cannot be waste reduced or made reusable, recyclable, or compostable due to federal or state health and safety requirements, identifying the specific federal or state requirements and their impact on the covered materials;

(4) a description of how, for each covered materials type, the producer responsibility organization will measure recycling, waste reduction, reuse, composting, and the inclusion of postconsumer recycled content, in accordance with subdivision 6;

(5) third-party certifications as required by the commissioner or voluntarily undertaken;

(6) a budget identifying funding needs for each of the plan's five calendar years, producer fees, a description of the process used to calculate the fees, and an explanation of how the fees meet the requirements of section 115A.1454;

(7) a description of infrastructure investments, including goals and outcomes and a description of how the process to offer and select opportunities will be conducted in an open, competitive, and fair manner; how it will address gaps in the system not met by service providers; and potential financial and legal instruments to be used;

(8) an explanation of how the program will be paid for by the producer responsibility organization through fees from producers, without any new or additional consumer-facing fee to members of the public, businesses, service providers, the state or any political subdivisions, or any other person who is not a producer, unless the fee is:

(i) a deposit made in connection with a product's refill, reuse, or recycling that can be redeemed by a consumer; or

(ii) a charge for service by a service provider, regardless of whether registered;

(9) a description of activities to be undertaken by the producer responsibility organization during each year to:

(i) minimize the environmental impacts and human health impacts of covered materials, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(ii) foster the improved design of covered materials, as under section 115A.1454, subdivision 1, clause (3);

(iii) provide funding to expand and increase the convenience of waste reduction, reuse, collection, recycling, and composting services to covered entities, at a minimum according to the order of the waste management hierarchy under section 115A.02;

(iv) provide for reimbursement rates under section 115A.1455 to service providers for statewide coverage of covered services at an optimal level of convenience and service for covered materials on the list established in section 115A.1453, subdivision 1, to covered entities, at a minimum; and

(v) monitor to ensure that postconsumer materials are delivered to responsible markets;

(10) a description of how the producer responsibility organization will promote the opportunity for all service providers to register with the commissioner and to submit invoices for reimbursement with the producer responsibility organization;

(11) a description of how the program will reimburse service providers under an approved stewardship plan, including but not limited to a description of how the program will establish:

(i) a methodology to calculate differentiated reimbursement rates as provided in section 115A.1455, subdivision 4;

(ii) a process for service providers to submit invoices and be reimbursed for covered services provided to covered entities;

(iii) clear and reasonable timelines for reimbursement, at intervals no longer than monthly unless agreed to by a service provider and a producer responsibility organization; and

(iv) a process that utilizes a third-party mediator to resolve disputes that arise between the producer responsibility organization and a service provider regarding the determination of reimbursement rates and payment of reimbursements;

(12) performance standards for service providers as applicable to the service provided, including but not limited to:

(i) requirements that service providers must accept all covered materials on the list established by the commissioner under section 115A.1453, subdivision 1; and

(ii) labor standards and safety practices, including but not limited to safety programs, health benefits, and living wages;

(13) a description of how the producer responsibility organization will treat and protect nonpublic data submitted by service providers;

(14) a description of how the producer responsibility organization will provide technical assistance to:

(i) service providers in order to assist them in delivering covered materials to responsible markets;

(ii) producers regarding toxic substances in covered materials; best practices identified in the needs assessment that producers can take to reduce intentionally added toxic substances in covered materials; and best practices for verifying reduction through suppliers certificates of compliance, testing, or other analytical and scientifically demonstrated methodology; and

(iii) producers to make changes in product design that reduce the environmental impact of covered materials or that increase the recoverability or marketability of covered materials for reuse, recycling, or composting;

(15) a description of how the producer responsibility organization will increase public awareness, educate, and complete outreach activities that include culturally responsive materials and methods and evaluate the efficacy of these efforts, including how the producer responsibility organization will:

(i) assist producers in improving product labels as a means of informing consumers about refilling, reusing, recycling, composting, and other environmentally sound methods of managing covered materials;

(ii) increase public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, reuse, recycling, and composting services; and

(iii) encourage behavior change to increase participation in waste reduction, reuse, recycling, and composting programs;

(16) proposed alternative collection programs as required under subdivision 8;

(17) a description of how producers can purchase postconsumer materials from service providers at market prices if the producer is interested in obtaining recycled feedstock to achieve minimum postconsumer recycled content performance targets and statewide requirements;

(18) a summary of consultations held with the advisory board and other interested parties to provide input to the stewardship plan, a list of recommendations that were incorporated into the stewardship plan as a result, and a list of rejected recommendations and the reasons for rejection; and

(19) strategies to incorporate findings from any relevant studies required by the legislature.

Subd. 4. Plan and amendment review and approval procedure. (a) The commissioner must review and approve, deny, or request additional information for a draft stewardship plan or a draft plan amendment no later than 120 days after the date the commissioner receives it from a producer responsibility organization. The commissioner must post the draft plan or draft amendment on the agency's website and allow public comment for no less than 45 days before approving, denying, or requesting additional information on the draft plan or draft amendment.

(b) If the commissioner denies or requests additional information for a draft plan or draft amendment, the commissioner must provide the producer responsibility organization with the reasons, in writing, that the plan or plan amendment does not meet the plan requirements of subdivision 3. The producer responsibility organization has 60 days from the date that the rejection or request for additional information is received to submit to the commissioner any additional information necessary for the approval of the draft plan or draft amendment. The commissioner must review and approve or disapprove the revised draft plan or draft amendment no later than 60 days after the date the commissioner receives it.

(c) A producer responsibility organization may resubmit a draft plan or draft amendment to the commissioner on not more than two occasions. If after the second resubmission, the commissioner determines that the draft plan or draft amendment does not meet the plan requirements of this act, the commissioner must modify the draft plan or draft amendment as necessary for it to meet the requirements of this act and approve it.

(d) Upon recommendation by the advisory board, or upon the commissioner's own initiative, the commissioner may require an amendment to a stewardship plan if the commissioner determines that an amendment is necessary to ensure that the producer responsibility organization maintains compliance with the requirements of this act.

Subd. 5. Performance targets. (a) The producer responsibility organization must propose performance targets based on the needs assessment that meet the statewide requirements in subdivision 7 that must be included in a stewardship plan approved under this section. Performance targets must include reuse rates, return rates, recycling rates, and composting rates and targets for waste reduction and postconsumer recycled content by covered materials type, as applicable, that are to be achieved by the end of the stewardship plan's term. The producer responsibility organization must select the unit that is most appropriate to measure each performance target as informed by the needs assessment.

(b) The commissioner, in consultation with the advisory board, may require that a producer responsibility organization obtain third-party certification of any activity or achievement of any standard required by this act if a third-party certification is readily available, deemed applicable, and of reasonable cost. The commissioner must provide a producer responsibility organization with notice of at least one year prior to requiring use of third-party certification under this paragraph.

(c) Proposed performance targets must demonstrate continuous improvement in reducing environmental impacts and human health impacts of covered materials over time.

Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of determining whether recycling performance targets are being met, except as modified by the commissioner, a stewardship plan must provide a methodology for measuring the amount of recycled material at the point at which material leaves a recycling facility and must account for:

(1) levels of estimated contamination documented by the facility;

(2) any exclusions for fuel or energy capture; and

(3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179, and all other laws pertaining to toxic substances in covered materials.

(b) For purposes of determining whether waste reduction performance targets are being met, a stewardship plan must provide a methodology for measuring the amount of waste reduction of covered materials in a manner that can be used to determine the extent to which the amount of material used for a covered material can be reduced to what is necessary to efficiently deliver a product without damage or spoilage, or other means of covered material redesign to reduce overall use and environmental impacts and maintain recyclability, compostability, or reusability.

(c) For purposes of determining whether reuse performance targets are being met, a stewardship plan must provide a methodology for measuring the amount of reusable covered materials at the point at which reusable covered materials meet the following criteria as demonstrated by the producer and approved by the commissioner:

(1) whether the average minimum number of cycles of reuses within a recognized reuse system has been met based on the number of times an item must be reused for it to have lower environmental impacts than the single-use versions of those items; and

(2) whether the demonstrated or research-based anticipated return rate of the covered material to the reuse system has been met.

(d) For purposes of determining whether postconsumer recycled content performance targets are being met, a stewardship plan must provide a methodology for measuring postconsumer recycled content across all producers for a covered materials type where producers may determine their postconsumer recycled content based on their United States market territory if state-specific postconsumer recycled content is impractical to determine. Producers must demonstrate that the postconsumer recycled content reported to meet the performance targets is additional to amounts utilized to meet mandates in other states.

(e) For other performance targets, the producer responsibility organization must propose methodologies for review and approval as part of the stewardship plan based on findings from the needs assessment.

Subd. 7. **Statewide requirements.** (a) The commissioner must establish statewide requirements and the date by which they must be met for the following categories:

(1) recycling rate;

(2) composting rate;

(3) reuse rate;

(4) return rate;

(5) the percentage of covered materials introduced that must be waste reduced; and

(6) the percentage of postconsumer recycled content that covered materials must contain, including an overall percentage for all covered materials, as applicable, excluding compostable materials that cannot include postconsumer recycled content due to unique chemical or physical properties or health and safety requirements that prohibit introduction of postconsumer recycled content.

(b) The commissioner may use the following information and criteria when establishing statewide requirements under paragraph (a):

(1) needs assessments under section 115A.1450;

(2) goals and requirements of the Waste Management Act;

(3) statewide goals for greenhouse gas emission reductions under section 216H.02;

(4) the need for continuous progress toward overall reduction in the generation of covered materials waste and the complete reuse, recycling, or composting of covered materials to reduce environmental impacts and human health impacts;

(5) a preference for statewide requirements that accomplish and further the goals and requirements in clauses (2) to (4) as soon as practicable and to the maximum extent achievable; and

(6) information from packaging and paper product producer responsibility programs operating in other jurisdictions.

(c) The commissioner must consult with the producer responsibility organization on establishing statewide requirements, submit proposed statewide requirements for review by the board, and consider the board's recommendations before finalizing the statewide requirements.

(d) Every five years, the commissioner must review the statewide requirements established under paragraph (a). If the commissioner decides an update is not warranted at that time, the commissioner must submit the reasoning to the advisory board and consider the board's recommendations before making a final decision. If the commissioner decides an update is warranted, the process in paragraphs (b) and (c) must be utilized.

(e) The producer responsibility organization must ensure the statewide requirements are met.

Subd. 8. Alternative collection programs. (a) A producer responsibility organization must implement an alternative collection program for covered materials included on an alternative collection list established under section 115A.1453, subdivision 2, that:

(1) provides year-round, convenient, statewide collection opportunities, including at least one drop-off collection site located in each county;

(2) provides tiers of service for collection, convenience, number of drop-off collection sites, and additional collection systems based on:

(i) county population size;

(ii) county population density; and

(iii) each class of city according to section 410.01;

(3) ensures materials are sent to responsible markets;

(4) uses education and outreach strategies that can be expected to significantly increase consumer awareness of the program throughout the state; and

(5) accurately measures the amount of each covered material collected and the applicable performance target and statewide requirement.

(b) A proposal for an alternative collection program must include:

(1) the type, number, and location of each collection opportunity;

(2) a description of how each of the program requirements established in paragraph (a) will be met; and

(3) performance targets for each covered material, as applicable, to be managed through an alternative collection program.

(c) Every subsequent needs assessment after the initial needs assessment must include a review of existing alternative collection programs for each covered material listed under section 115A.1453, subdivision 2, to determine if the program is meeting the criteria established in paragraph (a).

Sec. 13. [115A.1453] RECYCLABLE OR COMPOSTABLE COVERED MATERIALS LISTS; EXEMPT MATERIALS LIST.

Subdivision 1. **List required.** By July 1, 2028, the commissioner must develop a list of covered materials determined to be recyclable or compostable statewide through systems where covered materials are commingled into a recyclables stream and a separate compostables stream. These covered materials must be collected at an optimal level of service and convenience for covered entities, at a minimum, wherever collection services for mixed municipal solid waste are available.

Subd. 2. **Alternative collection list required.** By July 1, 2028, the commissioner must complete a list of covered materials determined to be recyclable or compostable and collected statewide through systems other than the system required for covered materials on the list established in subdivision 1.

Subd. 3. **Input from interested parties.** The commissioner must consult with the advisory board, producer responsibility organizations, service providers, political subdivisions, and other interested parties to develop or amend the recyclable or compostable covered materials lists and must review any requests by interested parties for addition or removal of covered materials from the lists created under this section.

Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner may consider the following criteria:

(1) current availability of recycling and composting collection services;

(2) recycling and composting processing infrastructure;

(3) capacity and technology for sorting covered materials;

(4) whether a covered material is of a type and form that is regularly sorted and aggregated into defined streams for recycling processes or is included in a relevant Institute of Scrap Recycling Industries specification or its successors;

(5) availability of responsible markets;

(6) presence and amount of processing residuals, contamination, and toxic substances;

(7) quantity of covered material estimated to be available and recoverable;

(8) projected future conditions for the criteria in clauses (1) to (7); and

(9) other criteria or factors, as determined by the commissioner.

Subd. 5. **Amendment.** The commissioner may amend a list completed under this section at any time and must provide amended lists to producer responsibility organizations within a reasonable amount of time after adopting an amendment. Producer responsibility organizations must provide amended lists to service providers as soon as possible after receiving the amendment and work to incorporate changes in relevant service provider reimbursement rates within a year.

Subd. 6. **Exempt materials list.** (a) A producer may request the commissioner, on a form prescribed by the commissioner, to classify as an exempt material one or more types of packaging. The commissioner must submit the request to the advisory board for review and comment before approving or denying the request.

(b) The commissioner may approve the request only if the commissioner determines that a specific federal or state health and safety requirement prevents the packaging from being waste reduced or made reusable, recyclable, or compostable.

(c) The commissioner must review and approve, deny, or request additional information for a request to classify packaging as an exempt material no later than 120 days after the date the commissioner receives the request.

(d) The commissioner must post on the agency website a list of materials exempted under this subdivision.

(e) An exemption granted under this subdivision expires two years after the date a request was approved by the commissioner. A material classified as exempt under this subdivision becomes a covered material immediately upon expiration of the exemption. A producer may reapply according to this subdivision.

Sec. 14. **[115A.1454] PRODUCER FEES.**

Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect a fee from each member producer that must:

(1) vary based on the total amount of covered materials each producer introduces in the prior year calculated on a per-unit basis, such as per ton, per item, or another unit of measurement;

(2) reflect the program costs for each covered materials type, net of commodity value for that covered materials type, as well as allocated fixed costs that do not vary based on covered materials type;

(3) incentivize using materials and design attributes that reduce the environmental impacts and human health impacts of covered materials by:

(i) eliminating intentionally added toxic substances in covered materials;

(ii) reducing the amount of:

(A) packaging per individual covered material that is necessary to efficiently deliver a product without damage or spoilage and without reducing its ability to be recycled; and

(B) paper used to manufacture individual paper products;

(iii) increasing the amount of covered materials managed in a reuse system;

(iv) increasing the proportion of postconsumer material in covered materials;

(v) enhancing the recyclability or compostability of a covered material; and

(vi) increasing the amount of inputs derived from renewable and sustainable sources;

(4) discourage using materials and design attributes in covered materials whose environmental impacts and human health impacts can be reduced by the methods listed under clause (3);

(5) prioritize reuse by charging covered materials that are managed through a reuse system only once, upon initial entry into the marketplace; and

(6) generate revenue sufficient to pay in full:

(i) the fee required under section 115A.1443;

(ii) financial obligations to complete activities described in an approved stewardship plan and to reimburse service providers under section 115A.1455;

(iii) the operating costs of the producer responsibility organization; and

(iv) for establishment and maintenance of a financial reserve that is sufficient to operate the program in a fiscally prudent and responsible manner.

Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount needed to pay the costs described in subdivision 1, clause (6), must be used to improve or enhance program outcomes or to reduce producer fees according to provisions of an approved stewardship plan.

Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for lobbying, as defined in section 3.084, subdivision 1.

Sec. 15. [115A.1455] SERVICE PROVIDER; REIMBURSEMENT.

Subdivision 1. **Service provider reimbursement required.** The reimbursements provided for covered services to covered entities, at a minimum, under an approved stewardship plan must only be provided to service providers that meet the performance standards established under an approved stewardship plan.

Subd. 2. **Collection of recyclables.** If a covered entity does not have access to collection services for covered materials on the list established under section 115A.1453, subdivision 1, where collection services for mixed municipal solid waste are being provided, the producer responsibility organization must ensure that collection services are available to the covered entity through a service provider at an optimal level of service and convenience.

Subd. 3. **Bidding processes.** (a) For infrastructure investments included in an approved stewardship plan, a producer responsibility organization must use the competitive bidding processes established in section 16C.28, subdivision 1, and publicly post bid opportunities, except that preference must be given to existing facilities, providers of services, and holders of service accounts in the state for waste reduction, reuse, collection, recycling, and composting of covered materials.

(b) No producer or producer responsibility organization may own or partially own infrastructure that is used to fulfill obligations under this act, except in the following circumstances:

(1) a producer may hold an ownership stake in infrastructure used to fulfill obligations under this act so long as the stake was held before enactment of this act and the ownership stake is fully disclosed by the producer to the producer responsibility organization; or

(2) after a bidding process described in paragraph (a) under which no service provider bids on the contract, the producer responsibility organization may make infrastructure investments identified under an approved stewardship plan to implement the requirements in this act.

Subd. 4. **Reimbursement rates.** (a) An approved stewardship plan must provide a methodology for reimbursement rates for covered services for covered materials, exclusive of exempt materials. The methodology for reimbursement rates must consider estimated revenue received by service providers from the sale of covered materials based upon relevant material indices and incorporate relevant cost information identified by the needs assessment. Reimbursement rates must be annually updated and reflect the net costs for covered services for covered materials from covered entities, at a minimum. Reimbursement rates must be established equivalent to net costs as established by a methodology in an approved plan as follows:

(1) no less than 50 percent of the net cost by February 1, 2029;

(2) no less than 75 percent of the net cost by February 1, 2030; and

(3) no less than 90 percent of the net cost by February 1, 2031, and each year thereafter.

(b) Reimbursement rates must be based on the following, as applicable by the service provided:

(1) the cost to collect covered material for recycling, a proportional share of composting, or reuse adjusted to reflect conditions that affect those costs, varied by region or jurisdiction in which the covered services are provided, including but not limited to:

(i) the number and type of covered entities;

(ii) population density;

(iii) collections methods employed;

(iv) distance traveled by collection vehicles to consolidation or transfer facilities; to reuse, recycling, or composting facilities; and to responsible markets;

(v) other factors that may contribute to regional or jurisdictional cost differences;

(vi) the proportion of covered compostable materials within all source-separated compostable materials collected or managed through composting; and

(vii) the general quality of covered materials collected by service providers;

(2) the cost to transfer collected covered materials from consolidation or transfer facilities to reuse, processing, recycling, or composting facilities or to responsible markets;

(3) the cost to:

(i) sort and process covered materials for sale or use and remove contamination from covered materials by a recycling or composting facility, less the average fair market value for that covered material based on market indices for the region; and

(ii) manage contamination removed from collected covered material;

(4) administrative costs of service providers, including education, public awareness campaigns, and outreach program costs as applicable; and

(5) the costs of covered services for a refill system or covered services provided for reusable covered materials and management of contamination.

(c) A service provider retains all revenue from the sale of covered materials. Nothing in this act may restrict a service provider from charging a fee for covered services of covered materials to the extent that reimbursement from a producer responsibility organization does not cover all costs of services, including continued investment and innovation in operations, operating profits, and returns on investments required by a service provider to provide sustainability of the services.

(d) Reimbursement rates may be calculated per ton, by household, or by another unit of measurement under an approved stewardship plan.

Subd. 5. **Local government authority.** (a) Nothing in this section shall be construed to require a political subdivision to agree to operate under a stewardship plan, nor does it restrict the authority of a political subdivision to provide waste management services to residents or to contract with any entity to provide waste management services. Any political subdivision that is also a service provider is eligible to be registered with the commissioner and reimbursed per the rates and schedule established in accordance with subdivision 4.

(b) Nothing in this act restricts the authority of a political subdivision to provide waste management services to residents, to contract with any entity to provide waste management services, or to exercise its authority granted under section 115A.94. A producer responsibility organization may not restrict or otherwise interfere with a political subdivision exercising its authority under section 115A.94 to organize collection of solid waste, including materials collected for recycling or composting, or to extend, renew, or otherwise manage any contracts entered into as a result of exercising such authority or otherwise resulting from a competitive procurement process.

Subd. 6. **Dispute resolution.** A producer responsibility organization must establish a dispute resolution process utilizing third-party mediators for disputes related to reimbursements.

Sec. 16. [115A.1456] REPORTING.

Subdivision 1. **Producer responsibility organization annual report.** (a) By April 1, 2029, and annually thereafter, a producer responsibility organization must submit a written report to the commissioner that contains, at a minimum, the following information for the previous calendar year:

(1) the amount of covered materials introduced, by each covered materials type, reported in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);

(2) progress made toward the performance targets reported in the same units used to establish producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide and for each county, including:

(i) the amount of covered materials successfully waste reduced, reused, recycled, and composted by covered materials type and the strategies or collection method used; and

(ii) information about third-party certifications obtained;

(3) the total cost to implement the program and a detailed description of program expenditures by category, including:

(i) the total amount of producer fees collected;

(ii) a description of infrastructure investments made; and

(iii) a breakdown of reimbursements by covered services, covered entities, and regions of the state;

(4) a copy of a financial audit of program operations conducted by an independent auditor approved by the commissioner that meets the requirements of the Financial Accounting Standards Board's Accounting Standards Update 2016-14, Not-for-Profit Entities (Topic 958), as amended;

(5) a description of program performance problems that emerged in specific locations and efforts taken or proposed by the producer responsibility organization to address them;

(6) a discussion of technical assistance provided to producers regarding toxic substances in covered materials and actions taken by producers to reduce intentionally added toxic substances in covered materials beyond compliance with prohibitions already established in law;

(7) a description of public awareness, education, and outreach activities undertaken, including any evaluations conducted of their efficacy, plans for next calendar year's activities, and an evaluation of the process established by the producer responsibility organization to answer questions from consumers regarding collection, recycling, composting, waste reduction, and reuse activities;

(8) a summary of consultations held with the advisory board and how any feedback was incorporated into the report as a result, together with a list of rejected recommendations and the reasons for rejection;

(9) a list of producers found to be out of compliance with this act and actions taken by the producer responsibility organization to return producers to compliance, and notification of any producers that are no longer participating in the producer responsibility organization or have been expelled due to their lack of compliance;

(10) proposed amendments to the stewardship plan to improve program performance or reduce costs, including changes to producer fees, infrastructure investments, or reimbursement rates;

(11) recommendations for additions or removal of covered materials to or from the recyclable or compostable covered materials lists developed under section 115A.1453; and

(12) information requested by the commissioner to evaluate the effectiveness of the program as it is described in the stewardship plan and to assist with determining compliance with this act.

(b) Every fourth year after a stewardship plan is approved by the commissioner, a performance audit of the program must be completed by the producer responsibility organization. The performance audit must conform to audit standards established by the United States Government Accountability Office; the National Association of State Auditors, Comptrollers, and Treasurers; or another nationally recognized organization approved by the commissioner.

Subd. 2. Report following unmet target. A producer responsibility organization that fails to meet a performance target approved in a stewardship plan must, within 90 days of filing an annual report under this section, file with the commissioner an explanation of the factors contributing to the failure and propose an amendment to the stewardship plan specifying changes in operations that the producer responsibility organization will make that are designed to achieve the performance targets. If a performance target is unmet

due to lack of political subdivision participation in the program, the commissioner may revise the statewide requirements developed under section 115A.1451, subdivision 7. If a revision to the statewide requirements is completed by the commissioner, the producer responsibility organization may revise the performance targets at the same time. An amendment filed under this subdivision must be reviewed by the advisory board and reviewed and approved by the commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

Subd. 3. **Commissioner's report.** By October 15, 2031, and every two years thereafter, the commissioner must submit a report to the governor and to the chairs and ranking minority members of the legislative committees with jurisdiction over solid waste. The report must contain:

- (1) a summary of the operations of this act during the previous years;
- (2) a summary of the needs assessment;
- (3) a link to reports filed under subdivisions 1 and 2;
- (4) recommendations for policy, statutory, or regulatory changes to the program;
- (5) an analysis of the impacts of exempting certain materials from the definition of covered materials and of exempting certain persons from the definition of producer;
- (6) a list of efforts undertaken by the commissioner to enforce and secure compliance with this act; and
- (7) any other information the commissioner deems to be relevant.

Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility organizations with data necessary to complete the reports required by this section upon request.

Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION WEBSITES.**

A producer responsibility organization must maintain a website that uses best practices for accessibility and contains, at a minimum:

- (1) information regarding a process that members of the public can use to contact the producer responsibility organization with questions;
- (2) a directory of all service providers operating under the stewardship plan administered by the producer responsibility organization, grouped by location or political subdivision, and information about how to request service;
- (3) registration materials submitted to the commissioner under section 115A.1443;
- (4) the draft and approved stewardship plan and any draft and approved amendments;
- (5) information on how to manage materials included in lists established under section 115A.1453;
- (6) the list of exempt materials as defined in this act and covered materials exempt from performance targets and statewide requirements as approved in the stewardship plan;
- (7) current and all past needs assessments;
- (8) annual reports submitted to the commissioner by the producer responsibility organization;
- (9) a link to administrative rules implementing this act;

(10) comments of the advisory board on the documents listed in clauses (4) and (7) and the responses of the producer responsibility organization to those comments;

(11) the names of producers and brands that are not in compliance with section 115A.1448;

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

(13) education materials on waste reduction, reuse, recycling, and composting for producers and the general public.

Sec. 18. [115A.1458] ANTICOMPETITIVE CONDUCT.

A producer responsibility organization that arranges collection, recycling, composting, waste reduction, or reuse services under this act may engage in anticompetitive conduct to the extent necessary to plan and implement collection, recycling, composting, waste reduction, or reuse systems to meet the obligations under this act, and is immune from liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

Sec. 19. [115A.1459] RULEMAKING.

The commissioner may adopt rules to implement this act. The 18-month time limit under section 14.125 does not apply to the commissioner's rulemaking authority under this section.

Sec. 20. [115A.1460] PROVIDING INFORMATION.

Upon request of the commissioner for purposes of determining compliance with this act, or for purposes of implementing this act, a person must furnish to the commissioner any information that the person has or may reasonably obtain.

Sec. 21. [115A.1461] DEPOSIT RETURN SYSTEM.

(a) It is the intent of the legislature that if a bottle deposit return system is enacted in the future, it will be harmonized with this act in a manner that ensures that:

(1) materials covered in that system are exempt from this act or related financial obligations are reduced;

(2) colocation of drop-off collection sites is maximized;

(3) education and outreach is integrated between the two programs; and

(4) waste reduction and reuse strategies are prioritized between the two programs.

(b) Any implementation of a deposit return system must include a two-year transition period before the expiration of the currently approved stewardship plan and be conducted in a manner that does not create sudden and significant operational or financial disruption to the implementation of a stewardship plan under section 115A.1451, including provisions of recycling or reuse services contained in the plan.

Sec. 22. [115A.1462] ENFORCEMENT.

(a) The commissioner must enforce this act as provided under this section and sections 115.071 and 116.072. The commissioner may revoke a registration of a producer responsibility organization or service provider found to have violated this act.

(b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and except as otherwise provided in paragraph (c), a person that violates or fails to perform a duty imposed by this act or any rule adopted thereunder is liable for a civil penalty not to exceed \$25,000 per day of violation.

(c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a producer responsibility organization or producer that violates a provision of or fails to perform a duty imposed by this act, a rule adopted thereunder, or requirements of a stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed \$25,000 per day of violation. For a second violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$100,000 per day of violation.

Sec. 23. [115A.1463] PACKAGING PRODUCT STEWARDSHIP ACCOUNT.

(a) The packaging product stewardship account is established as a separate account in the special revenue fund in the state treasury. Appropriations and transfers to the account and fees collected under section 115A.1443 must be credited to the account. Earnings, such as interest, dividends, and any other earnings arising from assets of the account, must be credited to the account. Money remaining in the account at the end of a fiscal year does not cancel to the general fund but remains in the account until expended.

(b) Money from the account is appropriated to the commissioner to pay the reasonable costs of the agency to administer sections 115A.144 to 115A.1462.

Sec. 24. WORKPLACE CONDITIONS AND EQUITY STUDY.

(a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract with a third party that is not a producer or a producer responsibility organization to conduct a study of the recycling, composting, and reuse facilities operating in the state. The study must analyze, at a minimum, information about:

(1) working conditions, wage and benefit levels, and employment levels of minorities and women at those facilities;

(2) barriers to ownership of recycling, composting, and reuse operations faced by women and minorities;

(3) the degree to which residents of multifamily buildings have less convenient access to recycling, composting, and reuse opportunities than those living in single-family homes;

(4) the degree to which individuals living in environmental justice areas have access to fewer recycling, composting, and reuse opportunities compared to other parts of the state;

(5) the degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(6) strategies to increase participation in reuse, recycling, and composting; and

(7) the degree to which residents and workers in environmental justice areas are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and recommendations to mitigate those impacts.

(b) The producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1463, must cover the cost of conducting the study through a fee according to Minnesota Statutes, section 115A.1443, and recommended actions identified in the study must be considered for inclusion as part of future stewardship plans as required under Minnesota Statutes, section 115A.1451, including adjustments to service provider reimbursements as established under Minnesota Statutes, section 115A.1455.

Sec. 25. COVERED MATERIALS POLLUTION AND CLEANUP STUDY.

(a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health and natural resources, must contract with a third party that is not a producer or a producer responsibility organization to conduct a study to identify the contribution of covered products to litter and water pollution in Minnesota. The report must at a minimum:

(1) analyze historical and current environmental impacts and human health impacts of littered covered materials and their associated toxic substances in the environment;

(2) estimate the cost of cleanup and prevention; and

(3) provide recommendations for how to reduce and mitigate the impacts of litter in the state.

(b) The contracted third party must consult with local governmental units, the commissioners of health and natural resources, and environmental justice organizations.

(c) The producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1463, must cover the cost of conducting the study through a fee according to Minnesota Statutes, section 115A.1443, and recommended actions identified in the study must be considered for inclusion as part of future stewardship plans, as required under Minnesota Statutes, section 115A.1451.

ARTICLE 6

FERAL SWINE AND FUR FARMS

Section 1. Minnesota Statutes 2023 Supplement, section 17.457, as amended by Laws 2024, chapter 85, section 8, is amended to read:

17.457 RESTRICTED SPECIES.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of agriculture or the commissioner's designee.

(c) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

(e) (d) "Restricted species" means ~~Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids)~~ pigs, boars, peccaries, and all other members of the Suidae family and the Tayassuidae family, excluding domestic hogs (*S. scrofa domesticus*).

~~(d)~~ (e) "Release" means an intentional introduction or persistent accidental escape of a restricted species or domestic hog from the control of the owner or responsible party. Release does not mean an accidental escape of restricted species or domestic hogs due to a transportation accident or an act of God.

Subd. 2. ~~Importation; possession; release of~~ **Restricted species permit required.** It is unlawful for a person to import, possess, propagate, or transport, or release a restricted species, unless the person has a permit as described in subdivision 3.

Subd. 2a. **Release of restricted species or domestic hogs prohibited.** (a) It is unlawful for a person to release restricted species or domestic hogs.

(b) In addition to the penalties in subdivision 6, a person who violates paragraph (a) must do the following at the person's expense and by the date and time specified by the commissioner:

(1) register their premises with the Board of Animal Health;

(2) implement the confinement standards and record-keeping requirements developed by the Board of Animal Health; and

(3) reimburse the commissioner for costs incurred to annually inspect the registered premises and verify compliance with clause (2).

Subd. 3. **Permits.** The commissioner may issue permits for the transportation, possession, purchase, or importation of restricted species only for scientific, research, or educational, or commercial purposes. A permit issued under this subdivision may be revoked by the commissioner if the conditions of the permit are not met by the permittee or for any unlawful act or omission, including accidental escapes.

Subd. 4. **Notice of release of restricted species or domestic hogs.** In the event of a release of a restricted species or domestic hog, the owner must notify within 24 hours a conservation officer and the Board of Animal Health and is responsible for the recovery of the species. ~~The commissioner may capture or destroy the released animal at the owner's expense. If the owner does not provide notification or fails to recover the animal within 72 hours of providing notification, the released animal is considered feral swine under section 97A.56, is no longer the personal property of the owner, and may be captured or destroyed at the former owner's expense by a peace officer or by the commissioner of natural resources under section 97A.045, subdivision 1, paragraph (b), or other authority.~~

Subd. 5. **Enforcement.** (a) This section may be enforced by a peace officer, an enforcement officer under sections 97A.205 and 97A.211, and, except as provided in paragraph (b), by the commissioner under sections 17.982 to 17.983.

(b) For the first violation of this section, the commissioner may impose an administrative penalty of no more than \$1,000. For a second violation, the commissioner may impose an administrative penalty of no more than \$1,500. For a third or succeeding violation, the commissioner may impose an administrative penalty of no more than \$3,000 for each violation.

Subd. 6. **Penalty Penalties.** (a) A person who violates subdivision 2, 2a, 4, or 7 is guilty of a misdemeanor.

(b) A person who violates subdivision 2a, paragraph (a), is liable to the state for costs associated with a release. The attorney general may enforce this paragraph on behalf of any state agency affected.

Subd. 7. **Identification requirements.** A restricted species in the possession of a person must be marked in a permanent fashion to identify ownership. The restricted species must be marked as soon as practicable after birth or purchase.

Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of natural resources, shall develop criteria for approved containment measures for restricted species.

Subd. 9. **Bond; security.** A person who possesses restricted species must provide proof of insurance or file a security bond with the commissioner in an amount determined by the commissioner to pay for the potential costs and damages that would be caused by the release of a restricted species.

Subd. 10. **Fee.** The commissioner may impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the general fund.

Sec. 2. Minnesota Statutes 2022, section 97A.105, is amended to read:

97A.105 GAME AND FUR FARMS.

Subdivision 1. **License requirements.** (a) A person may breed and propagate ~~fur-bearing animals,~~ game birds, bear, or mute swans only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

(c) A person may not introduce mute swans into the wild without a permit issued by the commissioner.

Subd. 2. **Transfer of license.** (a) A game ~~or fur~~ farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

- (1) the land transferred complies with the license requirements;
- (2) the land is used for the purposes of the license; and

(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game ~~or fur~~ farm must obtain a separate license.

Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game ~~and fur~~ farm licensee.

Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed ~~fur or~~ game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately.

(b) Live animals sold through auction or through a broker are considered to be sold by the game farm licensee.

(c) The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

Subd. 5. **Sale of pelts products.** The commissioner shall prescribe:

(1) the manner that ~~pelts and~~ products of wild animals raised on ~~fur or~~ game farms may be sold or transported; and

(2) the tags or seals to be affixed to the ~~pelts and~~ products.

~~Subd. 6. **Fox and mink.** Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations.~~

~~Subd. 7. **Transporting live beaver.** Live beaver may not be transported without a permit from the commissioner.~~

Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects all wild animals on the game ~~or fur~~ farm to confiscation.

Subd. 9. **Rules.** The commissioner may adopt rules for:

(1) ~~the issuance of~~ issuing game farm licenses;

(2) ~~the inspection of~~ inspecting game farm facilities;

(3) ~~the acquisition and disposal~~ acquiring and disposing of game farm animals; and

(4) record keeping and reporting by game farm licensees, including transactions handled by auction or broker.

Sec. 3. [97A.106] FUR FARMS.

Subdivision 1. **License requirements.** A person may breed and propagate fur-bearing animals only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a fur farm may be sold to other licensed fur farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

Subd. 2. **Transfer of license.** (a) A fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

(1) the land transferred complies with the license requirements;

(2) the land is used for the purposes of the license; and

(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a fur farm must obtain a separate license.

Subd. 3. **License fee.** For each fur farm, the owner must, on or before January 1, pay to the commissioner an annual fee of \$250.

Subd. 4. **Fur farm account.** The fur farm account is established in the game and fish fund. Fees collected under this section and interest attributable to money in the account must be deposited in the account. Money in the account, including interest earned, is appropriated to the commissioner for administration and enforcement of this section.

Subd. 5. **Ownership of wild animals.** All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the fur farm licensee.

Subd. 6. **Containment and disease control.** The commissioner, in consultation with the Board of Animal Health and the commissioners of agriculture and health, must develop:

- (1) containment and disposal requirements for farmed fur-bearers; and
- (2) farmed fur-bearer disease testing and reporting requirements.

Subd. 7. **Sale of live animals.** (a) A sale of live animals from a licensed fur farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately.

(b) Live animals sold through auction or through a broker are considered to be sold by the fur farm licensee.

(c) The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

Subd. 8. **Sale of pelts and products.** The commissioner must prescribe:

- (1) the manner that pelts and products of wild animals raised on fur farms may be sold or transported; and
- (2) the tags or seals to be affixed to the pelts and products.

Subd. 9. **Fox and mink.** Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations.

Subd. 10. **Transporting live beaver.** Live beaver may not be transported without a permit from the commissioner.

Subd. 11. **Penalty.** A licensee that does not comply with a provision of this section subjects all wild animals on the fur farm to confiscation.

Subd. 12. **Rules.** The commissioner may adopt rules for:

- (1) issuing fur farm licenses;
- (2) inspecting fur farm facilities;

(3) acquiring fur farm animals; and

(4) record keeping and reporting by fur farm licensees, including transactions handled by auction or broker.

Sec. 4. Minnesota Statutes 2022, section 97A.56, subdivision 2, is amended to read:

Subd. 2. **Prohibited actions; penalty.** (a) Unless authorized by permit under section 17.457, subdivision 3, a person may not possess or release feral swine or swine that were feral during any part of the swine's lifetime or otherwise allow feral swine to run at large.

(b) A person may not hunt or trap feral swine, except as authorized by the commissioner for feral swine control or eradication. It is not a violation of this section if a person shoots a feral swine and reports the taking to the commissioner within 24 hours. All feral swine taken in this manner must be surrendered to the commissioner.

(c) A person who violates this subdivision is guilty of a misdemeanor.

(d) A person who violates this subdivision is liable for the actual costs incurred by the state for the possession or release of the feral swine.

(e) A person who violates this subdivision is liable for the damages caused by the possession or release of the feral swine.

Sec. 5. Minnesota Statutes 2022, section 97A.56, is amended by adding a subdivision to read:

Subd. 4. **Domestic hogs and feral swine response protocols.** The commissioner, in cooperation with the commissioner of agriculture and the Board of Animal Health, must develop protocols for responding to the release of domestic hogs and feral swine, including reporting requirements, interagency communications, and other actions necessary to resolve the release.

Sec. 6. **OUTREACH REQUIRED.**

The commissioners of agriculture and natural resources and the Board of Animal Health must jointly develop, and jointly or separately promote and provide to the public, current and consistent outreach materials concerning:

(1) swine containment methods;

(2) sources of technical and financial assistance for small or hobby farms;

(3) the importance of preventing the establishment of feral hog populations;

(4) penalties for the accidental or intentional release of swine;

(5) effective and lawful methods of feral hog control; and

(6) other topics as identified by the commissioners and the board.

Sec. 7. **REPEALER.**

Minnesota Statutes 2022, section 17.353, is repealed.

ARTICLE 7

ENVIRONMENTAL REVIEW AND PERMITTING

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

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

(1) "commissioner" means the commissioner of natural resources;

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

(3) "eligible project" means a project that requires the commissioner to prepare an environmental assessment worksheet or an environmental impact statement under chapter 116D and associated permits, unless the project is sponsored by the Department of Natural Resources; and

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

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

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

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

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

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

(d) If an eligible project requires environmental review and the Department of Natural Resources is the responsible governmental unit, then the Department of Natural Resources is the lead agency responsible for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 8

STATE LANDS

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

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

(b) The commissioner of natural resources shall assess the applicant an application fee of \$2,000 for reviewing the application and preparing the easement. The applicant shall pay the application fee to the commissioner of natural resources. The commissioner shall not issue the easement until the applicant has paid the application fee in full. The commissioner shall not return the application fee, even if the application is withdrawn or denied.

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

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

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

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

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

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

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

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

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

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

Sec. 4. [282.0197] SALE OF LAND LOCATED WITHIN BOUNDARY OF INDIAN RESERVATIONS.

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

EFFECTIVE DATE. This section is effective July 1, 2025, and applies to lands forfeited on or after that date.

Sec. 5. ADDITIONS TO STATE PARKS.

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

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

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

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

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

Sec. 6. STATE PARK ABOLISHMENT.

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

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

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

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

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

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

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

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

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

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

Sec. 8. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; AITKIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Aitkin County may sell by private sale the tax-forfeited land bordering public waters described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

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

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

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

Sec. 9. PUBLIC SALE OF SURPLUS LAND BORDERING PUBLIC WATER; CHISAGO COUNTY.

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

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

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

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

ALSO

Together with that particular access easement as described in Document #119723, on file and of record in the Office of the Recorder, Chisago County, Minnesota, with said easement being stated in said document as a perpetual road easement to construct and maintain a 33-foot-wide road for ingress and egress over and across the following described lands: that part of Government Lot 1 of Section 23, Township 33 North, Range 21 West of the 4th Principal Meridian, bounded by the following described lines: commencing at the northeast corner of said Section 23; thence South 00 degrees 00 minutes West, 1,831.3 feet on and along the east line of said section; thence South 38 degrees 27 minutes East, 70.0 feet; thence South 11 degrees 58 minutes West, 330.0 feet; thence South 76 degrees 59 minutes West, 223.6 feet to a point on the southerly boundary of the above described lands being conveyed in fee and the point of beginning; thence South 76 degrees 59 minutes West, 63.3 feet on and along said southerly boundary; thence South 45 degrees 33 minutes West, 167.4 feet on and along said southerly boundary; thence North 72 degrees 57 minutes West, 666.8 feet to a point on the southeasterly right-of-way line of U.S. Highway No. 8; thence South 38 degrees 09 minutes West, 35.4 feet on and along said right-of-way line; thence South 72 degrees 57 minutes East, 679.7 feet; thence South 73 degrees 20 minutes East, 251.3 feet; thence North 45 degrees 33 minutes West, 240.9 feet to the point of beginning.

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

Sec. 10. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CROW WING COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Crow Wing County and is described as: the South 150.00 feet of the East 770.00 feet EXCEPT that part of the public waters of Gilbert Lake in the Southeast Quarter of the Southeast Quarter of Section 28, Township 134 North, Range 28 West, Crow Wing County, Minnesota (part of parcel identification number 99280619).

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

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

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

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

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

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

southwesterly line of Mill Road, a distance of 85.84 feet to an iron monument; thence North 81 degrees 01 minutes 23 seconds West, a distance of 127.05 feet to the intersection with the easterly right-of-way line of the Heartland State Trail (former Burlington Northern Railroad) and an iron monument and the point of beginning of the land to be herein described; thence continue North 81 degrees 01 minutes 23 seconds West, a distance 37.00 feet; thence South 09 degrees 06 minutes 28 seconds West, a distance of 44.69 feet; thence South 13 degrees 37 minutes 49 seconds East, a distance of 95.72 feet to an iron monument and the intersection with said easterly right-of-way line; thence North 09 degrees 06 minutes 28 seconds East, along said easterly right-of-way line, a distance of 133.06 feet, more or less, to the point of beginning. Said strip of land containing 2.52 acres, more or less.

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

Sec. 12. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; HUBBARD COUNTY.

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

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

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

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

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

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

Sec. 13. CONDEMNATION OF CERTAIN LAND IN MILLE LACS COUNTY.

(a) Funds appropriated in this act to the commissioner of natural resources to condemn land in Mille Lacs County must be used to initiate condemnation proceedings of the lands described in paragraph (d). The commissioner may use this appropriation for project costs, including but not limited to valuation expenses, legal fees, closing costs, transactional staff costs, and the condemnation award. This is a onetime appropriation and is available until spent.

(b) Notwithstanding Minnesota Statutes, sections 92.45, 94.09 to 94.16, or any other provision of law to the contrary, once the lands are condemned under paragraph (a), the commissioner of natural resources may convey the surplus land bordering public waters that is described in paragraph (d) to a federally recognized Indian Tribe for no consideration.

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

(d) The land that may be conveyed is located in Mille Lacs County and is described as: Government Lot 2, Section 16, Township 42 North, Range 26 West, including all riparian rights.

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

Sec. 14. CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC WATER; REDWOOD COUNTY.

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

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

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

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

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

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

Sec. 15. CONVEYANCE OF SURPLUS STATE LAND; REDWOOD COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.298, or any other law to the contrary, upon approval by the Minnesota Historical Society's Executive Council, the director of the Minnesota Historical Society may convey to the Lower Sioux Indian Community in the state of Minnesota, for no consideration, the surplus land and real property that is described in paragraph (c).

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

(c) The land to be conveyed is located in Redwood County and is described as:

(1) that part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 112, Range 34, Redwood County, Minnesota, lying North of the following described line: Commencing at the northwest corner of said Section 8; thence on an assumed bearing of South 00 degrees 00 minutes 00 seconds East along the west line of said Section 8, a distance of 696.45 feet to the centerline of C.S.A.H. No. 2 as shown on REDWOOD COUNTY RIGHT OF WAY PLAT NO. 3 C.S.A.H. NUMBER 2 as of public record, Redwood County, Minnesota, said point being the point of beginning of the following described line; thence on a bearing of South 62 degrees 28 minutes 55 seconds East along last said centerline, 25.95 feet; thence southeasterly 571.04 feet along last said centerline, along a tangent curve concave to the northeast, having a radius of 1,432.4 feet and a central angle of 22 degrees 50 minutes 30 seconds; thence on a bearing of South 00 degrees 0 minutes 00 seconds East, not tangent to last said curve, 123.98 feet; thence on a bearing of North 89 degrees 54 minutes 50 seconds East, 729.36 feet to the east line of said Northwest Quarter of the Northwest Quarter and said line there terminating. Subject to easements of record. Subject to the rights of the public in C.S.A.H. No. 2;

(2) that part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 112, Range 34, Redwood County, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence on an assumed bearing of South 00 degrees 20 minutes 07 seconds East along the east line of said Northeast Quarter of the Northwest Quarter, a distance of 569.40 feet; thence on a bearing of South 79 degrees 56 minutes 34 seconds West, 170.15 feet; thence on a bearing of South 26 degrees 08 minutes 59 seconds West, 640.67 feet to the centerline of C.S.A.H. No. 2 as shown on Redwood County Right of Way Plat No. 3 C.S.A.H Number 2 as of public record, Redwood County, Minnesota, said point being the point of beginning of the tract herein described; thence on a bearing of North 13 degrees 35 minutes 11 seconds West, 618.69 feet; thence on a bearing of South 89 degrees 40 minutes 12 seconds West, 28.75 feet; thence on a bearing of South 00 degrees 19 minutes 48 seconds East, 28.75 feet; thence on a bearing of South 63 degrees 45 minutes 49 seconds West, 776.48 feet to a point on the centerline of said C.S.A.H. No. 2; thence southeasterly 901.55 feet along last said centerline, along a nontangent curve concave to the southwest, having a radius of 4,540.70 feet, a central angle of 11 degrees 22 minutes 34 seconds and a chord bearing and distance of South 75 degrees 14 minutes 49 seconds East, 900.07 feet to the point of beginning. Subject to easements of record. Subject to the rights of the public in C.S.A.H No. 2; and

(3) Government Lots 2 and 3 and the North eight acres of the Southeast Quarter of the Northeast Quarter of Section 8 and the North 6.76 acres of Government Lot 7 in Section 9, all being in Township 112 North, Range 34 West, Redwood County, Minnesota. Subject to easements of record.

(d) The Minnesota Historical Society has determined that the state's land management interests and interpretive program interests would best be served if portions of the Lower Sioux Agency Historic Site were conveyed to the Lower Sioux Indian Community in the state of Minnesota.

Sec. 16. PRIVATE SALE OF SURPLUS LAND; ROSEAU COUNTY.

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

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

(c) The land that may be sold is located in Roseau County and is described as: All that part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 163 North, Range 41 West of the Fifth Principal Meridian, Roseau County, Minnesota, described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 23; thence on a bearing based on the Roseau

County Coordinate System (NAD83, 1996 Adjustment) of South 89 degrees 49 minutes 33 seconds East, along the north line of said Northeast Quarter of the Southeast Quarter, a distance of 1,319.93 feet to the northeast corner of said Northeast Quarter of the Southeast Quarter, said northeast corner also being a point on the northwesterly right-of-way line of the exterior ditch of the northwest embankment of the Roseau Lake rehabilitation project; thence South 52 degrees 53 minutes 46 seconds West, along said northwesterly right-of-way line, a distance of 1,651.76 feet, more or less, to the west line of said Northeast Quarter of the Southeast Quarter; thence North 00 degrees 08 minutes 50 seconds West, along said west line, a distance of 1,000.46 feet to the point of beginning. Said parcel contains 15.1 acres, more or less.

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

Sec. 17. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.

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

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

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

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

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

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

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

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

33.23 feet; thence South 3 degrees 59 minutes 44 seconds West along said easterly right-of-way 30.28 feet; thence North 89 degrees 38 minutes 14 seconds East 33.58 feet; thence South 31 degrees 11 minutes 36 seconds East 112.47 feet; thence South 67 degrees 3 minutes 53 seconds West 110.25 feet to said easterly right-of-way and the point of beginning, Township 65, Range 21, Section 19 (parcel number 760-0040-00533).

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

Sec. 18. PRIVATE SALE OF TAX-FORFEITED LANDS BORDERING PUBLIC WATERS; ST. LOUIS COUNTY.

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

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

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

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

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

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

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

Sec. 19. REPEALER.

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

Sec. 20. EFFECTIVE DATE.

Unless otherwise provided, this article is effective the day following final enactment.

ARTICLE 9

MISCELLANEOUS

Section 1. Minnesota Statutes 2023 Supplement, section 116P.09, subdivision 6, is amended to read:

Subd. 6. **Conflict of interest.** (a) A commission member, a technical advisory committee member, a peer reviewer, or an employee of the commission may not participate in or vote on a decision of the commission, advisory committee, or peer review relating to an organization in which the member, peer reviewer, or employee has either a direct or indirect personal financial interest. While serving on the